

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 120 OF 2018

FABRICA OF ST. JEROME'S CHURCH OF
MAPUSA, THR. ITS POA, VENKATESH
PRABHU MONI.,

... Petitioner

Versus

STATE OF GOA, THR. ITS CHIEF
SECRETARY AND ANR.,

... Respondents

Mr. Nigel Da Costa Frias, Advocate for the petitioner.
Ms. P. Bhandari, Addl. Government Advocate for the
respondents.

Coram:- SHANTANU S. KEMKAR &
NUTAN D. SARDESSAI, JJ.

Date:- 31st January 2018

P.C.

By filing this petition under Article 226 of the Constitution of India, the petitioner has challenged the order dated 6th November, 2017 (Exhibit H) passed by the Additional Collector-II, directing the petitioner to make the payment of conversion fees of Rs.6,80,400/- and fine of Rs.34,02,000/- total amounting to Rs.40,82,400/- within 15 days from the date of the receipt of the copy of the order.

2. It is not in dispute that the earlier amount claimed from the petitioner is Rs.74,84,400/-. On being challenged by the petitioner before the Revenue Minister, the matter was remanded

by the Revenue Minister to the Additional Collector for reexamination. Thereafter, the impugned order has been passed.

3. Having gone through the impugned order, it is clear that though some reliefs have been granted to the petitioner but the petitioner's case has not been considered as it was agitated before the authority.

4. Be that as it may, we find that before passing the impugned order, the petitioner has not been given opportunity of hearing. Thus, there being clear violation of the principles of natural justice while passing the impugned order of the payment of fees and fine, we deem it appropriate to remand the matter back to the Additional Collector-II for deciding the matter afresh.

5. The petitioner to appear before the Additional Collector-II on 26th February, 2018 at 11.00 a.m. The Additional Collector shall give opportunity of hearing to the petitioner on that date or any other date within two weeks from the said date and pass a fresh reasoned order within six weeks from the date of the conclusion of the hearing. Till that date, no coercive action will be taken against the petitioner in pursuance to the impugned order. Needless to say, the impugned order shall be kept in abeyance till the matter is decided by the Additional Collector-II.

6. While taking decision as aforesaid, the Additional Collector shall not be influenced by the earlier orders.

7. The petition is disposed of accordingly.

NUTAN D. SARDESSAI, J.

SHANTANU S. KEMKAR, J.

at*