

Meena

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO. 758 OF 2017

**1. ROYAL HOTEL, CALANGUTE,
BARDEZ, GOA**
through its proprietor

1A. RUBEN FRANCO,
son of late Vincent Franco, aged 57
years, Indian National business,
resident of House No 143,
Umtawado, Calangute, Bardez- Goa.

...Appellants

~ VERSUS ~

1. STATE OF GOA,
through its Chief Secretary, having
Office at Secretariat, Porvorim,
Bardez- Goa.

**2. DIRECTOR OF TOURISM &
PRESCRIBED AUTHORITY,**
Government of Goa, Department of
Tourism, Paryatan Bhavan, Patto,
Panaji – Goa.

...Respondents

APPEARANCES

FOR THE PETITIONERS

Mr Rohit Bras De Sa, Advocate

FOR THE RESPONDENTS

**Mr P Faldessai, Additional Government
Advocate**

**CORAM : G.S.Patel &
Nutan D. Sardesai, JJ.**

DATED : 27th September 2017.

ORAL JUDGMENT (per G.S. Patel J)

1. Rule. Respondents waive service. By consent, rule returnable forthwith, and taken up for hearing and final disposal.

2. We are unable to understand how the authorities, despite the directions of 16th May 1996 issued under the Goa Daman and Diu Registration of Tourist Trade Act 1982, failed to register the Petitioners' hotel M/s Royal Hotels at Calangute. We find that the Petitioner is being confronted with notices saying that the Royal Hotel is illegal, presumably for want of very registration that has been ordered. We do not see how the Respondents can on the one hand refuse registration that has been ordered and then allege illegality for want of that very registration.

3. The final order of 16th May 1996 was an appellate order passed by the Commissioner and Secretary (Finance), Government of Goa. He is the appellate authority under the Tourism Trade Act 1982. The concluding part of that order says that the order of the authority below was definitely arbitrary and bad in law. There was no material to prove any violation. The Commissioner therefore had no hesitation in accepting the appeal. He set aside the order dated 3rd August 1993 impugned before him. Most importantly, he directed the respondent before him, the Director of Tourism, to issue the Registration Certificate within 30 days.

4. The same authority is the 2nd Respondent before us.
5. This state of affairs cannot continue we will first have compliance with the appellate authority's order.
6. Consequently, the petition succeeds. Rule is made absolute in terms of prayer clause a, b, c and d. The necessary registration will be issued within 10 days from today. All will act on an authenticated copy of this order.
7. The petition is disposed of in these terms. No costs.

NUTAN D. SARDESSAI J.

G. S. PATEL J.