

IN THE HIGH COURT OF BOMBAY AT GOA**LD-VC-CW-407-2020**

Ratnakar Harichandra Naik & Ors. ... Petitioners

Versus

State of Goa & Ors. ... Respondents

Mr. H. D. Naik, Advocate for the Petitioners.

Mr. D. Pangam, Advocate General with Mr. P. Arolkar, Additional Government Advocate for the Respondents.

**Coram:- M. S. SONAK &
SMT. M. S. JAWALKAR, JJ.****Date:- 5th January, 2021****P.C.**

Heard Mr. H. D. Naik, learned counsel for the Petitioners and Mr. D. Pangam, learned Advocate General who appears along with Mr. P. Arolkar, learned Additional Government Advocate for the Respondents.

2. The challenge in this petition is to the appointment of Administrator/Manager. Admittedly, the last elections to the Managing Committee were held in the year 2018 and the Petitioners are only the members of an Adhoc Committee. Therefore, at least *prima facie*, it is not as if the Petitioners have any right to continue in the management of the Tenant Association.

3. That apart, Mr. H. D. Naik is quite right in his submission that the elections have to be held at the earliest so that the elected body is in a position to govern the Association. Accordingly, we inquired with the learned Advocate General as to when the elections can be held.

4. The learned Advocate General respond by stating that the Petitioners i.e. Adhoc Committee members are refusing to hand over the charge and the documents. He submits that it is necessary that such charge and documents are handed over to the Mamlatdar so the voters list can be finalized and the elections can be held at the earliest. The learned Advocate General states that if the charge and all the relevant documents are handed over within two days from today then within 15 days therefrom, the Mamlatdar will finalize the voters list and thereafter the date for the elections can also be announced.

5. Mr. H. D. Naik, learned counsel for the Petitioners on the basis of the instructions from the Petitioners who are present in the chamber states that the charge and all the relevant documents will indeed be handed over to the Mamlatdar within a period of two days from today. This statement is accepted.

6. The matter is now posted on 25th January, 2021, on which date the Respondents should place on record the status of finalization of voters list and if possible also indicate the schedule/date of the elections.

7. Mr. H. D. Naik states that the Petitioners or the Adhoc Committee are not averse to hand over the charge/record to the Mamlatdar but they had some reservation about handing over the same to the Talathi/Administrator. According to us, if all the records are handed over to the Mamlatdar that would be sufficient compliance.

8. Stand over to 25th January, 2021.

SMT. M. S. JAWALKAR, J.

M. S. SONAK, J.

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