

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 299 OF 2017

PEDRO FERRAO., ... Petitioner
Versus
SHRI. ALBINO COLACO AND 36 ORS., ... Respondents

Shri S.S. Kakodkar, Advocate for the Petitioner.

Coram:- C. V. BHADANG, J.

Date:- 24th March, 2017

ORAL ORDER :

Heard Shri Kakodkar, the learned Counsel for the petitioner for sometime.

2. The appeal filed before the Administrative Tribunal by the petitioner was dismissed for default. The petitioner filed an application for restoration in which the respondent nos.1,6 & 7 were not served. The learned Counsel for the petitioner points out that the respondent nos.1,6 & 7 were dead much prior to the passing of the order by the Deputy Collector. It is further pointed out that the appeal before the Administrative Tribunal was barred by time and there was an application for condonation of delay made. It is pointed out that while deciding the said application also no notices were issued to the respondent nos.1,6 & 7 inasmuch as they were dead.

3. The petitioner filed an application on 6/01/2017 praying that the respondent nos.1,6 & 7 be shown as deceased or in the alternative to pass appropriate orders in the circumstances of the

case.

4. Principally, the rejection of this application by the Administrative Tribunal by order dated 27/02/2017 is a subject matter of challenge in this petition.

5. The learned Counsel for the petitioner submits that the order which is impugned in the appeal was passed by the Deputy Collector on an application made by late Auroroa Dias in which the petitioner was not a party. It is pointed out that even in the application for leave to appeal, no notice was issued to the respondent nos.1,6 & 7 inasmuch as they were dead.

6. The learned Counsel for the petitioner, on instructions, states that the petitioner would delete the respondent nos.1,6 & 7. Considering the limited submissions made, it will not be necessary to issue notice to the respondents. The learned Administrative Tribunal shall allow deletion of the respondent nos.1,6 & 7 at the risk of the petitioner. With this the petition is disposed off. Needless to mention that on such deletion the learned Administrative Tribunal shall proceed to decide the application for restoration on its own merits. The rival contentions of the parties are left open. Parties to act on the authenticated copy.

C. V. BHADANG, J.

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