

**IN THE HIGH COURT OF BOMBAY AT GOA**

**WRIT PETITION NO. 628 OF 2016**

THE BODY OF MEMBERS (MAZANIA)  
SHREE RUDRESHWAR DEVASTHAN, THR.  
ITS DULY ELECTED ATT. AND 4 ORS. ... Petitioners

Versus

THE STATE OF GOA, THR. THE  
SECRETARY, REVENUE AND 16 ORS. ... Respondents

Mr. S. S. Kantak, Senior Advocate with Mr. Preetam Talaulikar,  
Advocate for the petitioners.

Mr. D. Lawande, Additional Advocate General with Mr. A.  
Gomes Pereira, Addl. Government Advocate for the respondent  
nos. 1 to 3.

Mr. V. R. Tamba, Advocate for the respondent nos. 12 to 14.

Coram:- CHIEF JUSTICE &  
F. M. REIS, JJ.

Date:- 27th January, 2017

P.C.

The inter se dispute between the Mahajans seems to be root cause of the dispute between the parties which is ultimately postponing the elections of the Managing Committee of the temple in question. Apparently, the existing Managing Committee came to an end by February, 2016. No elections for Managing Committee are held till date. We fail to understand why the respondent's authority is keeping quiet without holding any inquiry to weed out the undeserved/ disqualified/ineligible persons from the list of 'Mahajans'. In order to prepare the eligible list of 'Mahajans' for the purpose of conducting elections, unless the alleged disqualified or ineligible persons are removed

from the list, it would not be proper to hold the elections.

2. The Mamlatdar has to conduct an inquiry. It is also brought on record that the objections are raised by the party respondents with regard to the ineligibility of Mahajans who are already in the list. This also has to be considered by the Mamlatdar. If already the respondents were heard by the Mamlatdar, we fail to understand what is coming in the way of completing the inquiry and finalizing the list. Unless an inquiry with regard to the genuineness of the members as Mahajans is finalized, the list of Mahajans i.e. the eligible Mahajans who can contest the elections cannot be prepared.

3. The learned Additional Advocate General submits that all the necessary documents, registers, papers are in the control of the existing Managing Committee. Therefore, the Mamlatdar may have some difficulty in completing the inquiry. Being a Mamlatdar, he is entitled to call for any record or any papers in respect of the temple premises or Administration of temple for the purpose of verification. We fail to understand the inability expressed before us.

4. On the other hand, the petitioners' counsel representing the present Managing Committee says that they have no objection whatsoever to secure any information or papers from the custody of the petitioners and complete the inquiry. It is needless to say that the Mamlatdar has to give an opportunity to the petitioners also to produce all the documents called by the

Mamlatdar, if any, in order to ascertain the genuine lineage to become eligible Mahajans.

5. In the above circumstances, we issue the following directions :

(i) The Mamlatdar shall commence the process of inquiry into the list of Mahajans for weeding out the ineligible Mahajans from the list to be prepared.

(ii) While conducting the inquiry he has to hear all the parties and without hearing any of the Mahajans already in the list, they shall not be removed from the list.

(iii) He shall give fair opportunity to such Mahajans who have to establish their lineage to produce the necessary documents in support of their lineage and then hear them.

(iv) The entire process of conducting the inquiry by following the principles of natural justice and then prepare the list of eligible Mahajans followed by elections to the Managing Committee must be over within three months from today.

(v) It is made clear that earlier directions with regard to the major financial or policy decision in the order dated 07.07.2016 will continue.

F. M. REIS, J.

CHIEF JUSTICE, J.

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