

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 980 OF 2017

1. Mr Raul Aires Fernandes & Anr. ...Petitioners

Versus

1. State of Goa & Ors. ...Respondents

Mr. Rohit Bras De Sa, Advocate for the Petitioners.

Mr. D. Lawande, Advocate General with Mr. Sagar Dhargalkar,
Addl. Government Advocate for the Respondent No.1.

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

Date: ***18 June 2018***

P.C.

1. Heard Mr. Rohit Bras De Sa, learned Counsel appearing for the Petitioners and Mr. D. Lawande, learned Advocate General appearing for the Respondent No.1.

2. By earlier order dated 21 November 2017, we had restricted the scope of this Petition to the legal question of reply to be given by the State in respect of notices issued under Section 80 of the Civil Procedure Code. An affidavit has been filed by the Under Secretary, Law and Judiciary Department, wherein in paragraph nos.5 and 6, the Secretary has stated as under :

“5. I state and submit that in terms of this aforesaid Order that the Government of Goa has nominated all the Heads of the Department as the nominees of the respective Departments, and, the nominee

shall be responsible to ensure that replies to the notices under Section 80 of the CPC or similar provisions are sent within the period stipulated in a particular legislation.

6. I respectfully state and submit that although Section 80 of the CPC does not postulate a reply to the notice and/or stipulate a period to respond thereto, the Order aforementioned clearly reproduces the direction of the Hon'ble Supreme Court of India expressed in the Judgment and Order of Salem Advocates Bar Association, Tamil Nadu vs. Union of India, reported as (2005) 6 SCC 344. I respectfully state and submit that, this is the policy of the State of Goa presently in force and will be adhered to by all departments.”

3. We note the stand of the State as specified by the Secretary on affidavit. In view of this position, we do not find that any further direction is required as the stand of the State is clear thereto.

4. The Writ Petition is accordingly disposed of.

Prithviraj K. Chavan, J.

N. M. Jamdar, J.