

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 1039 OF 2017

FLEUR PHILOMENA BUTLER AND ANR., ... Petitioners

Versus

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

Mr. Prasheen Lotlikar, Advocate for the Petitioners.
Ms. Susan Linhares, Addl. Government Advocate for
Respondent Nos.1, 2 & 3.
Mr. Sudesh Usgaonkar and Ms. R. Pereira, Advocates for
Respondent No.4.

Coram:- SHANTANU S. KEMKAR &
NUTAN D. SARDESSAI, JJ.

Date:- 9th January 2018

P.C.

The challenge in this Writ Petition is to the communication dated 22nd September 2017 (Exhibit G) sent by the State Registrar whereby informing the petitioners that the NOC dated 20th September 2017 has been kept in abeyance until further orders on account of crucial revelation to the notice of the State Registrar.

2. The grievance of the petitioners is that the impugned communication is based on misconception and has been sent without opportunity of hearing to the petitioners.

3. The learned Additional Government Advocate appearing for respondent Nos. 1 to 3 submits that on the basis of clarification being sought from the fourth respondent-Reserve Bank of India, the impugned communication has been issued. The learned Additional Government Advocate has pointed out that as has been informed by the Reserve Bank of India, the issue about the residential status of a person is not to be determined by the Reserve Bank of India but to be determined by operation of law and the onus lies on the individual to prove his/her residential status before the concerned authority i.e. respondent no.2. The learned Additional Government Advocate further pointed out that vide letter dated 21st November 2017 (Exhibit R-1), the petitioner has been asked to submit the documents.

4. Keeping in view the entire facts and circumstances of the case, we are of the view that this petition deserves to be disposed of by directing the petitioners to appear before the State Registrar along with the relevant documents and a detailed representation within a week from today.

5. On receipt of the same, the State Registrar shall give opportunity of hearing to the petitioners within a week thereafter and then the State Registrar shall pass a reasoned order dealing with the contention as may be raised by the petitioners in the said representation. The decision as aforesaid to be taken by the State

Registrar within four weeks from the date of conclusion of the hearing by him.

6. With the aforesaid directions, the petition is disposed of.

NUTAN D. SARDESSAI, J. SHANTANU S. KEMKAR, J.
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