

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO. 612 OF 2017

Advocate Aires Rodrigues.	...Petitioner
<i>Versus</i>	
State of Goa, by its Chief Secretary and others.	...Respondents

The Petitioner in person.

Mr P Faldessai, *Additional Govt. Advocate for Respondents No.1 and 2.*

Mr Tushar Mehta, *Senior Advocate, Additional Solicitor General with Pankaj Vernekar AND Abhishek Sawant, Advocate for respondent No.4*

Mr Maninder Singh, *Senior Advocate, Assistant Solicitor General for respondents No.3 and 5.*

CORAM: G.S. PATEL
NUTAN D. SARDESSAI, JJ
DATED: 21st August 2017

PC:-

1. Heard. Apart from the affidavit of Bhupesh Chand Hans Negi affirmed on 16th August 2017 for the Airports Authority, we have today also a further affidavit by him of 21st August 2017. This contains an undertaking.

2. Briefly, the background is that on 1st July 2017 there appears to have been a public meeting some kind at the Dabolim Airport at

11.15 a.m. on that day. It continued for a short while. It was apparently held on the concourse outside the main building.

3. Mr. Aires Rodrigues, who appears in person, alleges that this is a gross breach, was illegal and asks that we institute an inquiry to affix responsibility, and to take action in accordance with law. It is true that *prima facie* it does not appear that the meeting, however brief, could have been entirely “spontaneous”, but the more pertinent issue is whether such a meeting ought to have been held at such a location at all, or could ever have been permitted at this site. Certainly, and especially since this is a defence installation, such public meetings are not permitted in the normal course.

4. Paragraph 11 of Mr Negi’s first affidavit says this :

“11. In the respectful submission of the Respondent above referred, **isolated incident which took place in peculiar facts of the case and was taken care of by agencies without causing inconvenience to anyone, may not justify the Petitioner invoking the jurisdiction of this Hon’ble Court claiming the same to be a question of larger public interest.**”

(Emphasis added)

5. This seems to us to indicate that even independently of any further statement, the AAI is clear that this was a one-off incident.

6. We must now refer to the undertakings that is given to us on solemn affirmation by Mr Negi. This is volunteered by Mr Mehta,

Learned Additional Solicitor-General, who also emphasizes paragraph 11 of the first Affidavit.

7. In paragraph 1 of the second affidavit-and-undertaking, Mr Negi reiterates that it was an isolated incident. In paragraph 2 he gives an undertaking to the Court that the Airport Authorities will ensure that in future no such occurrence ever takes place under any circumstances and that the Airport area and its precincts are not used for any such occurrence.

8. Paragraph 2 is thus worded in the widest possible terms. Hence, this undertaking will have to be accepted as an undertaking to the Court, with all that this implies. The undertaking is accordingly accepted.

9. This is sufficient to dispose of the petition. No further orders, in our view, are required.

10. The Petition is disposed of in these terms. No costs.

NUTAN D. SARDESSAI J.

G. S. PATEL J.