

vinita

IN THE HIGH COURT OF BOMBAY AT GOA
PUBLIC INTEREST LITIGATION WRIT PETITION NO.20
OF 2015.

MAPUSA PEOPLES UNION,
THROUGH ITS SECRETARY
JAWAHARLAL SHETYE AND ANR.,
VS ...Petitioners.
THE GOVERNMENT OF GOA,
THROUGH ITS CHIEF
SECRETARY AND 9 ORS.

...Respondents

None for the petitioners.

Ms. M. Correia, Addl. Govt. Advocate for the respondent nos.1
and 5.

CORAM: M.S. SONAK, &
R.N. LADDHA, JJ.

Dated: 22 AUGUST 2022.

P.C.:

Petitioners, by instituting this Public Interest Litigation have
applied for the following substantive reliefs:-

- a. *By an appropriate order or writ or rule, the Bill No. 13 of 2015 of Goa Municipalities (Amendment) Bill 2015 confirmed by the Respondent No. 3 and thereby passed in the Respondent No. 4 be declared invalid and ordered to be repealed.*
- b. *By an appropriate order or writ or rule, the*

Notification No. 11/20/2015/DMA/707 dated 11/06/2015, ordered by the Respondent No.5 for increase of municipal wards for purpose of ensuing forthcoming Municipal elections, found notified in the Series II, Extra Ordinary, Official Gazette, Government of Goa, dated 11/06/2015 be declared invalid and void thereby the same be ordered to be revoked.

c. *By an appropriate order or writ or rule, the Delimitation Notification No. 11/20/2015/DMA/1423 dated 07 08 2015 if its found ordered by the Respondent No 5, found noted in the Notification No. 4/10 2014-15-SEC 1366 dated 10th August 2015 of the Respondent No.7, be declared invalid and directed to be revoked.*

d. *By an appropriate order or writ or rule, to direct the Respondent No.1 not to interfere with the election process of the Municipal bodies in Goa and thereby to revoke all the unlawful acts done by it in regard to the same, in ensuring free and fair elections in passing appropriate directions and guidelines for conducting the whole of these processes of Municipal elections (process of delimitation, reservations, preparation of rolls, announcement of dates etc) to be conducted by the independent body of the Goa State Election Commission/Respondent No. 7 at par with the closest conformities to the integrity of the Election Commission of India, consisting of competent Election Commissioner as per the true Spirit of Article 243-ZA, 13 and 14 of Constitution of India, inorder to secure the faith and trust of the public in the Municipal elections in true spirit of*

having free, fair, just proper and legally valid process for valid elections.

- vi. *By an appropriate order or writ or rule, the Notification No. 4/10 2014-15 SEC/1366, issued by the Goa State Election Commission/ Respondent No.7, dated 10th August 2015, found notified in the Official Gazette, in its Extra Ordinary Series II No.19 dated 10th August 2015, for announcing the date of the Municipal elections in Goa, fixing it on 25th October 2015, without enforcing code of conduct on the same date, to be declared invalid and improper and the same be directed to be withdrawn.*
- vii. *By an appropriate order or writ or rule, issue directions not to conduct the Municipal elections in Goa in the month of rainy month of October and the same to be brought to its ordinary course by restoring it in summer months as was to held upto Municipal elections 1995, being it severally affect in having of fair and free process of elections by likely heavy North-East rainfalls and greater chances of natural calamities affecting the life of senior citizens and even the same months being the festival seasons and examination times of students.*
- viii. *The matter be heard at most top priority at be disposed at most urgent basis at the urgent circumstances of the issues in controversy in best interest of justice of State of Goa and of larger public interest affecting the life and dignity of the citizens and of the state ;*
- f. *Any other deem fit order may be passed in the circumstances of the facts in issues in the best*

interest of the securing the independency of the Municipal bodies in Goa and to secure and restore the faith and trust of the public in the elections process of the municipal and in the elected municipal council in securing the most highest Honour of the State of Goa and of nation at large

2. Ms. Correia, learned Addl. Govt. Advocate for the respondent nos.1 and 2 points out that bills cannot be challenged and the petition has not been amended after the bill was passed and amending Act was not brought into force. That apart, she points out that the petition and the challenges therein were primarily in the context of then, ensuing municipal elections scheduled in the year 2015. She submits that not only were the elections held in the year 2015 but even subsequently, consequent upon the expiry of the term of the Councils.

3. On perusing the prayer clauses that we have transcribed above, we also get the impression that reliefs in this petition have either become infructuous or in any case, petitioners are no longer interested in pursuing the same. As noted above, neither the petitioners nor their advocates are present today. Normally, issues of Constitutional validity are not decided in vacuum or even by way of Public Interest Litigation, unless the issue is life.

4. For the above reasons, we disposed of this petition. However, disposal of this petition should not be taken to imply that we have

examined legal challenges on merits and rejected the same. We have not done so. Thus, by keeping open the legal challenges that could be considered in an appropriate case, we dispose of this petition.

5. There shall be no order for costs.

R.N. LADDHA, J

M. S. SONAK, J.