

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA**LD-VC-CW-136 OF 2020**

Mr. Aires Rodrigues. Petitioner.

Versus

Corporation of City of Panaji and others. Respondents.

The Petitioner in person.

Mr. A. D. Bhobe, Advocate for Respondent No.1.

Mr. D. Pangam, Advocate General with Mr. S.P. Munj, Additional Govt. Advocate for Respondents No.2, 3 and 4.

**Coram : M.S. Sonak &
Smt. M.S. Jawalkar, JJ.****Date : 31st August, 2020.****P.C. :-**

Heard Mr. Rodrigues, the Petitioner in person. Mr. A.D. Bhobe appears for Respondent No.1. Mr. D. Pangam, the learned Advocate General along with Mr. S. P. Munj, Additional Govt. Advocate, appears for Respondents No.2, 3 and 4.

2. Mr. Bhobe, the learned Counsel for Respondent No.1 states that Respondents No.5 to 25 have been duly served in this matter, in terms of the order made by this Court. He states that in fact service has been effected upon respondents No.5 to 25 through the respective Councillors of the Corporation. This statement is accepted.

3. The challenge, in this Petition, is to the order dated 19th June, 2020, in terms of which appointments were made to the Members of the Wards Committees. Mr. Rodrigues has alleged that most of the appointees do not fulfill the prescribed qualifications for their appointments.

4. Today, Mr. Bhobe, the learned Counsel for Respondent No.1-Corporation has made a statement that the Commissioner, vide subsequent order dated 28th August, 2020, has cancelled the appointments made vide order dated 19th June, 2020. Such order is also placed on record by Mr. Bhobe.

5. Accordingly, the grievance of the Petitioner, in this Petition, stands redressed. However, Mr. Rodrigues points out that for the last 19 years or so, the Wards Committees have not been constituted and that is why he had to institute the previous petition, pursuant to which the Wards Committees came to be constituted. He, therefore, submits that proper directions be issued to the Respondents to constitute the Wards Committees in terms of Section 41 of The Goa, City of Panaji Corporation Act, 2002 (said Act).

6. In this case, the Director of Municipal Administration-Respondent No.2 has filed an affidavit. In the affidavit, he has stated that the draft Corporation of the City of Panaji (Ward Committee) Rules, 2020, proposed under Section 391 of the said Act, have already been prepared and the same are pending Government

approval. He has further stated that once the approval is obtained, the draft Rules will be published as required under Section 391(1) of the said Act, for information of all persons likely to be affected thereby and receive suggestions/objections, if any. The affidavit further states that on the expiry of 15 days from the date of publication of the draft Notification in the Official Gazette, the objections/suggestions, if any, will be taken into consideration and, thereafter, final Rules will be notified.

7. The affidavit, in particular, states that the Rules prescribe the norms for recognition of the Non-Government Organization and the requisite qualification for nomination, as well as the manner in which the nominations are to be made.

8. Taking into consideration the circumstance that there is an inordinate delay in the constitution of the Wards Committees since coming into force of the said Act, we direct Respondents No.2 and 3 to finalize the process of publication of the final Rules, in accordance with law, as expeditiously as possible and preferably within a period of two months from today. Once the final rules are notified/published in accordance with law, Respondent No.1, through its Commissioner, to take steps to constitute the Wards Committees within a period of one month from the date of publication/notification of the Rules. We again make it clear that constitution of the Wards Committees must be in accordance with

law, so that there is no occasion for any person to complain about such constitution.

9. With the aforesaid directions, this Petition is disposed of. There shall be no order as to costs.

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

Smt. M.S. Jawalkar, J.

M.S. Sonak, J.