

Assumpta

IN THE HIGH COURT OF BOMBAY AT GOA

WP NO.741 OF 2019

Shri. Prakash alias Prashant
Purshottam Gauns Dessai,
son of Purshottam Gauns Dessai,
45 years of age,
r/o. H. No.325, Voyamol,
Xeldem, Quepem, Goa.

.... Petitioner

V/s.

1. Administrator of Devalaya/
Mamlatdar of Quepem,
Quepem - Goa.

2. The Under Secretary (Revenue-I),
Government of Goa,
Secretariat – Porvorim, Goa.

3. The State of Goa,
through its Chief Secretary,
Secretariat – Porvorim, Goa.

4. The Managing Committee,
Shree Sateri Shantadurga Devalaya
alias Sateri Gramdevi of Xeldem,
Xeldem, Quepem, Goa.

.... Respondents

Mr. Ashwin D. Bhobe, with Ms. Annelise Fernandes, Advocates for
the Petitioner.

Mr. Manish Salkar, Government Advocate for the Respondents no.1 to 3.

Mr. P. Wagle, Advocate for the Respondent no.4.

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

Date : 23rd August, 2019.

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

Heard Mr. A. Bhobe, the learned Counsel for the petitioner. Mr. Manish Salkar, the learned Government Advocate for the respondents no. 1, 2 and 3 and Mr. P. Wagle, the learned Counsel for the respondent no. 4.

2. Rule. Rule is made returnable forthwith, at the request of and with consent of the learned Counsel for the parties.

3. At the outset, Mr. Wagle, the learned Counsel for the respondent no.4 states that the Annual General Meeting which was scheduled for 24th August 2019 has now been postponed. He states that this meeting will now be held sometime in the last week of September 2019. This statement is accepted.

4. The record indicates that the Administrator of Devalaya/Mamlatdar of Quepem Taluka, vide Judgment and Order dated 2.5.2019 has forwarded a proposal to the Government for dissolution of the Managing Committee by invoking Article 44 of the Devasthan Regulation Act in force. Mr Salkar, the learned Government Advocate states that on the basis of the proposal made, the Government will issue a Show Cause Notice to the respondent no.4 within a period of one week from today. Mr. Walke, the learned Counsel states that the respondent no. 4 will response to the Show Cause Notice within a period of two weeks from the date of its receipt. The appropriate Authority of the Government will then take a decision in accordance with law after affording an opportunity of hearing to the respondent no. 4 and the petitioner and communicate such decision to both the respondent no.4 as well as the petitioner.

5. We expect the aforesaid entire process to be completed by end of September, 2019. Therefore it is appropriate that the respondent no. 4 defers the holding of the Annual General Meeting to some date in the first week of October, 2019 instead of the last week of September, 2019. We direct accordingly.

6. The aforesaid order according to us redresses the grievance of the petitioner substantially. At the same time, the interest

of the respondent no.4 is also protected.

7. Rule is disposed of in the aforesaid terms. There shall be no order as to costs.

8. All concerned to act on the basis of an authenticated copy of the Order.

NUTAN D. SARDESSAI, J. *M. S. SONAK, J.*
*af**