

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

Aires Rodrigues Petitioner
Versus
Corporation of City of Panaji & Others Respondents

Petitioner in person.

Mr. Devidas J. Pangam, Advocate General with Mr. S.P. Munj, Additional Government Advocate for Respondent Nos. 2, 3 and 4.

**Coram:- M.S. SONAK &
M.S. JAWALKAR, JJ.**

Date:- 13th August, 2020

P.C.:

Heard Mr. Rodrigues, the petitioner in person.

2. Mr. Devidas Pangam, the learned Advocate General appears along with Mr. Shivdatt Munj, the learned Additional Government Advocate for respondent nos. 2, 3 and 4.

3. Issue notice to the remaining respondents, returnable on 27.08.2020.

4. Mr. Rodrigues pointed out that private service is already effected upon the Corporation of City of Panaji i.e. respondent no. 1. He pointed out that even the requisite

copies for service of notice upon the remaining respondents have been tendered in the office of the respondent no. 1. He pointed out that this was because the petitioner does not have the precise addresses of respondent nos. 5 to 25. He, therefore, prays that respondent nos. 5 to 25 may also be served through the Commissioner of respondent no. 1.

5. In the peculiar facts of the present case, we request the Commissioner of the respondent no. 1 to ensure that service is effected upon respondent nos. 5 to 25 and the copies of the Petition, which the petitioner says that he has supplied, are furnished to the said parties.

6. The main challenge in this Petition as we understand is to the Wards Committees constituted in terms of Section 41 of the CCP Act. Mr. Rodrigues, in particular, makes reference to the provisions of Section 41(2)(c), which read as follows:

41. Constitution of Wards Committees.— (1)

(2) Each Wards Committee shall consist of:—

(a)

(b)

(c) Such number of other members not exceeding three, nominated by the Councillors referred to in

clause (a), from amongst the members of recognised non-Government Organisations and community based Organisations engaged in social welfare activities working within the area of the Wards Committee:

Provided that such persons are registered as electors in the Wards within the jurisdiction of the Wards Committee:

Provided further that, the norms for recognition of the non-Government Organisations, the requisite qualification for nomination as members and the manner in which they are to be nominated shall be such as the State Government may prescribe.

7. Mr. Rodrigues submits that according to him, none of the nominees fulfill the qualifications referred to in Section 41(2)(c) of the CCP Act. He points out to two or three particular instances. Accordingly, the concerned respondents to file affidavit dealing with the challenges raised in this Petition. The affidavit to state the qualifications of the nominated members and explain as to how such qualifications meet with the requirement of Section 41(2)(c) of the CCP Act.

8. The State Government to also file an affidavit explaining the status of the norms for recognition of the non-Government Organisations, the requisite qualification for

nomination as members and the manner in which such nominations are to be made. The affidavit to indicate whether the State Government has prescribed any norms and if not, the time limit within which such norms can be prescribed. The affidavit to be filed on or before 25.08.2020 by service of advance copy upon the petitioner by e-mail.

9. Stand over to 27.08.2020.

M.S. JAWALKAR, J.

M.S. SONAK, J.

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