

***IN THE HIGH COURT OF BOMBAY AT GOA******WRIT PETITION NO.722 OF 2017***

Tome Carvalho. .... Petitioner.

Versus

State of Goa, through  
Chief Secretary and others. .... Respondents.

Mr. Vivek A. Rodrigues, Advocate for the Petitioner.

Mr. R. Shriodkar, Additional Govt. Advocate for the Respondents  
No.1 & 2.

Mr. C.A. Ferreira, Advocate for Respondents No.3 & 4.

***Coram : N.M. Jamdar &  
Nutan D. Sardesai, JJ.***

***Date : 28 November 2017.***

**P.C.:**

The learned Counsel for the parties point out that the order passed on 6 November 2017 which was passed in Writ Petition No. 721/2017 has been wrongly transcribed in this Petition. At the joint request of the learned Counsel for parties, the order dated 6 November 2017 passed in this Petition, stands recalled in this Petition.

2. The grievance of the Petitioner in this Petition is that

Respondent No.2-Administrator of Comunidades, South Zone, Margao has not taken any action in respect of the grievance made by the Petitioner qua the Respondents No.3 and 4, i.e. Comunidade of Cortalim, and its present Attorney. It is pointed out that under Article 74 of the Code of Comunidades, the Administrator has various powers in the nature of supervision over the Comunidades and their functions and activities.

3. It is stated by Respondents No.3 and 4 on affidavit that a show cause notice has been issued and the matter is being considered as per law.

4. If a complaint is made to the Administrator, in his discharge of duties, the Administrator will have to take such a complaint to its logical end. If a show cause notice has been issued as stated, then the Administrator will take the show cause notice to its logical end. If the show cause notice has not been issued, then the Administrator will consider the complaint made by the Petitioner on its own merits and proceed as per law within the ambit of the powers of the Administrator as laid down in the Code. Furthermore, the Administrator will also have to follow the principles of natural justice.

5. Mr. Rodrigues, learned Counsel for the Petitioner

submitted that the Respondent No.3-Communidade is not supplying necessary documents as sought for. Mr. Fereira, learned Counsel for the Respondent No.3 submitted that the documents were not given because the Petitioner asked for the documents under the Right to Information Act which, according Mr. Fereira does not apply to the Comunidades. This position is disputed by Mr. Rodrigues, learned Counsel for the Petitioner. Mr. Fereira, however, submitted that the Petitioner can apply under the provisions of the Code to the Administrator and the Administrator if so directs to the Respondent No.3-Communidade to supply the documents, the Respondent No.3 will do so, however, the Petitioner will have to follow the procedure laid down under the Code. In view of this statement, liberty to the Petitioner to apply to the Respondent No.2-Administrator for necessary directions.

6. Without observing anything on the merits of the controversy, we dispose of the Writ Petition by directing the Respondent No.2- Administrator of Comunidades to proceed as per law in respect of the grievance made by the Petitioner and conclude the proceedings preferably within a period of three months from today.