

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 547 OF 2019

R.R. Kamat

Hindu Undivided Family (HUF)

Through its Karta, Shri Ramachandra Rangappa Kamat , 72 years of age, with office at H.No.7, Shanti Colon, North Hubli, Karnataka, 580 032 Proprietor of M/s. Kamat Hotels, An establishment of R.R. Kamat (HUF) Having its business premises in shop Nos. 1 to 5, John Paul Building, Near Church Square, Panaji Goa, 403 001. ... Petitioner

Versus

- 1 The Corporation of the City of Panaji Through its Commissioner, With office at Corporation Building Dr. Pissurlekar Road, Panaji, Goa.
- 2 The Deputy Municipal Commissioner with office at Corporation Building Dr. Pissurlekar Road, Panaji, Goa.
- 3 Shri Rajesh Narayan Salgaonkar, Major in age, Resident of AL -2, Adarsh Co-op Housing Society, Caranzalem, Tiswadi, Goa ... Respondents

Ms. R. Pereira, Advocate for the petitioner.

Mr. A.D. Bhole, Advocate for the respondents No.1 and 2.

Mr. S.S Kantak, Senior Advocate with Mr. Preetam Talaulikar, Advocate for the respondent No.3.

**Coram:- M. S. SONAK &
NUTAN D. SARDESSAI, JJ.**

Date:- 24th July, 2019

ORAL JUDGMENT : (per M.S. Sonak,J.)

Heard Ms. R. Pereira, learned Counsel for the petitioner, Mr. A.D. Bhobe, learned Counsel for the respondents No.1 and 2 and Mr. S.S Kantak, learned Senior Counsel for the respondent No.3.

2. Rule. Rule is made returnable forthwith with the consent and at the request of the learned Counsel for the parties.

3. The challenge in this petition is to the portion of the impugned notice dated 18/06/2019, which required the petitioner to close/stop the activity at the suit premises and submit compliance report of the closure failing which, the Corporation threatened to seal the suit premises. All this was pending consideration of Show Cause Notice dated 18/06/2019.

4. According to us, if the notice dated 18/06/2019 is construed in its proper context all it means that the petitioner is

required to show cause within the prescribed period failing which, the action of stop the activity or sealing the premises was threatened by the Corporation. Mr. Bhobe, learned Counsel for the respondents No.1 and 2 submits that this is the correct manner of reading the Show Cause Notice of 18/06/2019. With this, the apprehension expressed by the petitioner really does not survive.

5. The respondent-Corporation is directed to dispose of the Show Cause Notice on its own merit and in accordance of law as expeditiously as possible in any case within four weeks from today. The Corporation to afford opportunity of hearing to both the petitioner as well as the respondents. Mr. Bhobe, learned Counsel for the Corporation submits that in fact this hearing is in progress.

6. It is once against clarified that there shall be no stoppage of activities or sealing of the premises pending consideration of Show Cause Notice.

7. Ms. R. Pereira, learned Counsel points out that the petitioner has also sought for writ of mandamus to the Corporation for consideration of the petitioner's application for renewal of Trade Licence. The learned Counsel for the respondents points out that this application can be considered depending only upon the outcome of

the Show Cause Notice. This appears to be proper. Accordingly, depending upon the outcome of the Show Cause Notice, the respondent-Corporation to take decision in the matter of application for renewal of Trade Licence again, in accordance with law and on its own merit.

8. Rule is disposed of in the aforesaid terms. There shall be no order as to costs.

9. All concerned to act on the authenticated copy of this order.

NUTAN D. SARDESSAI, J.

M. S. SONAK, J.

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