

IN THE HIGH COURT OF BOMBAY AT GOA***WRIT PETITION NO. 29 OF 2019***

Mrs. Zenia Maureen Mascarenhas
@ Zenia Maureen D'Mello,
Widow of Late Mr. Collin Mascarenhas,
R/o. David House, Margao, Goa. ... Petitioner

Versus

1. State of Goa,
Through the Chief Secretary,
Govt. of Goa, Alto Porvorim,
Bardez, Goa.
2. Margao Municipal Council,
Through its Chief Officer,
Municipal Building, Margao, Goa.
3. Directorate of Municipal
Administration,
1st floor, Dempo Towers,
EDC Pato Plaza,
Panaji, Goa. ... Respondents

Mr. Rohit Bras De Sa, and Ms. Vishaya Shet, Advocates for the
Petitioner.

Mr. Amogh Prabhudesai, Additional Government Advocate for the
Respondent Nos. 1 and 3.

Mr. C.A. Coutinho, Advocate for the Respondent No.2.

***Coram : R.D. Dhanuka, &
Prithviraj K. Chavan, JJ.***

Date : 19th March 2019.

ORAL JUDGMENT : (Per R.D. Dhanuka, J.):

Rule.

2. Learned Counsel appearing for the Respondent Nos. 1 and 3 waives service. Learned Counsel appearing for the Respondent No.2 waives service. By consent of the parties, the petition is heard finally.

3. By this petition, the Petitioner seeks a Writ of Mandamus, or any other Writ in the nature of Mandamus, directing the Respondent No.2 to withdraw the Notice dated 22.10.2018, and for other reliefs.

4. Learned Counsel appearing for the Respondent No.2 fairly states that no Notice as contemplated under Section 115 of the Goa Municipalities Act, 1968 was issued to the Petitioner, inviting objections to the valuation and assessment on the property of the Petitioner. He states that the Petitioner would be issued Notice as contemplated under Section 115 of the said Act, and would pass a fresh order after considering the objections of the Petitioner, and after

personal hearing, and after complying with the provisions of Sections 109 to 130 of the said Act. This statement is accepted.

5. In view of the statement made by the learned Counsel for the Respondent No.2, Notice dated 22.10.2018 and all subsequent steps taken by the Respondent No.2 in furtherance of the said Notice dated 22.10.2018, are quashed and set aside.

6. Respondent No.2 is directed to issue notice upon the Petitioner as contemplated under Section 115 of the said Act, and to follow the procedure prescribed therein, and shall pass a fresh order in accordance with the law. It is made clear that this Court has not expressed any views on the merits of the matter. The contentions of all the parties are kept open.

7. The Rule is made absolute in the aforesaid terms. There shall be no orders as to costs. The parties to act upon the authenticated copy of this order.

Prithviraj K. Chavan, J.

R.D. Dhanuka, J.

Dv*