

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 790 OF 2014**

1. Mr. Peter Herman Sequeira,
Tivim Madel, Voilo Vaddo,
Bardez, Goa 403 502.
2. Mr. Mateus Conceicao Micael De souza,
R/o. House No. 185, Querem Cungant,
Tivim, Bardez, Goa 403 502.
3. Mr. Luis Miguel D'souza,
R/o. House No. 121/1,
Tivim, Bardez, North Goa 403 502.
4. Mr. Alexandre Judas Fiel Estrocio,
R/o. House No. 330,
Tivim, North Goa,
Bardez, Goa 403 502.

... Petitioners.**Versus**

1. STATE
Through the Chief Secretary,
Having office at Secretariat,
Alto Porvorim, Bardez, Goa.
2. Comunidade of Tivim,
Through its attorney,
Having its office at Tivim Parish
Center, Tivim, Bardez, Goa 403 502.
3. Administrator of Comunidade,
North Zone,
Opp. Mapusa Civil Court,
Mapusa, Bardez, Goa.

4. The Police Inspector,
Mapusa Police Station,
Mapusa, Goa.

... Respondents

Mr. Rohit Bras De Sa, Advocate alongwith Ms. V. Shet, Advocate for the Petitioners.

Mr. Devidas J. Pangam, Advocate General alongwith Ms. Neha Kholkar, Additional Government Advocate for the Respondents No. 1, 3 and 4.

Mr. Shrikant Mahalunkar, Administrator of Comunidade, North.

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

Date : 4th October, 2019.

Oral Judgment: (Per M. S. Sonak, J.)

Heard Mr. Rohit Bras De Sa, learned Counsel for the Petitioners, Mr. Devidas J. Pangam, learned Advocate General alongwith Ms. Neha Kholkar, learned Additional Government Advocate for Respondents No.1, 3 and 4. The Respondent No.2 is duly served but not represented.

2. The basic grievance of the Petitioners is that the Petitioners' representations regards affairs of the Comunidade of Thivim are not even being investigated by the Administrator of Comunidade, who, in terms of the Code of Comunidade is duty bound to investigate.

3. Mr. Devidas Pangam, learned Advocate General makes a statement that the Administrator of Comunidade will look into the representations made by the Petitioners and dispose of such representations in accordance with the provisions of the Code of Comunidade by affording opportunity of hearing to both the Petitioners as well as the persons against whom the Petitioners have made allegations.

4. Mr. De Sa, the learned Counsel for the Petitioners submits that the present petition may itself be directed to be treated as Petitioners comprehensive representation in the matter and suitable directions be issued to the Administrator of Comunidade to dispose of the same in accordance with the provisions of the Code of Comunidade.

5. According to us, there is no harm in adopting the course of action suggested by Mr. De Sa. In fact, the statement made by the learned Advocate General substantially redresses the Petitioners grievances.

6. Accordingly, we accept the statement made by the learned Advocate General and consistent with the same, we direct the Administrator of Comunidade to treat this petition as Petitioners' representation and to dispose of the same in accordance with law as

expeditiously as possible and in any case within a period of six months from today. We add that the Administrator, must comply with the principles of natural justice and fair play, which, will include affording of opportunity of hearing to the Petitioners as well as the concerned Comunidade and persons against whom the Petitioners have levelled allegations. The Administrator to issue notices to all such persons and only thereafter dispose of the representations in accordance with law and on its own merits.

7. We make the rule absolute in the aforesaid terms. There shall be no order as to costs.

8. Since the Administrator of Comunidade is present in the Court, there is no necessity of issuing any further notice to the Administrator. The Administrator states that he has taken cognizance of this order and shall act accordingly.

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

NUTAN D. SARDESSAI, J.

M. S. SONAK, J.