

IN THE HIGH COURT OF BOMBAY AT GOA.

**CONTEMPT PETITION NO. 21/2016
IN WRIT PETITION No.639/2014**

1. MRS.SUHASINI S. GOVENKAR,
aged 46 years,
wife of Surendra Govekar, resident
of House No.455/2, Dabol Waddo,
Caisua, Anjuna,
Bardez-Goa.
2. MRS.SHITAL S. DABHOLKAR,
aged 42 years, wife of
Sachitanand Dabholkar,
resident of House No.
323/A, Caisua, Anjuna,
Bardez-Goa.
3. MR.SANDEEP P.CHOMULKAR,
aged 59 years, son of
Pandurang Chimulkar,
resident of House No.
1110, Mazal Waddo, Anjuna,
Bardez-Goa.

PETITIONERS

VERSUS

SHRI GOPAL JHA, Under
Secretary of the Government
of India, Government of
India, Ministry of Home
Affairs, having office at
NDCC-II Building, Jaisingh
Road, New Delhi-110001.

RESPONDENT.

Shri D.J. Pangam, Advocate for the petitioner.
Shri M. Amonkar, Central Government Standing
Counsel for the respondent.

**CORAM : ANOOP V. MOHTA &
NUTAN D.SARDESSAI, JJ
DATE : 14th MARCH, 2017.**

ORAL JUDGMENT (Per Anoop V. Mohta, J.):

1. Heard learned Advocates appearing for the respectively parties finally.

2. The petitioners have taken out Contempt Petition, as in-spite of the specific order to dispose off the application dated 23.12.2013 under Section 9(2) of the Citizenship Act, 1955, which the respondent for the reasons specially stated in the affidavit dated 20th December, 2016 and by tendering apology at paragraph 11 and affidavit dated 16.2.2017 in paragraph no. 1 conceded that they could not comply in prescribed period.

"11. I say that, for the reasons stated herein above this Authority could not comply with the directions of this Hon'ble Court and begs pardon of this Hon'ble Court and in above circumstances prays that, the Contempt Petition filed by the Petitioners be disposed off.

Para 1: I say that, then incumbent have received the notice of above contempt application filed by the petitioners for not complying with orders dated 03.02.2015 of this Hon'ble Court passed in Writ Petition No.639/2014 directing him/her to dispose of the application dated 23.12.2013 filed by the petitioners under Section 9(2) of Citizenship Act and in pursuance of the directions of this Hon'ble Court. I tender my unconditional apology for inability of Ministry of Home Affairs i.e. Central Government to dispose of said application for the reasons set out hereinafter".

3. The statement is now made on affidavit dated 16.2.2017 by Mr. Gopal Zha by annexing a copy of the decision dated 9th January 2017 informing that they have taken decision. For the reasons so stated in the affidavits, the respondents now have taken decision so referred above reflect the bonafide reason in taking delayed decision.

4. There was no intention to disregard the order passed by this Court and as the files were moving for appropriate approval and orders, it took time to take ultimate decision. It was not only the question of deciding the case/application of the petitioner but for such similar applications, which were pending with the State. Considering the importance of granting or rejection of such application under Section 9(2) of the Citizenship Act and its effect, such applications could not have been disposed off lightly. The Department ultimately, after considering the provisions of law including the issues concerning thousands of Goans and the proposed amicable solution after examining, all the related aspects and after re-examining even by the concerned Ministry of Home Affairs i.e. Central Government under the provisions of Schedule III, Rule 40 (2) of the Citizenship Rules, 2009 and considering the importance given by the inter-Ministerial High Level Committee and by giving opportunity they have passed the order at Annexure R1 and R2. We are inclined to observe that

this is not a case where the respondents deliberately with the intention to delay or disobey the order passed by this Court have been postponing the decision. As the decision is already taken in the background referred above, we are inclined to observe that no case is made out for issuing contempt and for action based upon the statement for non-compliance with the order by the respondents. Apart from this, the respondents in the affidavits have also tendered an unconditional apology which in the fact and circumstances of the case are sufficient to dispose off these specifically that in the facts that the decision has already been contempt petition. In the result, no case is made out for contempt.

5. However, liberty to the petitioners to challenge the final orders so passed, if advised, in accordance with law. The petitioners are always at liberty to raise all the issues in accordance with law. The contempt petition is accordingly disposed of. No costs.

NUTAN D. SARDESSAI, J.

ANOOP V. MOHTA, J.