

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 177 OF 2019

LOKESH S. TALWADKAR.,

... Petitioner

Versus

THE CHIEF OFFICER, PONDA MUNICIPAL
COUNCIL,PONDA AND 2 ORS.,

... Respondents

Shri Usgaonkar Sudesh Manohar and Ms. R. Perreira, Advocates
for the petitioner.

Shri G. Agni, Advocate for the respondent No.1.

Shri Pavithran A.V., Advocate for the respondent No.2.

Coram:- NUTAN D. SARDESSAI, J.

Date:- 6th November, 2019

P.C.:

Heard Shri Sudesh Usgaonkar, learned Advocate for the petitioner, Shri G. Agni, learned Advocate for the respondent No.1 and Shri Pavithran A.V., learned Advocate for the respondent No.2.

2. Shri G. Agni, learned Advocate for the respondent No.1 and Shri Pavithran A.V., learned Advocate for the respondent No.2 submit that an alternate remedy is available to the petitioner to invoke the revisional jurisdiction of the Government under Section 303 of the Goa Municipalities Act,1968. However, Shri Usgaonkar, learned Advocate for the petitioner submits that the

jurisdiction of this Court is plenary and that it cannot be curtailed by seeking recourse to Section 303 of the said Act. In any event, jurisdictional issues are involved in the matter and that this Court in the exercise of its power of superintendence under Article 227 of the Constitution of India would be well within its domain to exercise its supervisory power considering the judgment in Whirlpool Corporation v/s. Registrar of Trade Marks, Mumbai and others [(1998) 8 SCC 1]. In view thereof, the contention of Shri Agni, learned Advocate and Shri Pavithran, learned Advocate does not stand the test of scrutiny on the availability of an alternate remedy to the petitioner to challenge the order in question.

3. In any event, looking to the Show Cause Notice issued to the respondents and the requirement of the respondent No.1 to decide appropriately, it is apparent that the orders so passed is on the face of it is beyond the predicates of the Show Cause Notice issued to the respondent Nos.2 and 3. The order is otherwise also non-speaking and in view thereof the same cannot be allowed to stand. The said order is quashed and set aside and the matter is remanded to the respondent No.1 to decide the same in accordance with law after giving an opportunity of hearing to the parties. The respondent No.1 to decide the Show Cause Notice within six weeks w.e.f. today.

4. The petition stands disposed off accordingly.

NUTAN D. SARDESSAI, J.

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