

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 549 OF 2019

MAHADEV ARJUN MALIK AND ANR. ... Petitioners

Versus

STATE OF GOA, THR. CHIEF SECRETARY

AND 11 ORS. ... Respondents

Mr. Deepak Gaonkar, Advocate for the petitioners.

Mr. Sagar Gurudas Dhargalkar, Additional Government

Advocate for respondents No.1,2,3 & 12.

Mr. T. Gawas, Advocate for respondent No.5.

Ms. T. Kamat Ghanekar, Advocate for respondents No. 6 to 11.

Coram:- M. S. SONAK &

NUTAN D. SARDESSAI, JJ.

Date :- 16th July 2019

P.C.:

Heard learned Counsel for the parties.

2. Mr. D. Gaonkar, learned Counsel for the petitioners states that the grievance of the petitioner for the present will be redressed if appropriate directions are issued to the respondent No.3 for expeditious disposal of complaints dated 12/02/2018

and 03/05/2018 made by the petitioners and other components of the Comunidade of Harvalem in the matter of illegal allotment of plots.

3. Mr. D. Gaonkar, learned Counsel points out that subsequent to lodging of the aforesaid complaints, there is an attempt to make yet another allotment which, according to the petitioners, is contrary to the provisions of the Code of Comunidade.

4. He states that the petitioners will lodge a complaint with regard to such proposed allotment within a period of two weeks from today to the Administrator of Comunidade.

5. According to us, the grievance of the petitioners can be redressed if directions are issued to the Administrator of Comunidade to dispose of the petitioners aforesaid two complaints as also the complaint which the petitioner proposes to file within two weeks from today as expeditiously as possible in any case within a period of four months from the date of receipt of the last complaint. Needless to add that the

Administrator of Comunidade will afford opportunity of hearing not only to the petitioners but also to the parties in favour of whom the allotments have been made or are proposed to be made by the Comunidade so that there is no complaint of failure of natural justice. The petitioners, will also inform the Administrator of Comunidade the names of the allottees, so that, appropriate notice can be issued to the allottees before any decision is taken on the complaints of the petitioners. The Administrator shall also afford opportunity of hearing to the respondents No.6 to 11, who are the Managing Committee members, since some allegations has been made against them as well.

6. We make it clear that we have not examined the merits of the matter and therefore, all contentions of the parties are left open to be decided by the Administrator of Comunidade in accordance of law and on their own merits.

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

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

NUTAN D. SARDESSAI, J.

M. S. SONAK, J.

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