

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 1034 OF 2017

VISHWAJIT SHIRODKAR.,

... Petitioner

Versus

THE DEPUTY COLLECTOR AND SDO,
PANAJI AND 2 ORS.,

... Respondents

Mr. Ashwin D. Bhobe with Ms. Shradha Bhobe, Advocates for the Petitioner.

Mr. Vishwadh Sardessai, Additional Government Advocate for the Respondent Nos. 1 and 2.

Respondent No. 3 is present in person.

Coram:- C. V. BHADANG, J.

Date:- 21st November 2017

ORAL ORDER:

This petition can be disposed of on a short count.

2. Proceedings were initiated against the petitioner on the file of the learned Mamlatdar, for termination of a lease, pertaining to a sluice gate, on the basis of a report of the Talathi. The petitioner sought leave to cross examine the Talathi on his report, which was rejected by the learned Mamlatdar on 09.11.2017. On the same day, the learned Mamlatdar passed an order terminating the lease. Undisputedly, the said order is subject matter of challenge at the instance of the petitioner before the learned Deputy Collector. The petitioner sought stay of the impugned order of the Mamlatdar, on which the learned Deputy Collector

has issued a notice returnable on 30.11.2017.

3. The learned Counsel for the petitioner has pointed out that the lease is otherwise to expire on 31.12.2017. It is submitted that the learned Deputy Collector ought to have granted stay of the order passed by the learned Mamlatdar.

4. The learned Additional Government Advocate states that the appeal before the learned Deputy Collector can be preponed to 24.11.2017. The statement is accepted.

5. Once the appeal is pending, it is for the Appellate Authority to look into the matter and to decide the application for stay at the earliest, on its own merits.

6. In such circumstances, the learned Deputy Collector shall hear the application for stay filed by the petitioner on 24.11.2017 at 10:30 a.m. and shall decide the same on its own merits after hearing the parties in accordance with law, within a period of one week thereafter. The parties to appear before the learned Deputy Collector on 24.11.2017 at 10:30 a.m.

C. V. BHADANG, J.

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