

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO. 667 OF 2019

JOSE ROQUE PINTO

... Petitioner

Versus

CHIEF OFFICER, MARGAO MUNICIPAL

COUNCIL, MARGAO AND 2 ORS.

... Respondents

Mr. Padgaonkar Chaitanya Prakash, Advocate for the petitioner.

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

Date :- 24th September, 2019

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

Heard Mr. Chaitanya Padgaonkar, learned Counsel for the petitioner.

2. The challenge in this petition is to the impugned order dated 19/10/2018 by which the Chief Officer of the Margao Municipal Council has declined to revoke the Occupancy Certificate dated 28/07/2017 issued to the respondent No.3.

3. According to us, the petitioner has alternate and efficacious remedy under The Goa, Daman and Diu Municipality Act, 1968 (said Act) available to him. The proviso of Section 293 of the said

Act, *inter alia*, confer power upon the Director of Municipal Administration to examine whether the orders or resolutions made by the Council or on behalf of the Council are unlawful or not. Further, if any person is aggrieved by the order of the Director, there is further an appeal provided to the Administrative Tribunal.

4. In the present case it is obvious that the impugned order dated 19/10/2018 is an order made by or on behalf of the Council.

5. The provision similar to Section 293 of the said Act has been interpreted by the Full Bench of this Court in the case of ***Sanjay Govind Sapkal and others v/s. Collector of Dhule and other¹***, indicating its scope and width. Besides, following *Sanjay Sapkal* (supra) in our order dated 17/09/2019 made in Writ Petition No. 141 of 2019, we decline to entertain a Writ petition on the ground that the petitioner in the said petition had alternate and efficacious remedy in terms of Section 293 of the said Act.

6. Now that we are satisfied that the petitioner has alternate and efficacious remedy, we do not think it appropriate to entertain the present petition. However, we grant liberty to the petitioner to avail of the alternate remedy under Section 293 of the said Act. If such remedy is availed by the petitioner, the Director of Municipal Administration to decide the matter on its own merit and in

¹ 2004 2 Mh.LJ 874

accordance with law as expeditious as possible. It is Needless to add that the Director of Municipal Administration will comply with the principles of natural justice and fair play while disposing of the proceedings.

7. With the aforesaid observations and liberty, we dispose of this petition.

NUTAN D. SARDESSAI, J.

M. S. SONAK, J.

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