

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 628 OF 2012

E.D.C.CO-OPERATIVE HOUSING SOCIETY
LTD., REP. BY ITS CHAIRMAN,
SHAILENDRA C. KUVELEKAR

... Petitioner

Versus

E.D.C. LIMITED, A GOVERNMENT
COMPANY, REP. BY THE M. D. &
ANR.,

... Respondents

Mr. S.D. Lotlikar, Senior Advocate with Ms. Aditi Naik,
Advocate for the Petitioner.

Mr. Devidas J. Pangam, Advocate for the Respondents.

Coram:- C. V. BHADANG, J.

Date:- 22nd January 2019

ORAL ORDER:

Heard Mr. Lotlikar, the learned Senior Counsel for the petitioner and Mr. Pangam, the learned Counsel for the respondents.

2. The challenge at this stage is to the issuance of the show cause notice and order dated 04.10.2012, passed by the Estate Officer, refusing to uphold the preliminary objection raised by the petitioner.

3. Considering the overall circumstances, I am not inclined to entertain the petition, in view of the fact that by the impugned

order, the preliminary objection raised by the petitioner, has been dismissed. It transpired during the course of the hearing at bar that the petitioner has already filed a reply to the show cause notice and the enquiry before the Estate Officer is pending.

4. It was submitted by Mr. Lotlikar, the learned Senior Counsel for the petitioner that the Estate Officer would not be able to go into the grounds on the basis of which, the eviction of the petitioner is sought. I am afraid, the ground cannot be considered in the present petition, at this stage, that too when the matter is still pending before the Estate Officer. The petitioner would be entitled to file additional reply, if any, raising all such contentions as may be available to him in law and fact, before the Estate Officer. The petitioner would be at liberty to file such additional reply within a period of three weeks from today, if so advised. All the rival contentions are left open. Needless to mention that the Estate Officer shall decide the matter on its own merits and in accordance with law, as early as possible and preferably, within a period of six months from the receipt hereof. Subject to this, the petition is disposed of. In the circumstances, there shall be no order as to costs.

C. V. BHADANG, J.