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**IN THE HIGH COURT OF BOMBAY AT GOA.
WRIT PETITION NO.198 OF 2024**

GOPIKI SOMA LINGUDKAR ... Petitioner.
VS
THE DEPUTY COLLECTOR AND SDO
PERNEM TALUKA AND 4 ORS. ...Respondents.

Mr. A. D. Bhobe and Ms S. Shaikh, Advocate for the Petitioner.
Ms S. Kamat, Addl. Govt. Advocate for respondent nos.1 and 5.

CORAM: BHARAT P. DESHPANDE, J

DATED: 29th August 2024

P.C.:

1. Heard Mr Bhobe, learned counsel for the petitioner and Ms S. Kamat, Addl. Govt. Advocate for respondent nos.1 and 5.
2. As per order passed on 7.3.2024, concerned Officer Mr Deepak P. Vaingankar, Deputy Collector & Sub Division Officer/Magistrate who is present in person.
3. On 7.3.2024 this Court has passed following Order:-

“1. The petition points out a very grim situation in as much as though respondent No.1 -Deputy Collector and SDO, Pernem sub-division by an order dated 16/12/2023 passed by him in case No. DCP/MND/APL/3-9/2023 in an appeal under Section 24 of the Goa Mundkars (Protection from Eviction) Act,1975 against the judgment and order

date 04/07/2023 of the Mamlatdar, had granted leave to appeal and so also stayed the operation of the judgment dated 04/07/2023 passed by the Mamalatdar, regarding which order is recorded in the order sheet dated 16/12/2023. Subsequently a detailed judgment, has been passed by him as indicated from page 201 to 227, which is also dated 16/12/2023 giving additional reasons for passing the order of grant of leave and stay.

2. The grievance of Mr. Bhobe, learned Counsel for the petitioner is that the original order as recorded in the order sheet was challenged by the petitioner in revision by raising grounds as available vis-a-vis the order as recorded in order sheet dated 16/12/2023 and therefore it was not permissible for respondent No.1 to supplement the reasonings by a subsequent order which is predated to 16/12/2023.

3. This would clearly indicate that respondent No.1 has acted in a fashion which would be contrary to the accepted norms in the matter which would equally indicate factors extraneous to the proceedings. Learned Additional Government Advocate appears for respondent Nos.1 and 5 and seeks time considering which list the matter on 13/03/2024. Respondent No.1 who has passed the order shall personally remain present in the Court on 13/03/2024 to explain his conduct.”

4. Today Ms Kamat would submit that respondent no.1 was under the impression that since the application for certified copy of the order dated 16.12.2023 was filed, certified copy of only the order mentioned in the roznama was furnished. She submits that detailed judgment was furnished later on when the officer realized that stay was granted by the Administrative Tribunal and the documents were placed on record on 6.1.2023.

5. Mr Bhobe would submit that petitioner who is respondent in the said appeal applied for certified copy of the order dated 16.12.2023, only roznama order was furnished to him and that too on 2.1.2024. Petitioner challenged said order dated 16.12.2023 before the Administrative Tribunal on the ground that such order is not a reasoned order. Accordingly, the learned Administrative Tribunal issued notice and directed respondent no.1 to defer the proceedings before it beyond the returnable date.

6. Petitioner therefore approached respondent no.1 by filing an application dated 6.1.2024 thereby placing the copy of the order passed by the Administrative Tribunal in Mundkar Revision Application no.2/2024 along with the order dated 4.1.2024.

7. Mr Bhobe submits that on that day respondent no.1 hands in copy of the detailed judgment and order purportedly dated

16.12.2023 realising that revision is filed challenging the order passed by the said authority which was only in the roznama without giving any reasons.

8. Ms Kamat would submit that application for certified copy was to supply the order dated 16.12.2023. She submits that respondent no.1 was under impression that such application is only for supplying of certified copy of the order and not the judgment and accordingly, he furnished certified copy of the order recorded in the roznama only. She submits that when it was brought to the notice of respondent no.1 on 6.1.2024 that revision filed he voluntarily handed over certified copy of the detailed order.

9. Mr Bhobe while pointing out roznama dated 6.1.2024 which is at page no.148 would submit that there is no reference made in the said roznama by respondent no.1 about handing over certified copy of the detailed judgment and order dated 16.12.2023 passed by the concerned authority. He submits that on 16.12.2023 though the order was pronounced and recorded in the roznama, there was no order available in the file and signed by concerned authority and apparently certified copy was not issued even on 2.1.2024. He submits that only when the petitioner challenged the said roznama order in a revision and accordingly placed the notice issued by the Administrative Tribunal, detailed order which was subsequently prepared was

handed over and that too without any application filed by the petitioner.

10. In this matter an application for urgent certified copy was filed by the petitioner on 16.12.2023 which was disposed of by handing over the certified copy of the roznama dated 16.12.2023. Thus, there is no question of handing over another copy of the detailed order dated 16.12.2023 to the petitioner.

11. It appears that a detailed order which is now furnished to the petitioner dated 16.12.2023 was not at all available, ready at the time when the order allegedly pronounced in the roznama. It further shows that even as on 2.1.2024 such order was not available or ready which is clear from handing over of roznama copy to the petitioner.

12. Respondent no.1 is acting as quasi judicial authority and thus judicial propriety demands that when the order is pronounced, the same should be available in the file, duly signed for the purpose of issuing certified copy to the parties. The fact that the certified copy of the roznama is issued itself shows that a detailed order was subsequently prepared and placed in the file. This is a very serious matter and amounts to manipulation of the record by the officer concerned.

13. Matter needs to be thoroughly examined, accordingly, Collector North Goa is therefore requested to look into the matter by conducting an inquiry and report compliance. Such inquiry should be conducted preferably within a period of one month so as to consider the same further. Copy of this order be furnished to the Collector North Goa for the purpose of doing the needful.

14. The Collector shall file a report after conducting the inquiry within a period of one month. Till the time of receipt of the report from the Collector, the impugned judgment dated 16.12.2023 shall be stayed.

15. Issue notice to the remaining respondents.

16. Stand over to 4.10.2024.

BHARAT P. DESHPANDE, J