

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 181 OF 2020

HARI RAMA NAIK GAONKAR
AND ANR.,

... Petitioners

Versus

THE MAMLATDAR AND
ADMINISTRATOR OF DEVALAYAS,
BICHOLIM AND ANR.,

... Respondents

Shri Preetam Talaulikar, Advocate for the petitioners.
Shri P. Faldessai, Addl. Govt. Advocate for the respondents.

Coram:- DAMA SESHADRI NAIDU, J.

Date:- 25th February 2020

P.C.

The dispute concerns the temple rituals: "Kalash Festival". The petitioner complains that there are four groups and that a couple of groups wants to exclude the petitioners' group from participating in the festivity. In fact, the rival complaints ended before the Mamlatdar, the competent authority, who passed the impugned order, dated 21.2.2020.

2. Assailing the Mamlatdar's order, dated 21.2.2020, the petitioners have filed this Writ Petition.

3. To my specific query about the appellate remedy, the petitioners' counsel has fairly submitted that under Article 248 of Devasthan Regulations, the Administrative Tribunal is the Appellant Authority. He nevertheless insists that a quasi-judicial order offending the principles of natural justice must be amendable to this Court's

jurisdiction under Articles 226 of 227 of the Constitution of India. So this Court has jurisdiction, according to him.

4. Before I could rule on that aspect, the Additional Government Advocate has fairly submitted that the judgment impugned does not come in petitioners' way. According to him, the petitioners' entire endeavour is to ensure that they participate in the festivity. In this context, the learned AGA stresses that the impugned order does not prevent the petitioners from participating in the festivity; it only, on the contrary, wants to ensure that there is no breach of peace. In other words, so long as the petitioners' do not breach the peace, they can as well participate in the festival.

5. With the learned Additional Government Advocate's stand, the petitioners' counsel is satisfied,

6. I, therefore, dispose of this writ petition, holding that the impugned judgment does not prevent the petitioners from peacefully participating in the festival.

Parties to act on the authenticated copy of this order.

DAMA SESHADRI NAIDU, J.

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