

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 720 OF 2017

MR. SHRIKANT ARJUN MORAJKAR., ... Petitioner

Versus

MR. WAMAN KRISHNA NAIK AND ANR., ... Respondents

Mr. Ashwin D. Bhobe and Ms. S. Bhobe, Advocates for the petitioner.

Ms. Priyanka Kamat, Additional Government Advocate for the respondent no.2.

Coram:- C. V. BHADANG, J.

Date:- 18th September 2017

P.C.

The petitioner is challenging the order dated 27/07/2017, passed by the learned District Judge, by which the learned District Judge has dismissed the revision application, thereby confirming the order dated 25/08/2014, passed by the Additional Director, issuing notice to the Mamlatdar of Bardez.

2. The only contention raised on behalf of the petitioner is that unless and until the application for condonation of delay and the application for leave to appeal was decided, the learned Additional Director could not have issued a direction to join the Mamlatdar as party respondent, which will have the effect of enlarging the scope of the application for leave to appeal.

3. The learned Additional Government Advocate appearing for the second respondent, in all fairness, states that the Additional Director can consider the question of impleading the Mamlatdar if necessary, after deciding the applications for leave to appeal and condonation of delay.

4. In view of the concession and considering the fact that the application for condonation of delay along with an application for leave to appeal is still pending, the petition is disposed of in the following terms :

ORDER

- (i) The petition is partly allowed.
- (ii) The impugned orders are hereby set aside.
- (iii) It will be open to the learned Additional Director to consider the impleadment of the Mamlatdar of Bardez, if found necessary, in the event the application for condonation of delay and the application for leave to appeal are granted.
- (iv) Rival contentions of the parties are left open.
- (v) In the circumstances, there shall be no order as to costs.

C. V. BHADANG, J.

SMA