

Santosh

***IN THE HIGH COURT OF BOMBAY AT GOA***  
***WRIT PETITION NO.415 OF 2018***

Rosy M. D'Souza. .... Petitioner.

V/s.

State of Goa through Chief  
Secretary & Ors. .... Respondents.

Mr. Gajendra Usgaonkar, Advocate for the Petitioner.

Mr. Deep Shirodkar, Additional Govt. Advocate for the Respondents.

***Coram : N.M. Jamdar &  
Prithviraj K. Chavan, JJ.***

***Date : 15 June 2018.***

**P.C.:**

Heard the learned Counsel for the Petitioner. The Petitioner has sought a declaration regarding the constitutional validity of the Goa Land Revenue Code, framed in the year 1968. He has also sought various sweeping directions. But, before we consider these wider challenges raised by the Petitioner, we should be convinced that they arise in the facts of the present case and they are absolutely necessary to consider the grievances made by the Petitioner.

2. The effective prayer pertaining to the Petitioner that is sought, which is stated so by the learned Counsel for the Petitioner, is that the Petitioner had sought for certain documents which, inspite of the order dated 10 December 2016 passed by the Chief Information Commissioner, have not been supplied to the Petitioner. The learned Counsel for the Petitioner submitted that it is only after these documents are received that the Petitioner will be able to know the liability of the Petitioner and then can raise the challenge regarding imposition of tax and levy of the same. As of today, there is no challenge to any imposition of tax and directly general relief regarding constitutional validity has been sought, without any adequate pleadings.

2. We are of the opinion that without such factual position, it will not be appropriate to consider the wider challenges to the constitutional validity, as an academic exercise. As per the order passed by the Chief Information Commissioner, if this order is not set aside, modified, or varied, the documents need to be given to the Petitioner. The State will accordingly furnish such documents to the Petitioner within a period of six weeks from today.

3. In view of the position stated by us above, without going into the wider questions raised, which can be considered at the

appropriate stage and at the instance of an appropriate person, the Writ Petition is disposed of.

***Prithviraj K. Chavan, J.***

***N.M. Jamdar, J.***