

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.116 OF 2018

Rama Shanu Naik Dessai

... Petitioner

Versus

The Administrator of Devalayas
& Mamlatdar & Ors.

.... Respondents

Mr. D. J. Pangam, Advocate for the Petitioner.

Mr. A. Prabhudessai, Additional Government Advocate for
Respondent Nos.1 and 2.

Mr. P. Wagle, Advocate for Respondent No.3.

***Coram : N.M. Jamdar &
Prithviraj K. Chavan, JJ.***

Date : 3 October 2018.

P.C.:

The Petitioner has sought the following prayers in this petition.

“(A) This Hon’ble Court be pleased issue a writ of mandamus or a writ in the nature of mandamus or any other appropriate writ, order or direction, commanding the Respondent Nos.1 and 2 to hold an inquiry into the

affairs of the Respondent No.3 and in more particularly, in respect of the work of awarding the tender and making the payments in respect of the said tender;

(B) This Hon'ble Court also be pleased issue a writ of mandamus or a writ in the nature of mandamus or any other appropriate writ, order or direction, commanding the Respondent Nos.1 and 2 to initiate Criminal Proceedings against all who are responsible for such acts of illegalities and misappropriation of funds of the Devasthan.”

2. When the petition came up on board on 3 September 2018, the learned Additional Government Advocate had placed on record a notice dated 30 August 2018 issued to the Managing Committee of the Respondent-Devasthan. The learned counsel for the Petitioner had pointed out that this notice did not cover various issues raised by the Petitioner.

3. The learned Additional Government Advocate, on instructions, submits that the issue raised by the Petitioner in this petition, more particularly, in respect of the tender specified will also be gone into by the Mamlatdar pursuant to the inquiry contemplated.

4. We direct the Mamlatdar to inquire also into the issues

raised by the Petitioner in this petition. The Responses of the Respondent in respect of the tender in question and the details of the payment and documentation etc., in respect of the said tender will be submitted before the Mamlatdar within a period of four weeks. Since this order has been passed after the notice to the Respondent-Devasthan, the above aspect is deemed to have been incorporated in the notice dated 30 August 2018 and no separate notice is required. After the receipt of the documents as above, the Mamlatdar will hold an inquiry and take a decision as per law within a period of 12 weeks thereafter. All parties will cooperate with the Mamlatdar for early disposal of the inquiry.

5. The writ petition is disposed of in the above terms.

Prithviraj K. Chavan, J.

N.M. Jamdar, J.