

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 950 OF 2017**

1. Deepak Shetye,
Major in age and resident of
House No.653,
Pintos Vaddo,
Candolim, Bardez-Goa.

2. Neelava Badiger,
Major of age,
Resident of
H. No.616, Pintos Waddo,
Candolim, Bardez, Goa.

.... Petitioners.

V e r s u s

1. State of Goa,
Through the Chief Secretary,
Secretariat,
Porvorim-Goa.

2. Directorate of Transport,
1st floor, Junta House,
Panaji-Goa.

3. Secretary/Sarpanch,
Village Panchayat of Candolim,
Candolim-Goa.

4. The Manager,
Tree House,
Pintos Vaddo,
Candolim, Bardez-Goa.

..... Respondents

Mr. Ganesh R. Naik, Advocate for the Petitioners.

Mr. S. Dhargalkar, Addl. Government Advocate for Respondent
nos.1 and 2.

Mr. P. Sawant, Advocate for Respondent no.3.
Mr. V. Korgaonkar, Advocate for Respondent no.4.

**Coram:- M. S. SONAK &
PRITHVIRAJ K. CHAVAN, JJ.
Date:- 17th January 2019.**

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

Heard Mr. Naik, the learned counsel for the petitioners, Shri Dhargalkar, the learned Additional Government Advocate for the Respondent nos.1 and 2, Shri Sawant, the learned counsel for the respondent no.3 and Shri Korgaonkar, the learned counsel for the Respondent no.4.

2. After this matter was heard for some time, Mr. Sawant, the learned counsel appearing for the respondent no.3, on the basis of instructions from the respondent no.3 and without prejudice to the rights of the respondent no.3, states that the respondent no.3 will withdraw the impugned communications dated 25/9/2017 (at pages 51 to 53 of the paper book), forthwith.

3. The statement is accepted.

4. The impugned communications to be treated as withdrawn forthwith.

5. Mr. Sawant submits that such withdrawal should not preclude the respondent no.3 from issuing show cause notice to the petitioners and thereafter from taking action as may be permissible under the law, in relation to the NOCs earlier granted by the respondent no.3.

6. Since, the withdrawal of the impugned commutations is mainly because the same were not preceded by compliance with principles of natural justice, there is no difficulty in clarifying that the respondent no.3 will have the liberty to take such action as is permissible under the law after due compliance with the principles of natural justice.

7. It is made clear that this Court has not adverted to the merits of the matter.

8. Accepting the statement as aforesaid, as well as reserving the liberty as aforesaid, this petition is disposed off.

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

PRITHVIRAJ K. CHAVAN, J.

M. S. SONAK, J.

ap/-

