

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO.101 OF 2019**

Keshav Ramchandra Naik

... Petitioner

V/s.

State of Goa & Ors.

...Respondents

Shri S.D. Padiyar with Shri S. Bhangui, Advocate for the Petitioner.

Shri M. Salkar, Government Advocate for Respondents No.1 to 4.

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

Date:- 6th September, 2019

ORAL ORDER : (Per M.S. Sonak, J.)

Heard Shri S.D. Padiyar, the learned Counsel for the petitioner and Shri M. Salkar, the learned Government Advocate for the respondents no.1 to 4.

2. Shri Padiyar states that respondent no.5 has been duly served in the matter.

3. Shri Salkar, the learned Government Advocate submits that rather than go to the issue of constitutional validity on Section 33(3) of the Goa Land Revenue Code, in the peculiar facts and circumstances of the present case, the respondent no.2 will not be averse to granting the

petitioner an opportunity of hearing and, consequently, reconsider the complaint made by respondent no.5 within the time bound schedule.

4. According to us, in the peculiar facts and circumstances of the present case, the aforesaid will be an appropriate course of action to be adopted.

5. Accordingly, without going into the merits, but on the short ground that the respondent no.2 will afford opportunity of hearing to both the petitioner as well as respondent no.5, we set aside the impugned order dated 06/12/2018 and direct the respondent no.2 to dispose of the complaint made by respondent no.5 on its own merits and in accordance with law, as expeditiously as possible and, in any case, within a period of three months from today. The respondent no.2, before disposing of the complaint will afford an opportunity of hearing to both the petitioner as well as respondent no.5.

6. We make it clear that we have not examined the rival contentions and, therefore, the rival contentions of the petitioner and respondent no.5 are expressly kept open for determination by the respondent no.2.

7. Taking into consideration the allegations made in the complaint we expect the respondent no.2 to dispose of the complaint as

expeditiously as possible and in any case within a period of three months from today, without entertaining any unnecessary requests for adjournment.

8. The petition is disposed of in the aforesaid terms. All concerned to act on the basis of authenticated copy of this order.

PRITHVIRAJ K. CHAVAN, J.

M. S. SONAK, J.

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