

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 76 OF 2019

CONSTANCIO FERNANDES (DEC) THR.
HIS LRS.,

... Petitioner

Versus

FRANCISCO XAVIER FERNANDES AND 2
ORS.,

... Respondents

Adv. Ketan Morajkar for the Petitioners.
Adv. Byron Rodrigues for the Respondents.

Coram:- C. V. BHADANG, J.

Date:- 10th June 2019

Oral Order:

Heard learned counsel for the parties.

2. It is not disputed that the impugned judgment and order dated 30/8/2018, dismissing the revision application filed by the respondent, is in favour of the petitioners. The petitioner is only aggrieved by the liberty granted by the learned District Judge to the respondents to apply for regularization, if so advised.

3. The learned counsel for the respondents points out that even before the grant of liberty by the learned District Judge, the respondent had already moved the Director of Panchayats seeking regularization.

4. In any event, for a party to apply for regularization, no liberty is necessary, inasmuch as, if such regularization application is filed, the competent authority has to decide the same in accordance with the applicable statutory provisions. There cannot be any prohibition against a party for applying for regularization. Merely because the learned District Judge has granted liberty, it does not mean that there is any direction for regularization as such. In that view of the matter, I decline to entertain the petition, which is accordingly dismissed with no order as to costs. Needless to mention that the competent authority shall decide the regularization application, if filed or pending on its own merits and in accordance with law.

C. V. BHADANG, J.

ap/-