

(2017) 05 BOM CK 0105

BOMBAY HIGH COURT

Case No: 476 of 2017

Mrs. Kiran Khushali Mamlekar

APPELLANT

Vs

State of Goa, Through the Chief
Secretary, Secretariat, Porvorim
Goa, & Ors.

RESPONDENT

Date of Decision: May 17, 2017

Hon'ble Judges: M. S. Sonak

Bench: SINGLE BENCH

Advocate: A. D. Bhobe, S. Dhargalkar

Judgement

1. Heard Mr. A. D. Bhobe, learned Advocate for the petitioner and Mr. S. Dhargalkar, learned Addl. Government Advocate for the respondents.
2. Rule. Rule is made returnable forthwith with the consent of the learned counsel for the parties.
3. Mr. Dhargalkar, learned Addl. Government Advocate requests for the presence of Mr. D. M. Kudalkar, Range Forest Officer in the Court. Accordingly, such presence is noted.
4. The challenge in this petition is to the impugned order/communication dated 08.05.2017, by which the Range Forest Officer, has informed the President of the Tour Operator Association, Collem Goa, that the petitioner's vehicle WL-107 be removed from the list and such vehicle shall not be permitted to ply upon the tours to the Dudhsagar waterfall until further intimation from the Department. In the impugned order/communication dated 08.05.2017, it is stated that the husband of the petitioner has committed a serious offence of destroying the natural forests in Caranzol area at Collem in Bhagwan Mahaveer National Park and in this regard even

the offence has been registered against him in the Court of the Judicial Magistrate First Class, Sanguem.

5. The impugned order/communication dated 08.05.2017, undoubtedly, visits the petitioner with civil consequences. Admittedly, there was no show cause notice issued to the petitioner prior to the issuance of the impugned order/communication dated 08.05.2017. On this short ground and not on merits, the impugned order/communication is required to be set aside. The impugned order/communication dated 08.05.2017 is accordingly set aside.

6. Mr. Dhargalkar, on the basis of the instructions from the Range Forest Officer, makes a statement that the show cause notice will be issued to the petitioner latest by 22.05.2017. Mr. Bhobe, learned counsel for the petitioner states that the reply to such show cause notice will be filed by the petitioner latest by 25.05.2017. Thereafter, the respondent, will be at liberty to make appropriate order in accordance with law and on its own merits. Mr. Dhargalkar states that such order would be made within a period of one week from the date of the receipt of the reply. Mr. Dhargalkar also states that in case the petitioner is desirous of availing opportunity of oral hearing, the same will be granted on 25.05.2017 itself. It is made clear that this Court has not adverted to the merits of the matter and therefore, all contentions of all the parties are left open.

7. Rule is made absolute to the aforesaid extent. There shall be no order as to costs.

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