

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 180 OF 2019

SITABAI RAJARAM NAIK DESAI AND
ANR.,

... Petitioners

Versus

THE CUNCOLIM MUNICIPAL COUNCIL,
CUNCOLIM AND 3 ORS.,

... Respondents

Mr. J. E. Coelho Pereira, Senior Advocate with Mr. Vilas
Pavithran, Advocate for the Petitioners.
Mr. S. D. Padiyar and Mr. P. Shirodkar, Advocates for
Respondent Nos.1 and 2.

Coram:- R. D. DHANUKA &
PRITHVIRAJ K. CHAVAN, JJ.

Date:- 18th April 2019

P.C.

By this petition, the Petitioners seek a writ of mandamus against the Respondent Nos.1 and 2 to dispose of the complaint of the late husband/father of the Petitioner Nos.1 and 2 respectively with regard to the alleged illegal construction carried out by Respondent No.3 and for other reliefs.

2. The learned counsel for the Respondent Nos.1 and 2 states that the said complaint would be disposed of by the Respondent Nos.1 and 2 after hearing the Petitioners as well as the Respondent No.3 within four weeks from the date of first meeting. The statement is accepted.

3. Since the Respondent No.3 is not present though served, the Respondent Nos.1 and 2 are directed to serve a notice upon the Respondent No.3 with a direction to remain present at the time of hearing. The Petitioners are also directed to remain present before the Chief Officer of Respondent No.1 on 26th April, 2019 at 11.00 a.m. The Respondent Nos.1 and 2 are directed to convey this order to the Respondent No.3 for compliance and with a direction to remain present before the Chief Officer of Respondent No.1 at the time of hearing.

4. It is made clear that neither the Petitioners nor the Respondent No.3 shall seek any unnecessary adjournments before the Chief Officer of Respondent No.1 at the time of hearing. The Chief Officer of Respondent No.1 shall pass an order after complying with the principles of natural justice and in accordance with law and shall communicate the said order to the parties within one week from the date of passing such order. It is made clear that this Court has not expressed any opinion on the merits of this petition.

5. The writ petition is accordingly disposed of on the aforesaid terms. All contentions of all parties are left open. No order as to costs.

6. Parties to act on the basis of the authenticated copy of this order.

PRITHVIRAJ K. CHAVAN, J.

R. D. DHANUKA, J.

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