

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.7 OF 2021

Prasanna Nagvekar,
Major in age, 45 years,
R/o H.No. B/169/1,
Reis Magos,
Bardez-Goa.

... Petitioner.

Versus

1. Advino Fernandes,
R/o H. No. S-92, 47 year
Near Hanuman Temple,
Sonarbhat,
Reis Magos,
Bardez-Goa.

2. Sachin Satardekar,
R/o H. No. A/168, 50 year
Near Saraswati Temple,
Reis Magos, Verem,
Bardez-Goa.

3. Rajesh Dabholkar,
R/o H. No. A/70, 52 year
Near Shantadurga Temple,
Reis Magos,
Bardez-Goa.

4. Virendra Shirodkar,
Son of Gurudas Shirodkar,
Aged 47 years,
R/o H.No S 68
Sonarbhat,
Verem Reis Magos,
Bardez-Goa.

5. Pundalik Khorjuvenkar
Major of age, 48 years
Presently working as
Deputy Director of Tribal Welfare,
Shramshkti Bhavan, Patto,
Panaji-Goa.

6. Premanand Mandrekar
Major of age, 42 year
Presently working as
Secretary Village panchayat
Reis Magos,
Bardez-Goa.

7. Dr Benoy Berry,
Major in age, 53 year,
r/o Hotel Dolphin Bay,
Kegdevelim,
Reis Magos,
Bardez-Goa.

8. M/s Spark Healthline Pvt. Ltd,
Through its managing director,
Having office at B-4,
Hauz Khas, South Delhi,
Delhi-110016.

9. The State Government of Goa,
Through its Chief Secretary,
Secretariat,
Porvorim, Goa.

10. Secretary
(Panchayat Department)
Government of Goa,
Secretariat, Porvorim, Goa.

11. Police Inspector,
Anti Corruption Branch,
Altinho, Panaji, Goa.

... Respondents.

Mr. S.S. Kantak, Senior Advocate for the Petitioner.

Ms. Maria Correia, Additional Government Advocate for Respondents
No. 9 and 10

Mr. Hanumant D. Naik, Advocate for Respondents No.1, 2 and 3.

Coram: M.S. SONAK, J.

Date: 14th July 2021.

ORAL JUDGMENT:

Heard Mr. S.S. Kantak, learned Senior Advocate who appears with Mr. Taulikar for the Petitioner, Mr. Hanumant Naik appears for Respondents No.1, 2 and 3 (Original Complainants before the Hon'ble Lokayukta).

2. Having regard to the issues raised in this petition, Rule is granted and further, the rule is made returnable forthwith at the request of and with the consent of the learned Counsel for the contesting Respondents.

3. Mr. Kantak, the learned Senior Advocate appearing for the Petitioner points out that presently, he is restricting his challenge to the order dated 18.12.2020 made by the competent authority (Chief Secretary) accepting and proposing action in terms of the recommendation of the Lokayukta made in Proceeding No.26/2019 on 14.09.2020.

4. Mr. Kantak submits that though the Petitioner was heard by the competent authority, the impugned order dated 18.12.2020 neither reflects any consideration of the contentions urged by and on behalf of the Petitioner nor does the impugned order contain any reasons whatsoever. He submits that for these reasons, the impugned order dated 18.12.2020 is liable to be set aside.

5. Mr. Hanumant Naik submits that though it may be true that there are no reasons in the order dated 18.12.2020, since, this is a case of the competent authority merely agreeing with the recommendation of the Lokayukta, the impugned order may not be interfered with.

6. In the peculiar facts of the present case, I feel that at least some reasons were necessary that would reflect the consideration of the contentions raised by and on behalf of the Petitioner. Since there are no reasons whatsoever, the impugned order is liable to be set aside, without going into the larger question of whether in any such type of matters, there is invariably an obligation to either hear the parties or to make detailed reasoned orders. Such larger issue is expressly kept open and can be gone into in an appropriate case.

7. Having regard to the peculiar circumstances of the present case, therefore, the impugned order dated 18.12.2020 made by the competent authority is hereby set aside and the competent authority is hereby directed to once again hear both the Petitioner as well as the Original

Complainants i.e. Respondents No.1, 2 and 3 and take a decision on the further course of action in accordance with law. The competent authority to make and communicate a speaking order with brief reasons on this occasion.

8. In case, any parties are aggrieved by the decision of the competent authority, they will have the liberty to take out appropriate proceedings and raise all permissible contentions, including the contention that the Hon'ble Lokayukta should not have made the report or the recommendation dated 14.09.2020. Such contentions will then be examined on their own merits.

9. The parties to appear before the competent authority on 05.08.2021 at 3:00 p.m. and file authenticated copy of this order.

10. On the aforesaid date, the competent authority or his Secretariat will indicate the convenient date when the parties could be heard. The competent authority to dispose of the matter as expeditiously as possible, partly since a timeline is provided for such matters under the Goa Lokayukta Act, 2011.

11. The rule is made absolute to the aforesaid extent. There shall be no order as to costs.

12. All concerned to act based on authenticated copy of this order.

M.S. SONAK, J.

jfd/-