



4-17
Superintendent
District and Sessions Court
Panaji-Goa

- 1 -

Civil Revision Appln. no.86/2015



Presented on	26/10/2015		
Registered on	26/10/2015		
Decided on-	30/6/2016		
Duration:	Yrs	Ms.	Dys.
	-	8	4

**IN THE COURT OF ADHOC DISTRICT JUDGE-2, (FTC)
NORTH GOA AT PANAJI.**
(Before Mrs. Vijaya Ambre, Adhoc District Judge-2,(FTC) Panaji).

Civil Revision Appln. No.86/2015

Mr. Haroon Ebrahim,
son of late Ebrahim Mohammad,
age 63 years, Indian National,
R/o H.No.18/200/1,
New Taleigao BY pass Road,
Taleigao Goa.

.... Petitioner

V/s

1. V.P. St. Cruz,

Vandse



Superintendent
District and Sessions Court
Panaji-Goa

- 2 -

Civil Revision Appln. no.86/2015

Through its Secretary/Sarpanch,
with office at Panchayat Ghor,
Near St. Cruz Market,
Santa Cruz-Goa.

2. Goa University,
Through its Registrar
office at Taleigao Plateau,
Taleigao-Goa.

..... Respondents

Ld. Advocate Timble present for the applicant at the time of arguments and Ld. Advocate Ms. A. Matonkar present at the time of Judgment.

Ld. Advocate Ms. Haldankar present for the respondent no.1 at the time of arguments and Ld. Advocate P. Shetye present at the time of Judgment.

Ld. Advocate Ms. Agni present for the respondent No.2 at the time of arguments and Ld. Advocate Ms. Bacal present at the time of Judgment.

J U D G M E N T

(Delivered on this 30th day of the month of June of the year 2016).

The applicant preferred this revision application under section 201-B of Panchayat Raj Act 1994. The applicant was aggrieved by the impugned Order dated 14/10/2015 passed by the Ld. Additional Director of Panchayat-II at Panaji Goa.

2. By this impugned Order, the Ld. Additional Director of Panchayat dismissed the application filed by the intervenor for his impleadment in the Panchayat Petition.

3. The grounds raised by the applicant in his revision



Superintendent
District and Sessions Court
Panaji-Goa

- 3 -

Civil Revision Appln. no.86/2015

application are as under:

1. The impugned Order dated 14/10/2015 is bad on facts as well as in law.
2. The Ld. Additional Director failed to appreciate that giving hearing to any third party is a matter of principles of natural justice and there were clear allegations in the petition filed by the respondent no.2 made against the petitioner, which necessitates to join the petitioner as party respondent.
3. The Additional Director erred in holding that his powers were only on limited issue to decide the petition whether it is in accordance with law and he could not go beyond the scope of limitation.
4. The impugned Order is not speaking Order and liable to be quashed and set aside.



4. Notices were issued to the respondents. Respondents appeared through their advocates.

5. Both parties also filed their written arguments.

6. On considering the impugned Order, memo of revision application, records and proceedings and written arguments, the point that arises for my determination and my findings thereon is as

[Signature]



under:

POINT	FINDING
1. Whether the impugned Order is in violation of principles of natural justice as no reasons are spelt out in the impugned Order and it is not a speaking Order ?	In the Affirmative

REASONS

Point No.1

7. The written arguments filed by both the parties is with regard to the question of allowing the intervenor of the petitioner to the application under section 178 of Goa Panchayat Raj Act filed by the respondents. It is the case of the respondent no.2 that the issue is between the Panchayat and the respondent no.2 and petitioner is not necessary party to the present proceeding. However, it is the case of the petitioner that the allegations are made against him and the resolution is passed by the Village Panchayat which directly affects him. Therefore, he should be heard in the matter. The Ld. Additional Director of Panchayat has not canvassed his reasonings on any of the points raised either by the petitioner or by the respondents while arguing application for intervention before him. The reasons given by the Ld. Additional Director of Panchayat to reject the intervention application is that he cannot go beyond the scope of limitation for which the intervenor has no locus standi to intervene in the present proceedings filed by the petitioner. The Ld. Additional Director of Panchayat has not considered whether the





Superintendent
District and Sessions Court
Panaji

- 5 -

Civil Revision Appln. no.86/2015

applicant is necessary and proper party to be heard and whether the principles of natural justice gets violated, if the applicant is not heard in the matter. I do agree with the submission of the Ld. Advocate for the applicant that the impugned Order is made without considering the factual situation which is bad in law and not tenable. The Ld. Additional Director of Panchayat has not considered the arguments canvassed by the respondents on the application for intervention. Therefore, the Ld. Additional Director of Panchayat is required to give his findings whether the applicant is necessary party to the proceedings or not and whether his intervention is necessary to decide the Panchayat petition pending before him. Therefore, the impugned Order passed by the Ld. Additional Director of Panchayat deserves to be quashed and set aside, as it is not passed in accordance with law and it violates the principles of natural justice being non speaking Order. Therefore, the matter is required to be remanded to the Ld. Additional Director of Panchayat with a direction to decide afresh in accordance with law after considering the arguments of both the parties on merits and give reasoned findings on the same. Therefore, my answer to this point is in the affirmative.

8. In view of the above discussion, I pass the following:

ORDER

Civil Revision Application is allowed with cost.

The impugned Order dated 14/10/2015 passed by the Ld. Additional Director of Panchayat-II, Panaji is quashed and set



Superintendent
District and Sessions Court
Panaji-Goa

- 6 -

Civil Revision Appln. no.8 6/2015

aside.

Matter is remanded to the Ld. Addl. Director of Panchayat-II, Panaji with a direction to hear both the parties afresh on merits and decide the application for intervention afresh after considering the arguments of both the parties and by giving reasoned findings in accordance with law.

Both the parties to appear before the Ld. Addl. Director of Panchayat-II on 15.7.2016 at 10.00 a.m.

Proceedings closed.



Sf*



Vijaya Ambre
20/6/2016
(Vijaya Ambre)
Adhoc District Judge-2(FTC)
North Goa, Panaji.

Checked with original