

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.956 OF 2018

Mr. Tome Carvalho

... Petitioner

Versus

State of Goa & Ors.

... Respondents

Mr. V. Naik, Advocate for the petitioner.

Mr. Arun A. S. Talaulikar, Addl. Government Advocate for respondent nos.1,2 & 5.

Mr. S. D. Padiyar, Advocate for respondent no.4.

Respondent Nos.6 & 7 present in person.

***Coram : R. M. Borde &
Prithviraj K. Chavan, JJ.***

Date : 21st November 2018.

P.C. :

The petitioner has prayed for issuance of directions to respondent no.5 to expeditiously decide the proceedings pending with respondent no.5.

2. Considering the nature of the prayers, we direct

respondent no.5 to dispose of the pending proceedings as expeditiously as possible and preferably within a period of eight weeks from today and it is accordingly directed.

3. So far as the issue as regards providing certain information as requested by the petitioner is concerned, it is informed that the applications tendered by the petitioner for furnishing information are pending and inspite of passing necessary orders by the Administrator, the information is not furnished. The learned counsel appearing for the Administrator i.e. respondent no.2 states that respondent no.2 will apply its mind while deciding the applications as well as the proceedings and if necessary, issue necessary instructions as regards furnishing of information as requested by the petitioner within a specified period. Respondent no.2 shall take necessary steps in that regard as expeditiously as possible and preferably within a period of four weeks from today.

4. It is informed by the learned counsel appearing for respondent no.4 that the Hon'ble Minister has stayed the order of suspension and as such respondent no.4 is entitled to carry out the functions of the Attorney of the Comunidade. The learned counsel for the petitioner has serious objection and contends that since the issue

of suspension and the permissibility of the Hon'ble Minister to pass an interim order is also the matter of scrutiny and respondent no.4 may not be permitted to continue to act as an Attorney of the Comunidade. It is pointed out to us by the learned counsel appearing for the respective parties that the election of the Comunidade is to commence in the month of December 2018 and putting any restraint on respondent no.4 is likely to cause difficulty in the process of election. It would be appropriate in these circumstances to appoint a senior member of the Comunidade to carry out the functions of the Attorney of the Comunidade until the Hon'ble Minister takes a decision in the matter pending before him. It is informed that the President of the Comunidade is present before the Court and he would carry out the functions of the Attorney until the disposal of the pending appeal by the Hon'ble Minister. Neither respondent no.4 nor anybody else would be entitled to function as an Attorney and necessary functions shall be carried out by the President of the Comunidade. However, except carrying out executive functions, no policy decision shall be taken by the President in capacity of Attorney.

5. In view of the above, the writ petition is disposed of.

Prithviraj K. Chavan , J.

R. M. Borde , J.

*at**