



Niti

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.226 OF 2025

VAISHALI DATTARAM NAIK ...PETITIONER

Versus

**STATE OF GOA, THR. THE
CHIEF SECRETARY AND 3 ORS. ...RESPONDENTS**

Mr Eeshan Usapkar, Advocate for the Petitioner.
Mr Devidas Pangam, Advocate General with Mr Neehal Vernekar,
Additional Government Advocate for Respondent Nos.1 and 2.

**CORAM : M.S. SONAK &
 NIVEDITA P. MEHTA, JJ.**

DATE : 18th JULY 2025

ORAL ORDER : (Per M.S. Sonak, J.)

1. Heard Mr Eeshan Usapkar, the learned counsel for the petitioner. Mr D. Pangam, the learned Advocate General, appears with Mr N. Vernekar, the learned Additional Government Advocate, for respondent nos.1 and 2.
2. For the order that we propose to make, notice to respondents nos.3 and 4 is not necessary.
3. The petitioner, under a licence issued by Mapusa Municipal Council (respondent no.3 - MMC), claims to be operating a business of manufacturing and selling ice creams to Sirsat Building Mapusa.

4. Mr Usapkar points out that by order dated 20.11.2024, communicated to the petitioner on 21.01.2025, the Chief Officer of MMC revoked this licence. The petitioner, therefore, appealed this order within the prescribed period to the MMC.

5. The grievance in this petition is that this appeal is not being registered and disposed of by the Mapusa Municipal Council, despite Bye-Law 27 requiring the Council to do so.

6. Bye-Law 27 of the Trade and Occupation Licensing Bye-Laws, 1989, reads as follows:

“Bye-Law 27 – Any licensee aggrieved by the decision of the Chief Officer may within 30 days from the date of such grievance, submit an appeal to the Council through the Chief Officer and the Council shall decide upon his appeal within the provisions of these bye-laws. If any difficulty arises as to the construction or meaning of these Bye-Laws, the decision of the Council in this regard shall be final.”

7. Accordingly, it is clear that an appeal lies against the Chief Officer's order at the behest of an aggrieved licensee to the Council. The Council is therefore obliged to register such an appeal and dispose of it in accordance with the law.

8. The Mapusa Municipal Council is accordingly directed to register the petitioner's appeal and dispose of the same in accordance with law after hearing the petitioner and the fourth respondent. All contentions of all parties, including, in particular, any contentions that

both respondents shall have, are left open to be determined by the Council.

9. The Council is directed to dispose of this appeal as expeditiously as possible and, in any event, within two months from the petitioner serving an authenticated copy of this order on the Council and the fourth respondent.
10. The petition is disposed of in the above terms.
11. No costs.
12. All concerned must act on an authenticated copy of this order.

NIVEDITA P. MEHTA, J.

M.S. SONAK, J.