

Niti

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.385 OF 2023

DOUGLES SEQUEIRA

... PETITIONER

Versus

COMMUNIDADE OF THIVIM, THR. ITS
ELECTED ATTORNEY AND 20 ORS

... RESPONDENTS

Mr Pranay A. Kamat, Advocate for the Petitioner.

Mr A.D. Bhobe, Advocate for Respondent No.1.

Ms Sapna Mordekar, Additional Government Advocate for
Respondent Nos.2,5,6,7 & 8.

Mr N. Purkhe, Advocate for Respondent No.4.

Mr Rohan Desai, Advocate for Respondent Nos.9,10,12,13 and 14.

Mr Naresh Salgaonkar, Acting Secretary, Administrator of
Comunidade, North Goa (Respondent No.3) in person.

**CORAM:- M. S. SONAK &
BHARAT P. DESHPANDE, JJ.**

DATED :- 10th October, 2023

P.C.:

Heard Mr P. A. Kamat for the petitioner. Mr A.D. Bhobe appears for respondent no.1, Ms Sapna Mordekar, the learned Additional Government Advocate appears for respondent nos.2,5,6,7 and 8, Mr N. Pukhre appears for respondent no.4 and Mr Desai appears for respondent nos.9, 10, 12,13 and 14. Respondent No.3 is present in person.

2. Mr Kamat, the learned Counsel for the petitioner states that the

petitioner, for the present, would be satisfied if the Collector of North Goa and the Director of Civil Administration (respondent no.6) disposes of the petitioner's representation dated 02.08.2023 (at pages 263 to 287 of the paperbook) within a time-bound schedule.

3. Mr Kamat states that the Administrator of Comunidades has made an order dated 20.11.2020 which was produced on record in these proceedings. He states that the petitioner will take appropriate steps concerning this order, including, by way of instituting an appeal before the appropriate Authority.

4. Accordingly, we direct the Collector/Director of Civil Administration (Respondent no.6) to dispose of the petitioner's representation dated 02.08.2023 on its own merits and in accordance with law as expeditiously as possible and, in any case, within four months from today. The respondent no.6 must comply with principles of natural justice and fair play and afford an opportunity of hearing to the petitioner and private respondents in this petition. Respondent no.6 must also afford opportunity of hearing to the Comunidade of Thivim. The decision on this representation must be communicated to the parties within four months from today.

5. Mr Kamat states that within ten days from today, the petitioner will file an additional representation. If such additional representation is indeed filed, within ten days, respondent no.6 must consider and

dispose of the same along with the representation dated 02.08.2023.

6. Mr Kamat states that within ten days from today, he will supply copies of the additional representation to the learned Counsel appearing on behalf of the private respondents and the Comunidade in this petition. The learned Counsel agree to accept the same on behalf of parties whom they represent. If any Authorities are not represented by Advocates, the petitioner will have to serve them with a copy of additional representation.

7. Liberty is also granted to the petitioner to take such steps as may be available under the law concerning the Administrator's order dated 20.11.2020.

8. For the present, we have not examined the rival merits or demerits because we think that this matter should be first examined by the Collector/Director of Civil Administration.

9. This petition is disposed of in the above terms without any order for costs.

10. All concerned to act on an authenticated copy of this order.

BHARAT P. DESHPANDE, J.

M. S. SONAK, J.

NITI K

HALDANKAR

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Date: 2023.10.10
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