

Esha

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 451 OF 2021

RONNIE DSOUZA

... PETITIONER

VS

OLYMPIA CO-OPERATIVE SOCIETY,

THR. ITS TREASURER, CONSTANTINO

LECLERC DE SOUZA

... RESPONDENT

Petitioner in person.

Mr. Jatin Ramaiya, Advocate for Respondent No. 1.

Ms. Sulekha Kamat, Additional Government Advocate for
Respondent No. 2.

CORAM: A.K. MENON, J.

DATED: 15th MARCH 2022

ORAL ORDER.

1. The petitioner seeks issuance of a Writ of Mandamus, directing the respondent no. 1-Society to make the petitioner a Member of the respondent no. 1-Society in respect of his Flat No. C-3 and Shop No. 4. There is already an order dated 31.08.2015 in favour of the petitioner passed in Case No. AACs/CZ/DISPUTE/01/2014.

2. In effect what the petitioner seeks is execution of that order. It is not in dispute that an Appeal was pending before the Goa Co-operative Tribunal at the time when this Writ Petition was filed. It seems that the Tribunal was not operational then, but it is now conducting hearing on a daily basis.

3. In my view, this Petition can be disposed finally, by requesting the Tribunal to dispose the pending Appeal including the Application for condonation of delay, filed by respondent no. 1-Society, within a reasonable period of time.

4. The petitioner appearing in person states that he is concerned about the fact that despite an order in his favour, the respondent no. 1-Society is now attempting to delay the matter.

5. I am of the view that at this stage, except for directing the Tribunal to hear and dispose the pending Appeal and the Application for condonation of delay, within a reasonable period of time, no other relief can be granted. It would also be appropriate to direct the respondent no. 1-Society not to seek adjournment before the Tribunal.

6. In view thereof, I pass the following order:

O R D E R

- (a) The Goa Co-operative Tribunal shall hear and dispose of the pending Miscellaneous Application No. 38/2020/CT/Condone and the connected Appeal, within a period of three months from today.
 - (b) Respondent no. 1-Society shall not seek any adjournments and the Tribunal is requested to ensure that unnecessary adjournments are not granted to the respondent no. 1-Society.
 - (c) The petitioner in person shall appear before the Tribunal on 28th March 2022, on which date, the Tribunal will issue necessary directions for disposal of the matters.
7. The Petition is disposed of in the above terms.

A.K. MENON, J.

VAIGANKAR
ESHA SAINATH

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