

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA

LD-VC-CW-153-2020

Sudesh Narayan Gaonkar. Petitioner.

Versus

Director of Mines & Geology
and others. Respondents.

Ms. Norma Alvares with Ms. Anamika Gode, Advocates for the
Petitioner.

Mr. D.J. Pangam, Advocate General with Ms. Maria Correia, Addl.
Govt. Advocate for Respondents No. 1 to 6.

Mr. Pravin Faldessai, Assistant Solicitor General of India for
Respondent No.7.

**Coram : M.S. Sonak &
Smt. M.S. Jawalkar, JJ.**

Date : 5th January, 2021.

P.C. :-

Heard Ms. Alvares, the learned Counsel for the Petitioner, Mr.
D. Pangam, the learned Advocate General for the State and Mr.
Pravin Faldessai, the learned Assistant Solicitor General for
Respondent No.7.

2. Ms. Alvares points out that this Petition raises broadly the
following four issues :

(a) *Delay in disposal of applications made by affected parties to*

the two District Mineral Foundations (DMFs);

(b) Making of the DMFs' websites operational in all respects, so that there is transparency in the functioning of the DMFs;

(c) Challenge to the circular dated 28th March, 2020, in terms of which the DMFs' funds are being transferred to combat the issues relating to COVID-19 pandemic; and

(d) Setting up of an executive secretariat for effective functioning of the DMFs.

3. In so far as the first issue is concerned, the records do indicate that there is some delay in disposal of the applications made by affected parties. However, the learned Advocate General points out that the applications can be broadly divided into two categories. The first category applications relate to the grievances made by individuals, which can be disposed of within a period of three months from today. The second category application relate to prayers for formulation of schemes which will involve several Government Departments. The learned Advocate General submits that the second category applications may require some time for effective disposal though, the process is already on.

4. Accordingly, we direct the two DMFs, which are headed by the two District Collectors, to dispose of the applications made by individuals or the applications seeking some individual benefits, as

expeditiously as possible and in any case, within a period of three months from today, without fail. Such applications have been pending for quite some time and, therefore, it is important that the same are disposed of expeditiously and, in any case, within a period of three months from today. The two Collectors shall, ensure that this is done without their being any necessity of seeking further extensions.

5. In so far as the applications which might require formulation of schemes and involve other Government Departments as well, we direct the two District Collectors to place on record the status of such applications, within three months from today. Besides, it is expected that status of such applications is constantly updated on the websites of the two DMFs which will have to be made operational in terms of the statement made and recorded in our order dated 7th October, 2020. Such updations will contribute to the cause of transparency in the functioning of the two DMFs and further, will also let the applicants know that their applications are being actually considered.

6. The learned Advocate General states that almost 80% of work towards making the websites operational, is complete. He states that the websites will be fully operational within a maximum period of three weeks from today. Accordingly, we extend the time by three

weeks from today. However, on this occasion, the two District Collectors will have to ensure that the websites are fully operational and there is no occasion to seek any further extension, now that more than sufficient time has already been granted for this purpose.

7. In case, the websites are not operational within three weeks, we grant liberty to the Petitioner to point this out to us by making an appropriate application.

8. In so far as the remaining two issues are concerned, we are informed that the pleadings are complete and, therefore, we place this matter on 15/02/2021 for further consideration of the same. By this date, we also direct the two District Collectors to file interim reports on the issue of the pending applications, as well as operation of the websites.

9. S.O. to 15/02/2021.

Smt. M.S. Jawalkar, J.

M.S. Sonak, J.