

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 17 OF 2019

PRAKASH @ PRASHANT PURSHOTTAM
GAUNS DESSAI.,

... Petitioner

Versus

ADMINISTRATOR OF
DEVALAYA/MAMLATDAR OF QUEPEM AND
ANR.,

... Respondents

Ms. A. Fernandes, Advocate for the petitioner.
Mr.P. Wagle, Advocate for respondent no.3.
Mr. A. Jamadar, Addl. Govt. Advocate for respondent no.1.

Coram:- M. S. SONAK &
PRITHVIRAJ K. CHAVAN, JJ.

Date:- 5th February 2019

P.C.

By this petition, the petitioner seeks following reliefs:

"(a) For a writ of mandamus, order or direction in the nature of mandamus, thereby directing the Respondent no.1 to perform its statutory duties and thereby to dispose off the show cause notice dated 25.10.2018 and to complete the proceedings bearing no.MAM/APM/DEV/2/2018 as expeditiously as possible and within a stipulated period, which period this Hon'ble Court feels appropriate.

(b) For an order restricting the Respondent no.2 from dealing with the financial matters of Shree Sateri Shantadurga Devalaya alias Sateri Gramdevi of Xeldem, thereby restricting

the spending of the finances of Shree Sateri Shantadurga Devalaya alias Sateri Gramdevi of Xeldem and restricting the Respondent no.2 from collecting any amounts/donations from the general public, pending the hearing and final disposal of the present petition and the proceedings bearing no.MAM/QPM/Dev/2/2018."

2. So far as prayer clause (a) is concerned, since, respondent no.1 has already issued show cause notice on 25.10.2018, it is only appropriate that respondent no.1 is directed to dispose of said show cause notice expeditiously. Accordingly, we direct respondent no.1 to dispose of show cause notice dated 25.10.2018 as expeditiously as possible in any case within three months from today by complying with the principles of natural justice and fair play. It is made clear that we had not adverted to the merits of the matter and, therefore, it is open for the respondent no.1 to dispose of show cause notice, on its own merits and in accordance with law.

3. In so far as prayer clause(b) is concerned, for the present, we are not inclined to grant the same. However, if the Mamlatdar, in the course of disposal of the show cause notice, finds that the Managing Committee is indulging in excessive expenditure or indulging in expenditure which is not for the purposes of management of the affairs of the temple, the Mamlatdar is at liberty to make appropriate order in this regard, as well.

4. This petition is disposed of, with the aforesaid directions.

There shall be no order as to costs.

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

PRITHVIRAJ K. CHAVAN, J.

M. S. SONAK, J.

vn