

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 586 OF 2019**

MATIAS XAVIER VAS.

... Petitioner

Versus

MIGUEL SANTAN CRUZ AND ANR. ... Respondents

Mr. Gaurish N. Agni, Advocate for the Petitioner.

Mr. A. Gosavi, Advocate for Respondent Nos.1 and 2.

Mr. D. Pangam, Advocate General with Mr. S. P. Munj, Advocate for Respondent No.3.

**Coram:- M. S. SONAK &
NUTAN D. SARDESSAI, JJ.****Date:- 30th September, 2019****P.C.**

Heard Mr. G. Agni, learned counsel for the Petitioner.

2. Mr. D. Pangam, learned Advocate General alongwith Mr. Munj, learned Addl. Government Advocate appear for Respondent No.3. Mr. A. Gosavi appears for Respondent Nos.1 and 2.

3. The challenge in this petition is to the order dated 13.05.2019, recorded in the Roznama by Respondent No.3 which reads as follows :

“The Goa Commission for SC/ST

Dated :13/05/2019

ROZNAMA

Both the parties attended Commission has passed oral interim relief stating that Respondent has to maintain the earlier commitment made on 29/04/2019 of re-roofing and re-connecting electricity within 7 days failing which complainant will be allowed to take police protection and do the roofing and re-connecting the electricity of which the cost will be borne by the Respondent. A written order will be shortly intimated to both the parties. The compliances of the interim relief is to be reached to the office. The merit of the matter will be decided later on. Matter adjourned till 17th June, 2019 at 3.00 p.m.

Sd/-

Chairperson

GOA COMMISSION FOR SC & ST”

4. Taking into consideration the provisions of the Goa Commission for SC/ST Act, 2010 as also the law laid down by the Apex Court in ***All India Indian Overseas Bank Scheduled Castes and Scheduled Tribes Employees Welfare Association & Others Vs Union of India & Others***,¹ we are of the opinion that the aforesaid impugned order is required to be set aside because the Commission has no power to grant injunction temporary or permanent in terms of the said Act as also the provisions of Article 338 of the Constitution of India.

5. On the aforesaid short ground, we set aside the impugned

¹ 1996(6) SCC 606

order dated 13.05.2019.

6. The setting aside of the aforesaid order will however not preclude the Respondent Nos.1 and 2 from applying to the Electricity Department of the Government of Goa for reconnection. If such application is made, Mr. D. Pangam, learned Advocate General states that the same will be disposed of by the Department in accordance with law and on its own merits within a period of two weeks from the date of receipt of the application.

7. We accept the aforesaid statement as well.

8. The petition is disposed of in the aforesaid terms.

9. All concerned to act on the basis of the authenticated copy of this order.

NUTAN D. SARDESSAI, J.

M. S. SONAK, J.

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