

**IN THE HIGH COURT OF BOMBAY AT GOA**

**WRIT PETITION NO. 1116 OF 2018**

**MICHAEL CABRAL (DEC) THR. LRS.,** ... Petitioner

**Versus**

**STATE OF GOA, THR. EXECUTIVE  
ENGINEER, WORKS DIVISION II  
(ROADS), PANAJI AND 3 ORS.,** ... Respondents

Ms. Asha A. Desai, Advocate for the Petitioner.

Ms. Susan Linhares, Additional Government Advocate for the  
Respondent Nos. 1 and 2.

Shri H.D. Naik, Advocate for the Respondent No. 3.

Coram:- C. V. BHADANG, J.

Date:- 18th December 2018

**ORAL ORDER:**

Heard Ms. Desai, the learned Counsel for the petitioner, Ms. Linhares, the learned Additional Government Advocate for the respondent nos. 1 and 2 and Shri Naik, the learned Counsel for the respondent no. 3. It is submitted that the interest of the respondent no. 4 is not adverse as the respondent no. 4 is the sister of the petitioner.

2. Be that as it may, Ms. Linhares, the learned Additional Government Advocate, on instructions, states that in view of the fact that there was no detailed order forthcoming of the rejection of the revision application before the Secretary (Revenue) by

order dated 16.01.2018, the Secretary (Revenue) shall hear the petitioner afresh and shall pass appropriate orders in accordance with law after hearing the parties. The statement is accepted. She states that the matter will have to be heard by the Minister (Revenue) as per the present distribution of work.

3. In that view of the matter and by consent of parties, the petition is disposed of in the following terms:

- (a) The impugned order dated 16.01.2018 is hereby set aside.
- (b) The revision application being Case No. 15/8/2010-RD is restored back to the file of the competent authority. The competent authority shall hear the parties and shall decide the revision application afresh, on its own merits and in accordance with law.
- (c) The petitioner to remain present before the competent authority on 25.01.2019.
- (d) Rival contentions of the parties are left open.
- (e) Ad-interim stay, already operating, shall continue for a period of four weeks, subject to the order passed in the revision application.

C. V. BHADANG, J.