

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 20 OF 2019

IN

WRIT PETITION NO. 1178 OF 2018

ALEX D'SOUZA AND ANR.,

... Applicants

Versus

YESHWANT A. SHIRODKAR AND ANR.,

... Respondents

Mr. Pranay A Kamat, Advocate for the applicants.

Mr. Yogesh V. Nadkarni, Advocate for the original petitioner.

Mr. P. Faldessai, Addl. Govt. Advocate for the original respondent nos.1,2 and 4.

Mr. J. A. Lobo, Advocate for the original respondent no.3.

Coram:- M. S. SONAK &
PRITHVIRAJ K. CHAVAN, JJ.

Date:- 7th January 2019

P.C.

Heard Mr. P. Kamat, learned Counsel for the applicants, Mr. Y. Nadkarni, learned Counsel for the original petitioner, Mr. P. Faldessai, learned Additional Government Advocate for the original respondent nos.1, 2 and 4 and Mr. A. Lobo, learned Counsel for the original respondent no.3.

2. This Misc. Civil Application seeks modification of the order dated 12.12.2018 by which respondents/State was directed to publish notification, notifying the date of election to the Comunidade of Serula as 27.1.2019 in accordance with the provisions of Code.

3. Mr. P. Kamat, learned Counsel for the applicants points out that annual feast of Our Lady of Salvation in the Salvador do Mundo Church and the Holy Family Church, Porvorim, Soccero, both of which fall within the extent and jurisdiction of Serula is scheduled on 27.1.2019. Mr. Kamat, submits that the election on this date is therefore, not at all feasible. He submits that applicants alongwith several Gaonkars have already represented for reschedule of the election at least by one week. On this ground he submits that order dated 12.12.2018 be modified and election schedule be postponed by at least a week.

4. Mr. Nadkarni, learned Counsel for the original petitioner as well as Mr. A. Lobo, learned counsel for the respondent no.3 oppose the request for modification. They submit that these are feasts of village churches and there will be no significant impact on the elections which are scheduled. In any case they point out that on such ground there can be no tinkering with the election schedule as announced.

5. Having considered the rival submissions, we see no good ground to modify our earlier order dated 12.12.2018. Election schedule once published, is to certain extent sacrosanct, and cannot be ordinarily revised or rescheduled, particularly for the reason referred to by the applicant. There is no ground made out for modification or postponement.

6. The application, therefore, is liable to be rejected and is hereby rejected.

7. Mr. Nadkarni, the learned Counsel for the original petitioner points out that the Administrator of the Comunidade, in compliance with our order dated 12.12.2018 has issued necessary notification. He points out that in one portion of the notification, the date of the election is correctly stated as 27.1.2019. However, in another portion there is reference to date to "27.1.2018". He points out that this is obvious typographical error which may be ordered to be corrected.

8. Mr. Phaldessai, learned Addl. Govt. Advocate for the respondent nos.1,2 and 4 accepts that there is typographical error and states that emergent steps will be taken for rectification, by way of abundant caution. This statement is accepted.

9. MCA is accordingly rejected. There shall however, no order as to costs.

PRITHVIRAJ K. CHAVAN, J.

M. S. SONAK, J.