

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 328 OF 2019

PRASAD CONSTRUCTIONS BUILDERS AND
DEVELOPERS, THR. ITS PROP., PRASAD
PANGAM.,

... Petitioner

Versus

THE SANKALI MUNICIPAL COUNCIL,
THR. ITS CHIEF OFFICER, SANKHALI
AND 3 ORS.,

... Respondents

Mr. Devidas J. Pangam, Advocate for the Petitioner.
Mr. S. D. Padiyar and Mr. P. Shirodkar, Advocates for
Respondent No.1.
Ms. Neha Umesh Kholkar, Addl. Government Advocate for
Respondent Nos.2 & 3.

Coram:- R. D. DHANUKA &
PRITHVIRAJ K. CHAVAN, JJ.

Date:- 26th March 2019

P.C.

By this petition filed under Article 226 of the Constitution of India, the Petitioner has impugned the show cause notice dated 14.02.2019 issued by Respondent No.1 on various grounds.

2. The learned counsel for Respondent No.1 on instructions states that the said show cause notice dated 14.02.2019 will not be treated as an order and would be treated as only the show cause notice under Section 184(8) of Goa Municipalities Act,

1968. He further states that till the show cause notice is decided, no action as contemplated under the said show cause notice would be initiated against the Petitioner. It is further submitted by the learned counsel that the said show cause notice would be decided by Respondent No.1 after giving an opportunity to the Petitioner of being heard and after complying with the principles of natural justice. The statement is accepted.

3. In view of the statement made by the learned counsel for Respondent No.1, Mr. Pangam, learned counsel for the Petitioner seeks leave to withdraw this petition with liberty to file appropriate proceedings in the event of any adverse order against the Petitioner, if passed by Respondent No.1 pursuant to the said show cause notice.

4. The statements made by both the learned counsel are accepted. The writ petition is disposed of by following order :

(a) The Petitioner would be at liberty to file a reply to the said show cause notice within 15 days from today without fail.

(b) The Chief Officer of Respondent No.1 shall hear the authorised representative of the Petitioner and after hearing and considering the reply to the show cause notice and other materials on record would pass an order in accordance with law.

(c) Copy of the said order shall be communicated to the

Petitioner within one week from the date of such order.

(d) In the event of the order proposed to be passed by Respondent No.1, if adverse to the Petitioner, Respondent No.1 shall not take any coercive action to implement such order for a period of two weeks from the date of communication of the said order. In that event, the Petitioner would be at liberty to file appropriate proceedings as permissible under the provisions of the Goa Municipalities Act, 1968.

(e) Such show cause notice dated 14.02.2019 shall be considered as a show cause notice and not an order.

(f) It is made clear that this Court has not expressed any opinion on merit of this petition.

(g) All contentions of both the parties are left open.

(h) Parties to act on the basis of authenticated copy of this order.

PRITHVIRAJ K. CHAVAN, J.

R. D. DHANUKA, J.

at*