

IN THE HIGH COURT OF BOMBAY AT GOA

LD-VC-CW-398-2020

Mr. Mayur Mohan Gawas ... Petitioner.

Versus

Chief Officer,
Sankhali Municipal Council,
Sankhali, Goa and anr. ... Respondents.

Mr. Chaitanya Padgaonkar, Advocate for the Petitioner.

Coram: Dama Seshadri Naidu, J.

Dated: 17th December 2020.

P.C.:

The first respondent is said to have passed an order, dated 15.12.2020, revoking the NOC, which the same official granted to the petitioner earlier.

2. The revocation is on the grounds that the petitioner has not been occupying the building and that he has no valid title to the property.

3. Later, perhaps, acting on the first respondent's orders, the second respondent, that is the Asst. Engineer, issued a notice, dated 16.12.2020, requiring the petitioner to show cause why the power

supply to his house should not be permanently disconnected. In fact, that notice gives the petitioner seven days' time.

4. Now the petitioner has filed this writ petition and got it listed out of turn on the premise that despite the second respondent's granting seven days, he disconnected the power supply on the same day.

5. Even on the merits, the learned counsel submits that first respondent's order, too, suffers from gross violation of the principles of natural justice. In this context, the learned counsel stresses that that the petitioner has never been put on notice, leaving alone providing any opportunity of hearing.

6. Unless the respondents enter their appearance and place on record their version of the controversy, this Court cannot be sure about the grievance the petitioner has been trying to make out. That said, the fact remains that the power supply is an essential amenity which cannot be dispensed with without due process.

7. Even if we go by the show-cause notice issued by the second respondent, the petitioner has seven days to respond. Strangely, the second respondent disconnected the power supply simultaneously on the same day when he served the show-cause notice. Of course, this is a prima facie observation, based on the petitioner's pleadings.

8. Under these circumstances, the Court directs the respondent to act in terms of prayer Clause 'D'. In other words, the impugned order

of the first respondent stands suspended for four weeks. And, to be explicit, the second respondent will restore the power supply to the petitioner's house at the earliest, at least, by tomorrow.

9. Issue notice to the respondents returnable on 14.01.2021.

Dama Seshadri Naidu, J.

MF/-