

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.888 OF 2017

Rasiklal Mohanlal Gangani.

..... Petitioner.

Versus

The State of Goa through Chief
Secretary and others.

..... Respondents.

Ms. K. Rai, Advocate for the Petitioner.

Mr. Amogh Prabhudessai, Additional Govt. Advocate for the
Respondent No.1.

Mr. Ashwin D. Bhobe, Advocate for Respondent No.3.

Mr. S. G. Desai, Senior Advocate with Mr. S. Keny, Advocate for
Respondents No. 4 to 11.

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

Date : 4 September 2018.

P.C.:

Heard the learned Counsel for the parties. Various
orders have been passed in this Petition from time to time.

2. The main grievance raised by the Petitioner is in respect
of the file relating to the construction put up by the Respondents
No.4 to 11. The learned Counsel for the Municipal Corporation had

informed the Court that the file pertaining to Respondents No.4 to 11 was not traceable. We had directed the Municipal Commissioner of the Corporation to look into the matter. The Commissioner of the Corporation had accordingly issued instructions for reconstruction of the file.

3. When the Petition came up on board on the last occasion i.e. 27 August 2018, the following order was passed :

“The learned counsel for the Petitioner has drawn our attention to the order dated 21 February 2018. He contends that this order merely directs the Department to reconstruct the file and even before the file is reconstructed, the show cause notice is dropped. The learned counsel representing the Municipal Corporation states that the file now stands reconstructed. The file being an official record of the Municipal Corporation, there has to be certification of the Competent Authority that the file that is reconstructed is satisfactory and as per the legal provisions. The learned counsel representing the Municipal Corporation seeks time to take instructions whether such certification has been done by the Competent Authority. If it has not been done so far, the same shall be done before the next date. Stand over to 4 September 2018.”

4. The learned Counsel appearing for the Municipal Corporation has placed on record a report signed by the Commissioner, Municipal Engineer Gr. III and Municipal Engineer Gr. I, certifying that the file pertaining to Respondents No.4 to 11

has been reconstructed and a certificate to that effect has been appended. The learned Counsel appearing for the parties state that they are satisfied with this report. Even otherwise, the main relief sought for in this Petition was relating to the file pertaining to Respondents No.4 to 11.

5. Since the file has now been reconstructed, it is not necessary to keep the Petition pending any further. The Writ Petition is accordingly disposed of. We are informed that there is a civil litigation pending between the Petitioner and Respondents. The directions issued in this Petition regarding reconstruction of the file, not to be construed as reflection on the merits of the rival claims pending in the civil litigation.

Prithviraj K. Chavan, J.

N.M. Jamdar, J.