

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO.938 of 2017**

Mrs. Kiran Khushali Mamlekar,
44 years of age,
Wife of Khushali Mamlekar,
Resident of Huse No.4/1,
Caranzol, Collem, Goa .. Petitioner

Vs.

1. State of Goa
Through the Chief Secretary,
Secretariat,
Porvorim-Goa.
2. The Range Forest Officer,
Office of the Range Forest Officer,
Wild Life,
Mollem.
3. The Deputy Conservator of Forest,
Government of Goa,
Wild Life & Eco Tourism,
North, Panaji, Goa. .. Respondents.

Mr. A. D. Bhobe, Advocate for the petitioner.

Mr. P. Faldessai, Additional Government Advocate for the respondents.

CORAM :- C. V. BHADANG, J.

DATE:- 7th November, 2017

ORAL JUDGMENT :

Rule, made returnable forthwith. Shri Faldessai, the learned Additional Government Advocate waives service for the respondents. Heard finally by consent of parties.

2. This petition has to succeed on a short count. The petitioner is challenging the order dated 17/10/2017, passed by the second respondent, thereby cancelling the licence granted to the petitioner to ply a vehicle in the Mahaveer National Park, leading to Doodhsagar Falls.

3. The matter had come up earlier before this Court in W.P. No.476/2017. The challenge in the said petition was to the order of cancellation of the licence then passed on the ground that the order of cancellation was not preceded by any show cause notice or any opportunity of hearing. The said petition was disposed of by this Court by a judgment and order dated 17/05/2017, in which the second respondent was directed to grant an opportunity of oral hearing to the petitioner on 25/05/2017 and then decide the matter afresh. It appears that after the disposal of the said petition, the petitioner filed her reply on 24/05/2017. It is, however, not disputed on behalf of the respondents that no opportunity of oral hearing was granted to the petitioner on 25/05/2017 or at any time thereafter before passing of the impugned order. It can, thus, be seen that the impugned order is passed in breach of the directions as contained in the judgment and order dated 17/05/2017 in W.P. No.476/2017.

4. Shri Faldessai, the learned Additional Government

Advocate, on instructions from the second respondent, states that the second respondent shall grant an opportunity of oral hearing to the petitioner through her Advocate on 13/11/2017. The statement is accepted. The petitioner shall ensure that the petitioner or her duly instructed Advocate remains present for purposes of availing of an opportunity of oral hearing before the second respondent on the aforesaid date.

5. In such circumstances, the petition is partly allowed. The impugned order is hereby set aside. The second respondent shall decide the matter afresh, after giving an opportunity of oral hearing to the petitioner/ her Advocate on 13/11/2017.

6. Rival contentions of the parties on merits are left open. Rule is made partly absolute in the aforesaid terms, with no order as to costs.

C. V. BHADANG, J.

SMA