

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA

LD-VC-CRI-37-2020

Suzie Vaz. Petitioner.

Versus

State of Goa and others. Respondents.

Mr. Rajeev Lochan, Advocate for the Petitioner.

Mr. P. Faldessai, Addl. Public Prosecutor for the respondent Nos.1 to 3.

Respondent No.4, Police Inspector present in person.

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

Date : 31st August, 2020.

P.C. :-

Heard Mr. Rajeev Lochan, learned Counsel for the Petitioner, Mr. P. Faldessai, learned Addl. Public Prosecutor for the respondent Nos.1 to 3 and the respondent no.4, Police Inspector, who is present in the Court in person.

2. The petitioner, in this petition, has made several allegations against the respondents. The petitioner has also claimed for action against police officials and demanded compensation.

3. We are afraid that in exercise of our extraordinary jurisdiction, we cannot, in the first instance, consider such prayers made by the petitioner. Any adjudication on such issues would involve adjudication into the disputed questions of fact.

4. However, in the course of arguments advanced on behalf of the Petitioner, we understand that the petitioner has applied for renewal of excise licence. Such renewal application can be considered only upon the receipt of reports from the Police Authorities. The Police Authorities, till date, have not furnished any report or furnished any say in regard to the NOC, necessary for grant of renewal of excise licence. As a result, the Excise Commissioner has also not disposed of the Petitioner's application for renewal of excise licence.

5. Whilst we do not wish to go into the allegations and counter allegations made in this petition, according to us, the authorities before whom the matters are pending, are required to dispose of the same in accordance with law, within a reasonable period. In case, the petitioner is ultimately aggrieved by the decisions of the authorities, then the Petitioner can also avail the remedies of appeal, if there be any such remedies provided or otherwise take out legal proceedings to question the decisions of the authorities.

6. Accordingly, we direct the Police Authorities to dispose of the Petitioner's application for NOC, or rather to dispose of the matter in which NOC is sought for grant of renewal of the excise licence. Such disposal shall be within 10 days from today and the same shall have to be in accordance with law and on its own merits. The decision of Police Authorities or their report should be communicated to the Excise Commissioner within this period of 10 days, with a copy to be marked to the petitioner.

7. Upon receipt of the decision/report from the Police Authorities, the Excise Commissioner who, we are informed, is the appropriate authority, should dispose of the Petitioner's application for renewal of the excise licence within 15 days thereafter, again in accordance with law and on its own merits, and communicate the decision to the Petitioner within the same period.

8. We make it clear that we have not gone into the allegations made by the Petitioner in this Petition. We grant the Petitioner liberty to take out appropriate proceedings as permissible in law in regard to the reliefs of compensation etc. which have been prayed for by the petitioner.

9. We further make it clear that we have not gone into the merits of the matter and all contentions of all the parties are, therefore, left

open.

10. This Petition is disposed of in the aforesaid terms. There shall be no order as to costs.

11. All concerned to act on the basis of an authenticated copy of this order.

Smt. M.S. Jawalkar, J.

M.S. Sonak, J.