

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 410 OF 2018**

Ms. Isabel Esmeralda Santos D'Souza
Senior citizen,
86 years of age,
Spinster,
r/o H.No.96/F, Boa Vista,
Near Holy Cross School,
Bastora, Mapusa Goa.

..... Petitioner

Versus

1. The State of Goa,
Through the Chief Secretary,
Secretariat,
Porvorim, Bardez Goa.

2. The Health Officer,
Primary Health Centre,
Aldona, Bardez Goa.

3. The Assistant Engineer,
Elect. Sub.Div.III (R),
Electricity Department,
Mapusa, Bardez Goa.

..... Respondents

Mr. Menezes Myron D'Souza, Advocate for the Petitioner.

Mr. R. Shivolkar, Addl. Government Advocate for the Respondents.

Coram:- C. V. BHADANG, J.

Date:- 4th June, 2018

ORAL JUDGMENT

Rule made returnable forthwith. The learned Addl.

Government Advocate waives service. Heard finally by consent of the parties.

2. The challenge in this petition is to the order dated 01/03/2018 passed by the second respondent/Health Officer, Primary Health Centre, Aldona Goa, by which, the order dated 23/11/2016 along with the corrigendum granting electricity connection to the petitioner is withdrawn. A perusal of the order shows that a spot inspection was conducted at the premises of the petitioner on 01/03/2018 and on the same day the impugned order is passed. The order further records that the petitioner has obtained electricity connection by submitting false affidavit and the electricity connection is misused.

3. In the present case, admittedly, there was no show cause notice issued to the petitioner nor any opportunity was granted to file a reply. Such an order could not have been passed without issuing a show cause notice and affording the petitioner an opportunity to file a reply. The learned Addl. Government Advocate submits that in the event, this Court is inclined to set aside the order, the Health Officer be permitted to issue a show cause notice and pass an order after granting opportunity of hearing to the petitioner. In such circumstances, the petition is allowed. The impugned order is hereby set aside. It will be open to the respondent no.2

to issue a show cause notice to the petitioner along with the copy of the spot inspection report and any other documents that the second respondent is desirous to rely upon and shall pass an appropriate order after granting an opportunity to the petitioner to file a reply and after affording the petitioner an opportunity of hearing. The rival contentions of the parties are left open. Rule is made absolute in the aforesaid terms with no order as to costs.

C. V. BHADANG, J.

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