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IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.113 OF 2024

SHAMSUNDAR BABU NAIK DESSAI

... Petitioner

Versus

STATE OF GOA THR

CHIEF SECRETARY AND 3 ORS.

... Respondents

Mr Sahil Sardesai, Advocate *for the Petitioner*.

Mr D. Pangam, Advocate General with Mr Shubham Priolkar,
Additional Government Advocate *for the Respondent-State*.

**CORAM: M.S. SONAK &
VALMIKI SA MENEZES, JJ.**

DATED: 29th January 2024

P.C.:

1. Heard Mr Sardesai for the Petitioner. Learned Advocate General appears along with Mr Priolkar for Respondent Nos.1 and 3.
2. Mr Sardesai states that the Petitioner will be satisfied for the present if the 2nd Respondent i.e. Chief Officer of Canacona Municipal Council is directed to dispose of the show-cause notice dated 24.07.2023 issued to the 4th Respondent expeditiously.
3. Mr Sardesai points out that though the show-cause notice was issued on 24.07.2023, and the Petitioner by his further complaint dated 11.12.2023

has called upon the 2nd Respondent to dispose of the show-cause notice, the same is not yet disposed of.

4. Normally, in a matter of this nature, we would have issued notice to Respondents No.2 and 4. However, since we are only directing the 2nd Respondent to dispose of this show-cause notice dated 24.07.2023 within a time-bound schedule after due compliance with principles of natural justice and fair play, we think that no useful purpose would be served by issuing notice to the Respondents No.2 and 4. In particular, all defences that the 4th Respondent may have regarding this show-cause notice may be raised before the 2nd Respondent.

5. Accordingly, we direct the 2nd Respondent to dispose of the show-cause notice dated 24.07.2023, in case the same is not already disposed of, as expeditiously as possible and in any case within a month from the Petitioner filing an authenticated copy of this order. Such disposal must be in accordance with law and on its own merits and further, after complying with the principles of natural justice and fair play. In the peculiar facts of this case, even the Petitioner, who is the complainant, must be given a hearing.

6. The petition is disposed of by issuing the above directions. All concerned to act on an authenticated copy of this order.

VALMIKI SA MENEZES, J.

M.S. SONAK, J.