

Vinita

IN THE HIGH COURT OF BOMBAY AT GOA.

MISC. CIVIL APPLICATION NO.65 OF 2019

IN

WRIT PETITION NO.925 OF 2015

ARVIND G. SHIRODKAR.

...Applicant.

VS

THE STATE OF GOA,
THROUGH ITS CHIEF
SECRETARY AND 6 ORS.

...Respondents.

Mr. P. Sawant, Advocate for the applicant.

Mr. P. Faldessai, Additional Government Advocate for the
respondent nos. 1 to 4.

Mr. Y. Nadkarni, Advocate for respondent no.7.

**CORAM: MANISH PITALE,
R.N. LADDHA, JJ.**

Date: 4th FEBRUARY, 2022

P.C.

By this application, the applicant (original petitioner in the Writ Petition) is seeking recall of the order dated 7.4.2017 passed by this Court.

2. The petitioner filed Writ Petition No. 925 of 2015 before this Court, raising a grievance in respect of allotment of two plots to the respondent nos. 5 and 6 by the respondent no. 7 and sought cancellation of such allotments. It was brought to the notice of this Court that an Inquiry Officer had been appointed to look into

alleged irregularities committed by the respondent no. 7 in respect allotment of such plots. On the basis of such statement made by the learned Advocate General before this Court, Writ Petition stood disposed of by order dated 7.4.2017, directing that the petitioner may approach the Inquiry Officer to raise all grievances as raised in the Writ Petition.

3. This application is filed for the reason that according to the applicant/original petitioner, although he submitted his representation/application before the one man commission/ Inquiry Officer, as far back as on 15.11.2017, no inquiry was conducted. It is contended that despite repeated reminders sent to said Commission/ Inquiry Officer, there was no progress in the inquiry.

4. On this basis, it was submitted that order dated 7.4.2017 passed by this Court in Writ Petition No.925 of 2015 may be recalled, so that grievances of the petitioner may be heard on merits by this court.

5. In response to the statement made in the present application, it is conceded by the learned Addl. Govt. Advocate appearing on behalf of the respondent/State that although an Inquiry Officer was appointed, but, the said Officer could not take

up the inquiry proceedings to consider grievances of persons similarly situated like the applicant before this Court.

6. In view of the aforesaid submission, we are of the opinion that the order dated 7.4.2017 passed by this Court deserves to be recalled, so that the grievances raised by the petitioner can be considered on merits.

7. In view of the above, this application is allowed. The order dated 7.4.2017 passed in Writ Petition No.925 of 2015 is recalled.

8. Consequently, the Writ Petition will have to be considered on its own merits.

9. List the Writ Petition for further consideration on 11.3.2022.

R.N. LADDHA, J.

MANISH PITALE J.