

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 901 OF 2017

TUSHAR VERNEKAR., ... Petitioner

Versus

STATE OF GOA, THR. CHIEF
SECRETARY, GOVT OF GOA AND 4 ORS., ... Respondents

Mr. Arun De Sa, Advocate for the Petitioner.
Ms. Kholkar Neha Umesh, Addl. Government Advocate for
Respondent nos.1,2 & 3.

Coram:- C. V. BHADANG, J.

Date:- 6th December 2017

P.C.:

By this petition under Article 227 of the Constitution of India, the petitioner is challenging the notice dated 6/11/2014 issued by the State Police Complaints Authority (SPCA). All that the SPCA has done at this stage is to issue a notice to the petitioner on the basis of a complaint lodged by the respondent nos.4 and 5.

2. I have heard Shri De Sa, the learned counsel for the petitioner and Ms. Kholkar, the learned Addl. Government Advocate for the respondent nos.1, 2 and 3.

3. Shri De Sa, the learned counsel for the petitioner submits that the SPCA could not have taken cognizance of the complaint

having regard to the powers conferred on the SPCA.

4. On hearing the learned counsel for the parties it appears that at this stage the SPCA has only issued a notice to the petitioner and it would not be appropriate for this Court to interfere at this stage. It will be open for the petitioner to approach the SPCA and raise all the contentions as may be available in law and SPCA shall consider the same. It would be also open for the petitioner to request the SPCA to decide the issue of jurisdiction as a preliminary issue. If such a request is made, the SPCA may consider to decide it as a preliminary issue in accordance with law. With this the petition is disposed off. Rival contentions of the parties are left open.

C. V. BHADANG, J.

ap/-