

THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 452 OF 2018.**

Vithal Babu Phonde

... Petitioner

Versus

The State of Goa, Rep. By its
Chief Secretary and 2 ors.

... Respondents

Mr. A. Pereira, Advocate for the Petitioner.

Ms. P. Bhandari, Addl. Govt. Advocate for the Respondent no.
Advocate for the Respondent no.1 and 2.***Coram:- N. M. JAMDAR &
PRITHVIRAJ K. CHAVAN, JJ.******Date:- 14 June 2018.***

P.C.:-

We have heard the learned Counsel for the Petitioner at length. An identical dispute was raised in Writ Petition No.291 of 2017 wherein parents of the Petitioner were party Respondents. The Division Bench disposed of petition and grievance made therein by these Respondents observing thus:-

Heard Mr. Bhargav M. Khandeparkar, learned counsel appearing for the petitioner, Mr. D. Lawande, learned Advocate General appearing for the respondent nos. 1 to 9, Mr. Nigel Da Costa Frias, learned counsel appearing for the respondent nos. 14, 18 and 19, Mr. Ashwin D. Bhobe, learned counsel appearing for the

respondent no.15 and Mr. Andre Pereira, learned counsel appearing for the respondent no.17.

2. *Rule. Heard forthwith with the consent of the learned counsel.*

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8. *We are not inclined to examine the dispute sought to be raised by Mr. Pereira, learned counsel appearing for the respondent no.17 in the present Writ Petition as the dispute sought to be raised by the petitioner cannot be examined in a petition under Article 226 of the Constitution of India. The respondent, if so advised would have to initiate a remedy in law. Accepting the said statement of the learned Advocate General with regard to the action intended to be taken as far as the respondent nos.10 to 19 are concerned, we dispose of the above writ petition. Needless to say, all the contentions and remedy, if at all available to the said respondents in accordance with law are left open as we have not examined the validity of the action contemplated by the concerned respondents. Rule stands disposed of accordingly. The petition stands disposed of accordingly.”*

2. The Court has already given liberty to the Respondent therein(Petitioner's Parents) in Writ Petition No.291/2017 to initiate remedy in law as the dispute cannot be examined in a petition under

Article 226 of the Constitution of India. Similar position exists before us where various disputed questions are sought to be raised. The learned Counsel for the Petitioner states that he has approached the Collector, which according to the Petitioner is a remedy available. If the representation is pending before the Collector, the Collector will dispose of the representation as early as possible. If decision is already taken, the copy of the same shall be furnished to the Petitioner to enable the Petitioner to take further steps.

3. Writ Petition is accordingly disposed of.

PRITHVIRAJ K. CHAVAN, J.

N. M. JAMDAR, J.