

**IN THE HIGH COURT OF BOMBAY AT GOA.****WRIT PETITION NO. 730/2016**

Mr. Dattaram T. Nayak  
 aged 63 yaers, R/o 20B,  
 Son of late Shri Tulshidas X Nayak  
 Tirupati Prasadam bunglow,  
 1<sup>st</sup> Ward, Pale, Dicarpale,  
 P.O.Navelim, Salcete,  
 Goa 403707.

Petitioner

VERSUS

1. The State of Goa,  
 Through its  
 Chief Secretary, Secretariat,  
 Porvorim – Goa.

2. Shree Ramnath Devasthan  
 Through its Attorney  
 Ramnathi, Bandora,  
 Ponda, Goa.

Respondents

Shri Nigel Da Costa Frias, Advocate for the petitioner.  
 Shri Datta Lawande, AG with Shri Deep Shirodkar,  
 AGA for respondent no.1.  
 Shri P.Talaulikar, Advocate for respondent no.2.

**CORAM : F.M.REIS & NUTAN D.SARDESSAI, JJ.**  
**DATED : 19.04.2017.**

**ORAL JUDGMENT (Per F.M.REIS, J.)**

1. Heard Shri Nigel Da Costa Frias, learned counsel appearing for the petitioner, Shri Datta Lawande, learned Advocate General with Shri Deep Shirodkar, AGA appearing for respondent no.1 and Shri Talaulikar, learned Advocate appearing for respondent no.2.

2. Rule. Heard forthwith with the consent of the learned counsel appearing for the parties. The learned AGA and counsel appearing for the parties waive notice.

3. Upon hearing the learned counsel appearing for the respective parties, the grievance of the petitioner is that the directions issued by this Court while disposing off the PIL Writ Petition No.21/2015 by judgment dated 13.10.2015 had not been complied with as no decision on the representation referred to therein has been taken by the Chief Secretary. Shri Lawande, learned Advocate General, however, submits that such representation has been duly examined and accordingly the Chief Secretary has taken a decision which is reflected in the Minutes dated 29.1.2016. It is further pointed out that the observations therein is the decision of the Chief Secretary in terms of the directions issued by this Court in the Writ Petition. Shri Nigel Costa, learned counsel appearing for the petitioner points out that the allegations by the petitioner against the Managing Committee have not been examined in the decision by the Chief Secretary. Shri Datta Lawande, learned Advocate General, however, submits that no doubt a final decision on the allegations has not been taken, but however, the Chief Secretary in such decision directed the Mamlatdar who has Authority under Article 70 of the Devasthan Regulation to look into the allegations after proper inquiry, in accordance with law. The learned counsel appearing for

the respondent no.2 submits that the said respondent should be heard and permitted to intervene in such inquiry and produce documentary evidence in support of the stand taken by such respondent.

4. In such circumstances, considering the statement of the learned Advocate General that the allegations by the petitioner against the Managing Committee are to be examined by the Mamlatdar in terms of such decision dated 29.1.2016, we find it appropriate to dispose of the above petition by directing the Mamlatdar to proceed with the directions by the Chief Secretary in the light of the observations made hereinabove, after hearing the parties in accordance with law, **preferably within a period of six months.**

5. Needless to say that the concerned parties are at liberty to file their reply and produce documents in support thereof. All the contentions of the parties are left open. Rule is disposed off accordingly.

6. The parties are directed to appear before the Mamlatdar at Ponda on 5<sup>th</sup> May, 2017 at 10.00 a.m.

7. In view of the above, the petition stands disposed off accordingly.

**NUTAN D. SARDESSAI, J.**

**F.M. REIS, J.**

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Corrected as  
per order  
dated  
05.05.2017