

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 142 OF 2022

CRISTALINA RODRIGUES(DEC.)
THR LRS., ERMELINDA RODRIGUES ... Petitioner.

Versus

STATE OF GOA THR. CHIEF
SECRETARY AND 7 ORS ... Respondents.

Mr Vishwanath B. Gadnis, Advocate for the Petitioner.

CORAM : M. S. SONAK, J.

DATE : 28th SEPTEMBER 2023

P.C. :

1. Mr V. Gadnis appears for the Petitioner. He submits that in pursuance of this Court's order dated 1/9/2023, necessary notice has been issued to the Petitioner informing the Petitioner that the matter is now posted on 28th September 2023 and that this Court will not issue any further notice to the Petitioner. He states that the notice has been returned unserved with the remark "unclaimed". Mr Gadnis states that an affidavit, along with the postal endorsement, will be filed in the course of the day.
2. Since the notice was sent and the same has been returned as unclaimed, it will have to be regarded as a "good service".
3. The impugned order dated 7/6/2021 requires the Petitioner to fell a tree in a dangerous condition. The order records that despite a notice being issued, there was no appearance on behalf of the Petitioner.
4. On 1/9/2023, this Court made the following order :

“P.C.:

1. Heard Mr Gadnis for the petitioner and Mr V. Sardesai, learned Additional Government Advocate for the State.

2. Mr Gadnis states that the petitioner has taken away the case-papers and even issued an endorsement of receipt.

3. Accordingly, Mr Gadnis is requested to send a notice to the petitioner informing her that the matter is now posted on 28.09.2023. The notice should clarify that the Court will not issue any further notice to the petitioner. Therefore, if by 28.09.2023 no alternate arrangements are made, the Court will be left with no option than to dismiss this petition for non-prosecution.

4. Mr Gadnis should file in the court the copy of the notice along with proof of service.

5. Stand over to 28.09.2023.”

5. Today, despite due service, there is no appearance on behalf the Petitioner. Therefore, this Petition is dismissed for non-prosecution.

M. S. SONAK, J.