

IN THE HIGH COURT OF BOMBAY AT GOA

LD-VC-CRI-9-2020

Shri Vishwanath R. Nagvenkar **.... Petitioner**

Versus

State of Goa and Ors. **.... Respondents.**

Shri Athnain Naik, Advocate for the Petitioner.

Shri Pravin Faldessai, Additional Government Advocate for Respondents No. 1 to 3.

Shri Amey Phadte, Advocate for Respondent no. 4.

Coram : NUTAN D. SARDESSAI, J.

Date : 10th July, 2020

P.C.:

At the outset there appears force in the contention of Shri Naik, learned counsel for the petitioner that the order passed by the Tree Officer is a nullity in the eyes of law being against the deceased person in which respect there is a clear fair concession by Shri Phadte, learned Advocate on behalf of the respondent No.4.

2. Secondly, it is apparent from the roznama placed on record of the proceedings before the Tree Officer that no opportunity of hearing was granted to the Petitioner to respond to the report filed by the Zonal Agricultural Officer and therefore there was a clear case of violation of the principles of natural justice.

3. For these two reasons the impugned orders passed by the respondents No.2 and 3 are quashed and set aside and the matter remanded to the respondent No.2 to issue a fresh notice to the petitioner within two weeks from the receipt of the order of this Court and to dispose off the same within two months thereof.

4. To facilitate an early disposal of the case, the parties are directed to appear before the respondent No.2 on 17.07.2020 at 10:30hrs.

Nutan D. Sardesai, J.

msr.