

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 752 OF 2018**

Mrs. Sandra Mesella Fernandes,
Daughter of late Mr. Mathew Fernandes,
Aged 28 years, married,
R/o H. No.163/A,
Near Basilica of Bom Jesus,
Ella Old Goa 403402.

..... Petitioner

V e r s u s

1) Village Panchayat of SE-Old-Goa,
Through its Secretary,
Old Goa, Tiswadi, Goa.

2) Shri Rajesh Vishram Sawal,
House No.1312, Virdi,
Sanquelim-Goa.

3. Luis Texeira Almeida Queroz,
House No. C/163,
Ella- Old Goa.
(amendment carried out as per
order dtd. 18/7/2018)

.... Respondents

Coram:- C. V. BHADANG, J.

Date:- 24th July 2018.

Mr. Abhijeet Kamat, Advocate for the Petitioner.

Mr. Rajneesh Naik, Advocate for Respondent No.1.

Mr. C. Padgaonkar, Advocate for Respondent no.2.

Oral Judgment:

Rule, made returnable forthwith. The learned counsel for the

respective respondents waive service. Heard finally by consent of parties.

2. The petition can be disposed off on a short count.

The petitioner is challenging the resolution dated 19/6/2018/communication dated 5/7/2018 issued by the first respondent/Village Panchayat, thereby transferring the house tax registration bearing No.E/163/A in the name of second respondent. The short contention on behalf of the petitioner is that there was an earlier petition being W.P. No.1109/2017 filed by the petitioner and that petition was disposed of by consent of parties on 20/3/2018 whereby the first respondent/Village Panchayat was to decide the matter about the house tax registration afresh, after hearing the petitioner and the respondents no.2 and 3. The contention is that no opportunity of hearing was granted to the petitioner.

2. The learned counsel for the respondent no.1/Village Panchayat, on instructions, states that an opportunity of hearing shall be granted to the respondent nos.2 and 3 by the Village Panchayat and thereafter appropriate order/resolution shall be passed. The statement is accepted.

3. Hence by consent of parties, the petition is allowed. The impugned order/communication is hereby set aside. The first respondent/Village

Panchayat shall decide the matter of transfer house tax registration upon hearing the petitioner and the respondent nos. 2 and 3, as directed by this Court vide order dated 20/3/2018 passed in W.P. No.1109/2018 within one month from the receipt here of. 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.

Ap/-