

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 16 OF 2020**

INACINHO FERNANDES., ... PETITIONER
Versus
FRANKY MONTEIRO AND 4 ORS., ... RESPONDENTS

Mr. Amey Kakodkar, Advocate for the Petitioner.

Mr. Nigel Da Costa Frias, Advocate for Respondent No. 1.

Mr. Devidas J. Pangam, Advocate General with Mr. Geetesh Shetye,
Additional Government Advocate for Respondent Nos. 2, 3 and 4.

**Coram:- DAMA SESHADRI NAIDU &
M.S. JAWALKAR, JJ.**

Date:- 9th APRIL 2021

P.C.

Earlier, the Lokayukta, through order dated 20.09.2019, recommended that the petitioner be disqualified from the office of the Sarpanch or Member of the Panchayat. Under the unamended Section 16A of the Goa Lokayukta Act, if the Competent Authority does not act on the recommendations of the Lokayukta, the deemed qualification affected the petitioner. Accordingly, the petitioner was disqualified as the Competent Authority did not take up the Lokayukta's recommendations for consideration. Aggrieved, the petitioner has filed this Writ Petition, challenging, among other things, the vires of Section 16A of the Goa Lokayukta Act.

2. Now sub-sections 3 and 4 of Section 16A of the Goa Lokayukta Act have been deleted. Therefore, the question of vires, no longer survives.

3. The learned Advocate General, the learned Counsel for the petitioner, and the learned Counsel for the first respondent (complainant) all agree that this Court may set aside the order dated 26.12.2019 and remand the matter to the Competent Authority for fresh adjudication.

4. We, accordingly, set aside the impugned order, dated 26.12.2019. We remand the matter to the Competent Authority.

5. The Writ Petition is disposed of.

M.S. JAWALKAR, J.

DAMA SESHADRI NAIDU, J.

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