

Santosh

**IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.263 OF 2021
WITH
MISC. CIVIL APPLICATION NO.161 OF 2021**

THE TENANT ASSOCIATION OF
MOROMBI-O-GRANDE, REP. BY ITS
ACTING CHAIRMAN, NICALAU NUNESPetitioner.

Versus

THE CHIEF SECRETARY, GOVT. OF GOA
AND ANOTHER. ...Respondents.

Mr. Prashant Vengurlekar, Advocate for the Petitioner.

**Mr. D.J. Pangam, Advocate General with Mr. Geetesh
Shetye, Addl.Govt. Advocate for the respondents.**

**Mr. Galileo Francisco Teles, Advocate for the proposed
intervenors.**

**CORAM : M. S. SONAK &
SMT. M.S. JAWALKAR, JJ.**

DATED : 6th September 2021

P.C. :

1. Heard the learned Counsel for the parties, including
Mr. Teles, the learned Counsel for the proposed intervenors.

2. On 29/7/2021, we made the following order :

“ 1. Heard Mr. Prashant Vengurlekar, learned Counsel for the petitioner and Mr. Devidas J. Pangam, learned Advocate General with Mr. Geetesh R. Shetye, learned Additional Government Advocate for the respondents.

2. The present Managing Committee to issue advertisement in the daily newspaper, 'Herald' within one week from today inviting legal heirs of the deceased members of the Tenant Association of Morombi-O-Grande, Merces to apply for membership of the Association. A time limit of 15 days to be set out for receipt of such applications.

3. Once the applications are received, by the end of the third week, the Managing Committee to forward the same to the Mamlatdar.

4. The Mamlatdar to then finalise the list of the members/voters within a period of 2 weeks from the date of receipt of the aforesaid.

5. Until then, the existing Managing Committee can continue. However, the Managing Committee, will not take any major financial decisions but discharge only day-to-day routine activities.

6. The aforesaid order is made because, we find from the record that the Managing Committee, before the expiry of its term, had forwarded a list of voters to the Mamlatdar. Based thereon, elections were scheduled to be held on 02.02.2021. However, on that day, the meeting to hold elections was adjourned for lack of

quorum and was fixed on 12.02.2021.

7. On 11.02.2021, based upon the representations made by 3 residents from Mercedes, the Joint Mamlatdar, postponed the elections on the plea that the voters list is not updated. Thereafter, we are informed that attempts were made to take charge from the existing Managing Committee and to replace it with adhoc committee.

8. According to us, election procedure once scheduled should not be interrupted in this manner. In any case, if there is some serious grievance about updating the voters list, same can be sorted out in the aforesaid terms.

9. The matter is now posted for further consideration on 06.09.2021.

10. If, by the next date, we find that the Managing Committee has not complied with the aforesaid directions, then we will consider whether the adhoc committee takes charge and complies with the aforesaid directions. Therefore, for the present, we permit the existing Managing Committee to continue only up to 06.09.2021. The Mamlatdar to ensure that the present Managing Committee complies with the aforesaid directions so that, the voters list is updated at the earliest and elections can be held.

11. Stand over to 06.09.2021.”

3. Today, the learned Advocate General makes a statement that the managing committee has complied with the directions issued by us in our order dated 29/7/2021. The learned Advocate General now states that the elections shall now be held within 30 days from today.

4. Accordingly, we dispose of this petition by directing the concerned authorities to hold the elections which were interrupted, as expeditiously as possible and, in any case, within a period of six weeks from today.

5. If any parties, including the proposed intervenors, have any disputes about the conduct of the elections, it is always open to them to question the elections in accordance with law. However, based on some complaint filed, once the election process has already been announced and being at an advance stage, the elections cannot be interrupted.

6. The petition is disposed of in the aforesaid terms, by keeping open the rights and contentions of all parties to challenge such elections, in case any parties are aggrieved with the conduct of such elections.

7. The present managing committee to continue till the election of the new committee. However, they shall be subject to the restrictions which we had already imposed on them in terms of our order dated 29/7/2021.

8. Misc. Civil Application No. 161/2021 stands disposed of.

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

SMT. M.S. JAWALKAR, J.

M. S. SONAK, J.

SANTOSH S MHAMAL  Digitally signed by SANTOSH S MHAMAL
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