

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 612 OF 2019

SURENDRA GAJANAN SAMANT., ... Petitioner

Versus

THE REGISTRAR (JUDICIAL), HIGH
COURT OF BOMBAY AT GOA, PANAJI., ... Respondent

Petitioner present in person.

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

Date:- 31st July, 2019

P.C.

Heard Mr. Surendra Gajanan Samant, who appears in person.

2. In the first place, we are not too sure whether Mr. Surendra Samant has obtained necessary permission from the committee constituted by the registry to appear in person. Nevertheless, looking to his age, we gave him a patient hearing in the matter.

3. On the previous occasion, since, he was unable to express himself clearly, we adjourned the matter for ourselves looking into the case papers to see what the precise issue was with a view to assist the Petitioner. The record indicates that there were some office objections raised to the registration of the petition

instituted by the Petitioner. Since they were not cleared within the prescribed period, the matter came up before the learned Single Judge of this Court. The learned Single Judge of this Court made an order granting the Petitioner an opportunity to clear the office objections within two weeks, failing which, the registration of the petition was to stand refused. This was in terms of the order dated 1st April, 2019.

4. Despite this opportunity, which was granted after hearing the Petitioner who appeared in person, it appears that the Petitioner did not clear the objections and as a consequence, the registration of the petition stood refused.

5. The Petitioner, instead of instituting appropriate proceedings for recall of the order dated 1st April, 2019 or seeking some additional time to clear the office objections, has chosen to institute this petition challenging the order of refusing registration of his petition.

6. Despite, the interaction with the Petitioner and explaining to him that the writ petition does not lie as against the decision of the learned Single Judge in such matters, the Petitioner by quoting his fundamental right and reminding us of our powers under Article 226 of the Constitution of India insisted that this petition be entertained. He points out that he is not challenging

the order of the learned Single Judge and, therefore, there is no bar for this Court to entertain the present petition. According to us, the Petitioner cannot require us to do indirectly what we are unable to do directly. The writ petition, is not maintainable and therefore, we do not entertain the same.

7. Since this was a very small issue, we tried to prevail upon the Petitioner to adopt an appropriate course of action which will not only consistent with the procedure and powers vested in this Court but we also enable the Petitioner to have his main petition heard on merits. However, the Petitioner is quite adamant. In these circumstances, we are left with no alternative other than to dismiss this petition. We accordingly do so with extremely reluctance. This petition is accordingly dismissed. There shall be no order as to costs.

8. However, the disposal of this petition will not come in the way of the Petitioner to take appropriate proceedings in relation to the order dated 1st April, 2019, made by the learned Single Judge of this Court, including, the proceedings for seeking extension of time to clear the office objections and thereafter, seek registration of his main petition. With this liberty, we dismiss this petition.

9. Looking to the conduct of the Petitioner today before us, we make it clear that the registry should examine whether the Petitioner should be permitted to appear in person. If for any reason the Petitioner is unable to afford Advocate, the registry to consider providing the Petitioner an Advocate under the Legal Aid Scheme.

NUTAN D. SARDESSAI, J.

M. S. SONAK, J.

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