

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 217 OF 2020

Mr. Aires Rodrigues

..... Petitioner

*V e r s u s*

Corporation of the City of Panaji  
through its Commissioner & 3 Ors.

..... Respondents

Mr. Aires Rodrigues, Advocate for the Petitioner.

Mr. A. D. Bhobe, Advocate for the Respondent no.1.

Mr. D. Pangam, Advocate General with Mr. S.P. Munj, Additional  
Government Advocate for the Respondent nos. 2 to 4.

Coram :- M. S. SONAK &  
M. S. JAWALKAR, JJ.

Date : 16<sup>th</sup> June, 2020

ORAL ORDER

Heard Mr. Aires Rodrigues, the petitioner in person, Mr. A. D. Bhobe, the learned Counsel appearing for the City Corporation of Panaji, i.e. respondent no.1 and Mr. D. Pangam, the learned Advocate General, for the respondent nos.2 to 4.

2. This petition, seeks an appropriate writ requiring the City Corporation of Panaji, to comply with the provisions of Section 41 of the Goa City of Panaji Corporation Act, 2002 (*said Act*), which concerns the Constitution of Wards Committees.

3. Section 41 of the said Act reads, as follows :

***“41. Constitution of Wards Committees.—*** (1) *There shall be constituted not more than seven Wards Committees for the City of Panaji, each comprising such contiguous electoral wards, as may be decided by the Corporation.*

(2) *Each Wards Committee shall consist of:—*

(a) *the Councillors representing the electoral wards within the territorial area of the Wards Committee;*

(b) *the officer-in-charge of the territorial area of the Wards Committee, if any;*

(c) *such number of other members not exceeding three, nominated by the Councillors referred to in clause (a), from amongst the members of recognised non-Government Organisations and community based Organisations engaged in social welfare activities working within the area of the Wards Committee:*

*Provided that such persons are registered as electors in*

*the Wards within the jurisdiction of the Wards Committee:*

*Provided further that, the norms for recognition of the non-Government Organisations, the requisite qualification for nomination as members and the manner in which they are to be nominated shall be such as the State Government may prescribe.*

*(3) The duration of the Wards Committee shall be co-terminus with the duration of the Corporation.*

*(4) The elected Councillors referred to in clause (a) of subsection (2) shall at the first meeting of the Wards Committee in each financial year, elect from amongst themselves the Chairperson who shall hold office until the first meeting in the next following financial year.*

*(5) The Chairperson of the Wards Committee shall be deemed to have vacated the office as soon as he ceases to be a Councillor.*

*(6) In the event of the office of the Chairperson falling vacant before the expiry of its term, the Wards Committee shall elect a new Chairperson:*

*Provided that the Chairperson so elected shall hold office so*

*long only as the Chairperson in whose place he is elected would have held office if such vacancy had not occurred.*

*(7) The functions of the Wards Committee shall, subject to the general supervision and control of the Corporation be:-*

*(a) the speedy redressal of common grievances of citizens connected with local and essential municipal services like water supply, drainage, sanitation and storm water disposal;*

*(b) to consider and make recommendations on the proposals regarding estimates of expenditure pertaining to the wards under different heads of accounts of the budget before being forwarded to the Commissioner;*

*(c) to grant administrative approval and financial sanction to the plans for municipal works to be carried out within the territorial area of the Wards Committee costing upto rupees five lakhs, provided that a specific provision exists therefore in the budget sanctioned by the Corporation.*

*(8) Notwithstanding anything contained in sub-section (7), the Corporation may, by resolution, delegate to a Wards Committee such other powers, authority and functions as it may deem fit and expedient;*

*(9) The Wards Committee shall meet at least once in every month at its Ward Office, if any, or in the Corporation*

*Office.”*

4. Mr. Rodrigues pointed out that the provisions of Section 41 of the said Act are mandatory particularly considering the phraseology employed by the legislature and the functions which the Wards Committees are expected to discharge in terms of Section 41(7) of the said Act.

5. Mr. A. D. Bhobe, the learned Counsel for the respondent no.1, on instructions, makes a statement, that the process for constitution of the Ward Committees is already on and the Ward Committees will be constituted in accordance with law within a period of 15 days from today. This statement is accepted as an undertaking given to this Court.

6. Mr. Rodrigues, the petitioner who appears in person, expresses satisfaction at the record of such a statement and states that this petition may be disposed off by accepting such statement.

7. Accordingly, we accept the statement as aforesaid and direct the respondent no.1 to act in accordance with such statement.

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

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

**M. S. JAWALKAR**

**M. S. SONAK, J.**

arp/\*