

IN THE HIGH COURT OF BOMBAY AT GOA***WRIT PETITION NO. 63 OF 2019***

Pundalik Vithoba Fatrekar ... Petitioner

Versus

The Deputy Collector, SDO, Ponda, Goa Respondents

Mr. Sudin Usgaonkar, Senior Advocate with Ms. Tanvi Kamat
Ghanekar, Advocate for the Petitioner.

Mr. Dattaprasad Lawande, Advocate General with Ms. Priyanka
Kamat, Additional Government Advocate for the respondent.

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

Date : 29 January 2019.

P.C. :

Heard Mr. Usgaonkar, learned Senior Advocate for the
petitioner and Ms. Kamat, learned Additional Government Advocate
for the respondent.

2. The learned Advocate General has also intervened in the
matter.

3. The Secretary (Revenue) by order dated 27.11.2017 had
directed the Deputy Collector to complete inquiry in Revision Case

no.15/13/2016-RD within a short span of time, not exceeding two months and to make final orders in pursuance of the remand.

4. Though, we are in January 2019, the direction has not been complied with, by the Deputy Collector.

5. Accordingly, we were inclined to direct some actions against the Deputy Collector. However, Mr. Vishal Kundaikar, Deputy Collector concerned is present in the Court and has stated some reasons as to why the order of the Secretary (Revenue) could not be complied with. The reasons, according to us, are far from satisfactory. However, Mr. Kundaikar has not only tendered apology but further volunteered to pay costs of Rs.5000/- (Rs. Five thousand) only. The learned Advocate General has also submitted that on this occasion, no serious action may be taken against Mr. Kundaikar. The learned Advocate General has submitted that a message will go that the orders made by Appellate/Revisional Court Authorities under the Code, as also time-bound directions issued by the Courts and Tribunals must be complied with by the concerned Officers/Authorities, failing which they might be liable for action.

6. Accordingly, now, we direct the Deputy Collector concerned to dispose of the proceedings, as expeditiously as possible

and in any case within a period of four weeks from today. In disposing of the proceedings, the Deputy collector is required to comply with the principles of natural justice and fair play and decide the matters on its own merits.

7. On this occasion, we accept the apology of Mr. Kundaikar. He has to pay costs of Rs.5000/- (Rs.Five thousand) as volunteered to the Goa State Legal Services Authority, within a period of two weeks from today.

8. We make it clear that we have not examined the merits of the matter and, therefore, it is left to the Deputy collector to decide the proceedings before him in accordance with law.

9. This petition is disposed of in the aforesaid terms. There shall be no order as to costs.

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

Prithviraj K. Chavan, J.

M.S.Sonak, J.