

Esha

IN THE HIGH COURT OF BOMBAY AT GOA

**MISC. CIVIL APPLICATION NO. 61 OF 2021
IN
WRIT PETITION NO. 1148 OF 2018**

MAYUR VIDYADHAR SAWANT GUROV,
REP. BY CONT. ATTORNEY, YATESH
BALAJI SAWATN GUROV AND 3 ORS. ...APPLICANTS

Versus

VIDYADHAR DATTA SAWANT (DEC)
BY LRS., REP. BY POA SHIVAJI K.
SAWANT AND ANR. ...RESPONDENTS

Mr. Ashwin D. Bhobe, Advocate *for the Applicants.*

Mr. Gaurish Agni, Advocate *for the Respondents.*

CORAM: MANISH PITALE, J.

DATED: 3rd February 2022.

P.C.:

1. Heard the learned Counsel for the parties.
2. This is an application moved by the legal representatives of the original respondent nos. 1 and 2, seeking specific direction to the original petitioner for implementation and execution of the orders passed by the Mamlatdar in the backdrop of the order dated 01.03.2019, passed by this Court while issuing Rule in the Writ Petition.

3. Mr. Bhobe, invited the attention of this Court to the order dated 29.01.2001, passed by the Mamlatdar, restoring service of the applicants for five days in a month at the temple and the maze of challenges raised in the matter, which has ultimately reached this Court in the form of the present Writ Petition, where Rule was granted by this Court. Paragraph 5 of the order dated 01.03.2019, passed by this Court reads as follows:

“5. There shall be no interim relief. The execution/implementation of the order passed by the Mamlatdar on 29.01.2011 shall be subject to the outcome of the petition.”

4. The grievance raised on behalf of the applicants is that, despite the clear direction given by this Court by order dated 01.03.2019, till date, the applicants have been deprived of performing service in the said temple in terms of order dated 29.01.2011, passed by the Mamlatdar.

5. Mr. Agni, learned Counsel appearing for the non applicants (original petitioner in the Writ Petition) submitted that in the face of the order passed by this Court, the relief claimed by the applicants may have to be granted, but, since there are also other persons, who perform service for the said temple, the details will have to be worked out and he will have to take instructions from the non applicants.

6. This Court has perused the documents and in particular, order dated 01.03.2019 passed in the Writ Petition. There can be no doubt of the fact that during the pendency of the Writ Petition, the order dated 29.01.2001, passed by the Mamlatdar has to be implemented, subject to the outcome of the Writ Petition. Since the interim relief has been rejected, therefore, the present Application is allowed. The non applicants/original petitioner are directed to abide by the direction of this Court i.e. to implement the order dated 29.01.2001, passed by the Mamlatdar, subject to the outcome of the Writ Petition.

7. It is directed that the said order shall be complied with by the non applicants/original petitioner within a period of one week from today.

8. The Application stands disposed of in above terms.

9. List the Writ Petition on 22.02.2022, only for the purpose of reporting compliance with the directions of this Court.

MANISH PITALE, J.