

Meena

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.423 OF 2021

The State of Goa, ...PETITIONER
Through The Principal Chief Conservator of
Forest, Panaji, Goa

VS

Maureen Rebello
w/o. Jose R. Rebello,
major of age, resident of Nagmoddem Navelim, ...RESPONDENT
Salcete – Goa.

Ms. Sapana Mordekar, Additional Government Advocate for the petitioner.
Ms. Maureen Rebello – Respondent present in person.

**CORAM: M.S. SONAK &
R.N. LADDHA, JJ.**
DATED: 6th July, 2022

ORAL JUDGMENT: (Per M.S. Sonak, J.)

Heard Ms. Sapna Mordekar, learned Additional Government Advocate for the petitioner and Ms. Maureen Rebello who appears in person.

2. Ms. Rebello submits that she is a senior citizen and therefore, the matter can be taken up for final disposal today itself. Even otherwise the matter was posted for final disposal.

3. Rule. The Rule is made returnable immediately with the consent of Ms. Mordekar and Ms. Rebello.

4. The challenge in this petition is to the Judgment and Order dated 06/11/2019 made by the Chief Secretary in his capacity as the Revisional Authority under the provisions of the Forest Act.

5. By the impugned order the Revisional Authority has declined to examine the petitioner's revision application on merits but dismissed the revision application by observing that the Additional Collector had no jurisdiction to entertain the petitioner's appeal.

6. According to us, the Revisional Authority ought to have decided all the issues that arose before it. This means that the Revisional Authority should have also addressed the issue of merits. Besides, Ms. Mordekar pointed out that the definition of "Collector" would also include an "Additional Collector". Further, she pointed out that the Government had assigned these types of matters to the Additional Collector, even though the State had filed its appeal before the Collector. According to us, all these aspects require deeper consideration by the Revisional Authority.

7. Therefore, we set aside the impugned order and restore revision application No.1 of 2018 for reconsideration by the Revisional Authority afresh. This time, the Revisional Authority should consider all the issues that arise in the matter.

8. Ms. Rebello submits that she is a senior citizen and therefore, some directions may be given for expeditious disposal of the revision. She also submits that the Revisional Authority may be directed to give her at least 15 days notice because on the last occasion she was given only two days notice.

9. Considering the above submissions, we request the Revisional Authority to dispose of the revision within three months from today. Further, the Revisional Authority to inform Ms. Rebello the date of hearing at least 15 days in advance.

10. We clarify that we have not examined the rival contentions on merits and therefore, all contentions of all parties are left open for a decision of the Revisional Authority.

11. The Rule is disposed of in the above terms. There shall be no order for costs.

R.N. LADDHA, J.

M.S. SONAK, J.

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