

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 795 OF 2017

RAO AND COMPANY, THR. ITS PARTNER,
SATISH J. RAO., ... Petitioner

Versus

CORPORATION OF CITY OF PANAJI,
THR. THE COMMISSIONER AND ANR., ... Respondents

Mr. S. Lotlikar, Senior Advocate with Mr. Chaitanya Prakash
Padgaonkar, Advocate for the Petitioner.

Mr. Ashwin D. Bhobe, Advocate for the Respondent No. 1.

Coram:- C. V. BHADANG, J.

Date:- 19th September 2017

P.C:

Affidavit in reply filed by the respondent no. 1 is taken on record.

2. The issue involved in this petition is as to whether, in a proceedings for execution, under the Goa Public Premises (Eviction of Unauthorised Occupants) Act, it is for the public authority to lead evidence first or whether, it is the noticee, who has to lead evidence first.

3. On hearing the learned Counsel for the parties, I find that it would not be necessary to go into the said legal question, in the present case. This is because, Shri Bhobe, the learned Counsel

for the respondent No. 1-Corporation, on instructions, states that in the present case, the respondent no. 1-Corporation does not want to lead evidence in the first instance and would reserve the right to lead evidence in rebuttal. This is without prejudice to the contention that it is for the noticee to lead evidence first.

4. In view of the fact that the respondent no. 1-Corporation is not willing to lead evidence first and has reserved the right to lead evidence in rebuttal, no case for interference in the impugned order is made out. The petition is accordingly disposed of. Needless to mention that this Court has not gone into the legal question as raised above.

C. V. BHADANG, J.

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