

Jose

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.493 OF 2022

DOMINGOS ROQUE DESOUZA AND ANR. ... Petitioners

Versus

THE STATE OF GOA THR. THE
CHIEF SECRETARY AND ANR. ... Respondents

Mr Rohit Bras De Sa with Mr Prataprao Naik, Advocates *for the Petitioners.*

Mr D. Pangam, Advocate General with Mr Suhas Parab,
Additional Government Advocate *for the Respondent-State.*

**CORAM: M.S. SONAK &
BHARAT P. DESHPANDE, JJ.**

DATED: 21st November, 2022

P.C.:

1. Heard Mr De Sa for the Petitioners.
2. The challenge in this petition is to the Judgment and Order dated 11.08.2022 made by the Commissioner of the City of Panaji Corporation under the provisions of Section 272 of the Corporation of City of Panaji Act (CCP Act).
3. As against such an order, the Petitioners have an alternate and efficacious remedy of instituting an appeal under Section 358(3) of the CCP Act. However, Mr De Sa submits that such a remedy will not be

efficacious because according to him, in this case, there has been a gross violation of natural justice and fair play.

4. He points out that after receipt of the show-cause notice, the Petitioners applied for the technical reports and the material based on which a prima facie opinion was arrived at by the Commissioner about the Petitioners' structure being in a dilapidated and dangerous condition. He submits that no such material was furnished to the Petitioners. Further, he submits that no early hearing was granted before the impugned order was made.

5. We have perused the material on record and also considered Mr De Sa's submissions. At least, prima facie, this is not a case where the impugned order has been made without the issuance of any show-cause notice to the Petitioners. At the highest, if the submissions made by the learned Counsel for the Petitioners are correct, then, this may be a case of inadequate notice. Such matters can always be agitated before the appellate authority.

6. Besides, we find that the impugned order was made on 11.08.2022 and the petition was mentioned for circulation only in the last week. Accordingly, by granting the Petitioners liberty to avail of the alternate remedy available under the CCP Act, we decline to entertain the present petition.

7. However, we clarify that all contentions of all parties including the Petitioners are expressly left open. We may not be taken to have expressed any opinion on any of the contentions including the contention based upon a breach of principles of natural justice or fair play.

8. With liberty as aforesaid, the present petition is disposed of. There shall be no order for costs.

BHARAT P. DESHPANDE, J.

M.S. SONAK, J.

JOSE
FRANCISCO
DSOUZA

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Francisco Dsouza
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