

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 97 OF 2020

UDAY GOPALKRISHNA TENGSE., ... Petitioner

Versus

**STATE, THR. ITS CHIEF SECRETARY
AND 5 ORS.,** ... Respondents

Mr. Shashikant Narayan Joshi and Ms. S. Rawool, Advocates for the Petitioner.

Mr. D. Pangam, Advocate General with Ms. M. Correia, Addl. Government Advocate for Respondent Nos.1, 2 and 4.
Mr. C. A. Ferreira and Mr. S. Gomes Pereira, Advocates for Respondent No.3.

Mr. D. Vernekar, Advocate for Respondent No.5.

Coram:- M. S. SONAK &
NUTAN D. SARDESSAI, JJ.

Date:- 27th February, 2020

P.C.

After this matter was argued for some time, Mr. S. N. Joshi, learned counsel for the Petitioner states that within a period of ten days from today the Petitioner will take out proceedings under Section 133 of Criminal Procedure Code before the appropriate Authority.

2. The learned Advocate General makes a statement that if such proceedings are taken out, appropriate Authority which will be the Mamlatdar of Canacona (Executive Magistrate), will dispose of such proceedings in accordance with law and on their

own merits.

3. This statement is accepted and the Executive Magistrate is directed to act accordingly. We also add that in disposing of such proceedings, the learned Executive Magistrate may note that the arrangement recorded in our order dated 15th April, 2019 is an interim arrangement and the same, need not bar the Executive Magistrate from disposing of the proceedings. So also, the Executive Magistrate, need not be influenced by any previous inquiries undertaken on this issue including the Note dated 10th April, 2019 on the letter-head of Deputy Collector and SDO, Canacona. The issue will have to be examined afresh, no doubt, in accordance with law and on their own merits by affording all concerned opportunity so that, there is no complaint of failure of natural justice.

4. All contentions of all parties including on the issue of maintainability are kept open.

5. This petition is disposed of in the aforesaid terms.

NUTAN D. SARDESSAI, J.

M. S. SONAK, J.

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