

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 1095 OF 2018

CHANNAPPA GANGAPPA HOLEPPANAVAR., ... Petitioner

Versus

STATE OF GOA, THR. ITS CHIEF
SECRETARY AND 3 ORS.,

... Respondents

Mr. P. Arolkar, Advocate for the petitioner.

Mr. A. Prabhudessai, Addl.Govt. Advocate for the respondent
nos.1 to 3.

Respondent no.4 present in person.

Mr. D. Pangam and Mr. P. Sawant, Advocates for the respondent
no.4.

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

Date:- 16th April 2019

P.C.

Mr. Pangam learned Counsel for the respondent no.4 on instructions from him who is present in court fairly invited our attention to the order dated 11.12.2017 passed by the learned Mamlatdar and submitted that said order is passed without recording reasons. He has no objection if the impugned order is set aside and said complaint is remanded back to the learned Mamlatdar for deciding the matter afresh after complying with the principles of the natural justice and recording the reasons. Statement is accepted.

2. Order dated 14.12.2017 passed by the learned Mamlatdar

annexed at page 38 of the petition is accordingly set aside. Complaint filed by the respondent no.4 against the petitioner is restored to the file of the Mamlatdar with a direction to decide the said complaint afresh and in accordance with law. Learned Mamlatdar shall record the reasons while disposing of the said complaint and shall disposed of the same within ten weeks from the date of communication of this order. Mamlatdar is further directed to convey the order that is to be passed to the parties within one week from the date of passing the order. Writ Petition is accordingly dispose on the aforesaid terms. There shall be no order as to costs. If any of the party is aggrieved by the fresh order he can exercise such remedy as available in law. It is made clear that respondent and the authority are not precluded from passing any order on the ground that Code of Conduct is in force.

PRITHVIRAJ K. CHAVAN, J.

R. D. DHANUKA, J.