

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 1012 OF 2018

AGNELO LOBO.,

... Petitioner

Versus

STATE OF GOA, THR. ITS CHIEF
SECRETARY AND 2 ORS.,

... Respondents

Shri S. S. Kantak, Senior Advocate with Shri Rohan Shirodkar,
Advocate for the petitioner.

Shri D. Shirodkar, Additional Government Advocate for the
respondents.

Coram:- C. V. BHADANG, J.

Date:- 18th December 2018

P.C.

Heard Shri Kantak, the learned Senior Counsel for the petitioner and Shri Shirodkar, the learned Additional Government Advocate for the respondents.

2. The challenge in this petition is to the report dated 06/09/2018 of the Administrator of Comunidade, Mapusa, Goa, which was forwarded by the Additional Collector, North Goa, under a communication dated 20/09/2018 to the Under Secretary (Revenue-I), Secretariat, Porvorim, Goa and the notice issued by the Under Secretary (Revenue-I) at page 16 of the compilation, asking the petitioner to remain present before the Minister for

Revenue.

3. The dispute pertains to the suspension/ removal of the petitioner as Attorney of the Comunidade of Serula. Normally, this Court would not have interfered with the show cause notice. However, the record discloses that a show cause notice was issued by the Administrator, in which, the petitioner remained present and sought for certain documents. The Administrator, without supplying these documents and without hearing the petitioner, made a report to the Revenue Secretary, which is adverse to the petitioner. Thus, it is clear case of breach of principles of natural justice.

4. Shri Shirodkar, the learned Additional Government Advocate submits that in the event this Court is inclined to interfere in the matter, the Administrator of Comunidade shall hear the petitioner afresh and shall pass an appropriate order in accordance with law. The learned Additional Government Advocate has furnished the copies of the documents, which were sought for by the petitioner today, to the learned Counsel appearing for the petitioner. The learned Senior Counsel for the petitioner states that the petitioner shall file an additional reply, if any, before the Administrator on or before 02/01/2019. The learned Administrator shall then hear the petitioner and shall pass appropriate order in accordance with law.

5. Subject to this, the impugned communication / report dated 06/09/2018 as well as the impugned show cause notice (at page 16 of the compilation) are hereby quashed and set aside. Parties to appear before the Administrator on 02/01/2019.

6. The petition is disposed of in the aforesaid terms, with no order as to costs.

C. V. BHADANG, J.

SMA