

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.204 OF 2017

Shri Anthony Jose Nazareth Rodrigues,
major,
R/o. House No.64, Jose Bar & Restaurant,
Dr. Menezes Braganza Road,
Panaji – Goa. Petitioner
V/s.

1. The Corporation of the City of Panaji,
Through its Commissioner,
with his office at Panaji,
Municipal Building,
Panaji Goa.
2. Shri Ramchandra S.S. Wagle,
Major, r/o. Manguirish Building,
18th June Road, Panaji – Goa.Respondents.

Shri Nigel Da Costa Frias, Advocate for the petitioner.

Shri A.D. Bhobe, Advocate for the respondent no.1.

Shri V.P. Thali, Advocate for the respondent no.2.

Coram:- F. M. REIS &
NUTAN D. SARDESSAI, JJ.

Date :- 1st August,2017.

ORAL JUDGMENT: (per F.M. REIS,J.)

Heard Shri Nigel Da Costa Frias, learned Advocate for the petitioner, Shri A.D. Bhobe, learned Advocate for the respondent no.1 and Shri V.P. Thali, learned Advocate for the respondent no.2.

2. Rule. Shri A.D. Bhobe, learned Advocate waives service on behalf of the respondent no.1 and Shri V.P. Thali, learned Advocate waives service on behalf of the respondent no.2.

3. Heard forthwith with the consent of the learned counsel for the parties.

4. During the course of hearing of the above petition, Shri Nigel Da Costa Frias, learned Advocate for the petitioner pointed out that the petitioner had filed an application for license / renewal of trade license which according to the petitioner came to be disposed off by communication dated 09/08/2016. An issue arose whether by such communication the application filed by the petitioner for such license / renewal of the Trade license came to be disposed off. Shri A.D. Bhobe, learned Counsel for the respondent No.1 has filed an affidavit inter alia contending that the impugned communication date 09/08/2017 is not a decision taken by the concerned officer of the Corporation of the city of Panaji on the application for trade license dated 07/08/2015 filed by the petitioner. Shri Bhobe, learned Counsel further points out that such an application would be considered and decided by the Competent Authority after hearing the concerned parties within eight weeks in accordance with law.

5. As the impugned communication dated 09/08/2016 apparently is not a decision on the application filed by the petitioner, such communication will have no legal effect on the application filed by the petitioners dated 07/08/2015, which is stated to be still pending.

6. In view of the above, we disposed off the above petition by accepting the averments as reflected in paragraph (b) and (d) in the affidavit filed by the Commissioner - respondent no.1 and direct the respondent no.1 to examine and take a decision on the pending application dated 07/08/2015 on its own merits after hearing the petitioner in accordance with law.

7. Rule stands disposed off accordingly.

8. All contentions of the parties are left open.

NUTAN D. SARDESSAI, J.

F. M. REIS, J.

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