

IN THE HIGH COURT OF BOMBAY AT GOA.

WRIT PETITION NO. 66 OF 2021.

PRASAD VEERA POTLURI

.... Petitioner.

VS

STATE, THR. CHIEF

SECRETARY AND 2 ORS

.... Respondents.

Shri G. Teles, Advocate for the Petitioner.

Shri D. Shirodkar, Addl.Govt. Advocate for the respondents.

Coram:- DAMA SESHADRI NAIDU, J.

Date:- 8th February, 2021.

P.C.:-

The third respondent issued a show-cause notice, dated 12.2.2019, under Section 32 of the Goa Land Revenue Code, 1968. In response to that show-cause notice, the petitioners wanted access to the certain documents. And the authority concerned complied with that request. Thereafter, the petitioner filed, what he termed, the preliminary objection before the third respondent. Unimpressed by the preliminary objection the petitioner claims to have raised, the authority insisted on the petitioner's answering the issues raised in the show-cause notice. That was through an order, dated 30.8.2019.

2. Aggrieved, the petitioner filed a review petition under Section 193 of the Goa Land Revenue Code but could not succeed. Then, he has approached the revisional authority, i.e Secretary (Revenue), by invoking Section 192 of the same Code. At any rate, the revisional authority through its judgment, dated 16.12.2020, rejected the revision application.

Therefore, now in February, 2021, the petitioner has come up with this Writ Petition.

3. The learned counsel for the petitioner has contended that before issuing show cause notice the third respondent ought to have applied his mind to the issues. He has pointed out from annexure "C", which is said to be the preliminary objection to the show-cause notice, the following paragraphs as containing those objections:-

- "6. The Respondents state that the Show Cause Notice dated 12.2.22019 issued by this Hon'ble Court by invoking under Section 33 of the Goa Land Revenue Code is totally misconceived in law and is liable to be withdrawn forthwith.
7. The Respondents state that first and foremost there is no presumption that all lands are agricultural in nature merely because the Form I and XIV of Survey No.73/3 of Arpora Village of Survey Records shows that the property is a Garden Land."

4. Usually the preliminary objections concern the maintainability, sustainability of the notice, power of the authority concerned, or any other disabling factor rather than objections on merits.

5. That said, it is a show cause notice which the authority has power to issue. Whether its contents contain any merit is entirely a different aspect. From December, 2020, to this date, the petitioner has not supplied any reply to the notice; instead he has involved himself in collateral battle. I find no reason to entertain this Writ Petition. It stands dismissed.

DAMA SESHADRI NAIDU, J.

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