

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.67/2019

Reuben Franco,
son late Vicent Franco,
aged 57 years, Indian National
resident of House No.143,
Umtawaddo,
Calangute, Bardez, Goa.

..... Petitioner.

Versus

1. State of Goa, through
its Chief Secretary, having
Office at Secretariat,
Porvorim, Bardez, Goa.

2. Village Panchayat Calangute
through its Sarpanch/Secretary,
having Office at V.P. Calangute,
Bardez, Goa,

3. The Director of Panchayats,
Government of Goa, having
Office at Third Floor, Junta House,
Panaji, Goa.

..... Respondents.

Mr. Rohit Bras de Sa, Advocate for the Petitioner.

Ms. Priyanka Kamat, Additional Government Advocate for
Respondents No.1 and 3.

M. Kapil D. Kerkar, Advocate for Respondent No.2.

***Coram : M.S. Sonak &
Prithviraj K. Chavan, JJ.***

Date : 4 March 2019.

ORAL JUDGMENT: (Per M.S. Sonak, J.)

1. Heard Mr. Rohit Bras de Sa for the Petitioner, Ms. Priyanka Kamat, Additional Govt. Advocate for Respondents No.1 and 3 and Mr. Kapil Kerkar for Respondent No.2.
2. Rule. Rule is made returnable forthwith with the consent and at the request of the learned Counsel for the parties.
3. The challenge, in this Petition, is to the communication dated 11 October 2018, and the Resolution dated 27 September 2018, appended to the communication dated 11 October 2018.
4. For the sake of convenience, we say that the challenge is to the impugned Resolution.
5. As against the impugned Resolution, the Petitioner has an alternate remedy of instituting an appeal. However, Mr. Rohit Bras de Sa, learned Counsel for the Petitioner, pointed out that the sole reason for the impugned Resolution, by which the Panchayat has declined to renew the licence to the Petitioner to operate the guest house and the restaurant, is because the Petitioner failed to produce the original of such licence. Mr. Rohit Bras de Sa submits that this is

evident from the letter dated 18 July 2018, addressed by the Panchayat, to the Petitioner. Mr. Rohit Bras de Sa submits that the Petitioner has made it clear that the original is not in possession of the Petitioner, since, the same was produced before the Panchayat itself at the time of its previous renewal.

6. According to us, it is not the case of the Panchayat that the Petitioner was never granted licence to operate the guest house and the restaurant, earlier. The Petitioner has also produced on record xerox copies of the licence, accorded to him, earlier. The authenticity of the same has also not been doubted by the Panchayat.

7. In the aforesaid circumstances, we do not feel that the Panchayat was right in rejecting the application for renewal of the licence for operating the guest house and the restaurant. The Panchayat is also bound to have records of the previous licences granted to the Petitioner.

8. Accordingly, for the aforesaid reasons, rather than relegating the the Petitioner to avail the alternate remedy, we quash and set aside the impugned Resolution and direct the Panchayat to renew the licence of the guest house and restaurant, within a period of two weeks from today, subject to payment of necessary fees and other compliances, if any, on the part of the Petitioner.

10. Rule is made absolute in the aforesaid terms. There shall be no order as to costs.

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

(Prithviraj K. Chavan, J.)

(M.S. Sonak, J.)