

Amrut

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.416 OF 2019

ASHOK TEOFILO VAZ.

... Petitioner

Versus

ANAND YESHWANT MALWANKAR

@ MAULINGKAR AND ANR.

... Respondents

Mr. R. G. Ramani, Senior Advocate with Mr. P. Kakodkar,
Advocate for the Petitioner.

Mr. C. Padgaonkar, Advocate for the Respondents.

CORAM: M. S. SONAK, J.

DATED : 2nd FEBRUARY 2023

P.C.:

1. With the consent of the learned counsel for the parties, this matter is taken up for disposal at the stage of admission.
2. On 26.04.2019, the following order was made in this petition.

“Heard Mr. Ramani, the learned counsel for the petitioner. It is submitted that while dismissing the revision application, the Administrative Tribunal was in error in imposing costs on the petitioner. It is submitted that the quantum of the costs is not material and the question is whether there was any reason or ground for imposition of the costs. It is also submitted that while deciding the revision application the Administrative Tribunal has made

certain observations on the merits of the appeal, which appeal is pending before the Dy. Collector. Only on these limited grounds, issue notice to the respondents, returnable on 28/6/2019. In the event the Dy. Collector takes up the appeal for final hearing, the Dy Collector shall not be influenced by the observations of the Administrative Tribunal, on merits of the appeal.”

3. After hearing the learned counsel for the parties and perusing the impugned order, I am satisfied that there was no case made out for the imposition of costs. Further, the tribunal was also not required to go into the merits of the dispute pending between the parties before the Deputy Collector. The matter before the tribunal only concerns the issue of whether without a formal order condoning the delay, the legal representatives could have been brought on record. Accordingly, the observations made by the tribunal on the merits of the main dispute between the parties before the Deputy Collector are expunged. The order for costs is also set aside.

4. This petition is now disposed of by directing the Deputy Collector to dispose of the Mundkar Appeal No. MUND/DYCL/Appl/20/2016 as expeditiously as possible and in any case, within a year from the date the parties appear and file authenticated copy of this order. The disposal of the appeal will have to be on its own merits and in accord with law without in any manner being influenced by the observations made by the tribunal on merits which observations in any case now stands expunged.

5. It is clarified that even this Court has not remotely gone into the merits of the dispute *inter se* between the parties because it is for the Deputy Collector to examine such matters in the first instance.
6. This petition is disposed of without any order for costs.
7. The parties to appear before the Deputy Collector on 27.02.2023 at 2.30 p.m. and file an authenticated copy of this order.
8. All concerned to act on the authenticated copy of this order.

M. S. SONAK, J.

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