courtkutchehry.com

Company : CourtKutchehry
Website : www.courtkutchehry.com
Printed For :
Date : 13/09/2026

(2012) 06 BOM CK 0080

In the Bombay High Court

Case No : Writ Petition No. 191 of 2012

Shri Jitendra Raghuraj Deshprabhu and Others — APPELLANT

Vs

Shri Vasudeo Rajendra Deshprabhu and Others — RESPONDENT

Date of Decision : 13-06-2012

Acts Referred:
Constitution of India, 1950 — Article 14, 21, 226

Citation : (2012) 5 ALLMR 155

Hon'ble Judges : U.V. Bakre, J;A.P. Lavande, J

Bench : Division Bench

Advocate : D.J. Pangam with Mr. A. D. Bhobe, for the Appellant; S. D. Lotlikar with Mr. H. Kankonkar, Advocate for respondents no. 1 to 5, Mr. S. Mahambrey, Additional Government Advocate for respondents no. 6 and 9, Mrs. A. Agni, Amicus Curiae and None present for respondents no. 7 and 8 though served., for the Respondent

Judgement

A. P. Lavande, J.—Heard Mr. Pangam, learned Counsel for the petitioners, Mr. Lotlikar, learned Senior Counsel for respondents no. 1 to 5, Mr. S. Mahambrey, learned Additional Government Advocate for respondents no. 6 and 9 and Mrs. Agni, learned Amicus Curiae. None present for respondents no. 7 and 8 though served. Rule. By consent heard forthwith.

2. By this petition, the petitioners seek the following reliefs :

(a) This Court be pleased to issue a writ of certiorari or a writ in the nature of certiorari or any other appropriate writ, order or direction, quashing and setting aside the impugned judgment and order dated 08/02/2012 (ANNEXURE "D" to the Petition);

(b) This Court also be pleased to issue an appropriate writ, order, declaration or direction that Article 30 of the Devasthan Regulations is ultra vires to the Constitution of India.

3. Briefly, the facts relevant for disposal of the writ petition are as under :

Downloaded from CourtKutchehry — https://dev.courtkutchehry.com/judgments/shri-jitendra-raghuraj-deshprabhu-...

The petitioners are the Mahajans of respondent no. 8 Devasthan governed by Devasthan Regulations. The names of the petitioners have been duly enrolled as Mahajans of respondent no. 8 which is a registered Devasthan under the Devasthan Regulations. The petitioners are entitled to contest elections to the Managing Committee of Devasthan in terms of Article 40 of Devasthan Regulations.

4. The elections for the Managing Committee of Devasthan in terms of Article 40 of Devasthan were scheduled on 14/02/2010 for electing Managing Committee for a period of three years. Petitioner no. 1 was holding the post of President of Devasthan for the period 2008 to 2010. It is further the case of the petitioners that under the Devasthan Regulations, there is no procedure prescribed nor any rules have been framed for conduct of such election. However, for the smooth conduct of election, the Managing Committee had framed certain regulations. On 14/02/2010, elections were conducted in which the petitioners came to be elected to the Managing Committee of the Devasthan.

5. Respondents no. 1 to 5, who were also the contesting candidates, filed Devasthan Appeal No. 3/2011 before the Administrative Tribunal, Panaji at Goa (''Tribunal'' for short) challenging the elections of the petitioners. The said appeal was filed under Article 30 of Devasthan Regulations which reads thus :

Against the irregularities and nullities of the election, appeal may be filed to the Administrative, Fiscal and Audit Tribunal within the time limit of 10 days from the act of election

6. It is further the case of the petitioners that Article 30 of the Devasthan Regulations does not lay down any procedure nor any regulations or rules have been framed by the Government prescribing the procedure before the Administrative Tribunal in proceedings under Article 30. It is further the case of the petitioners that Article 30 suffers from vise of arbitrariness and unconstitutionality.

7. The petitioners appeared before the Tribunal and filed written statements on behalf of respondents no. 1 and 2, 3 and 4, and 5 and 7 separately. Thereafter, the matter was argued and arguments were concluded on 19/11/2010 and the matter was fixed for judgment on 08/12/2010. Thereafter, the matter came to be adjourned from time to time for delivery of judgment and finally, the Tribunal by judgment and order dated 08/02/2012 set aside the election of the petitioners to the Managing Committee of Devasthan. The Tribunal stayed the operation of the impugned judgment for a period of three weeks from the date when the certified copy was ready for delivery. The interim order granted by the Tribunal has been continued by this Court from time to time.

8. Since one of the grounds raised in the petition is regarding delivery of the judgment by the Tribunal after a period of almost 15 months which is in violation of the directions given by this Court, Advocate Mrs. A. Agni was appointed Amicus Curiae in the matter, to assist this Court on the aspect of the effect of

Downloaded from CourtKutchehry — https://dev.courtkutchehry.com/judgments/shri-jitendra-raghuraj-deshprabhu-…

non-delivery of the judgment within the period directed and appropriate action, if any, to be taken in the matter.

9. Mr. Pangam, learned Counsel appearing for the petitioners, at the outset, submitted that Article 30 of Devasthan Regulations suffers from vise of arbitrariness inasmuch as no procedure has been laid down for disposal of the appeal nor any regulations or rules have been framed by the Government prescribing the procedure before the Tribunal in proceedings under Article 30. Learned Counsel further submitted that since unbridled power and discretion has been given to the Tribunal to decide the appeal under Article 30 without laying down the procedure, the same is unconstitutional being vague. Learned Counsel further submitted that Article 30 suffers from vise of arbitrariness and unconstitutionality and as such, will not stand the tests of Articles 14 and 21 of Constitution of India and, therefore, is liable to be struck down. Learned Counsel further submitted that although proceedings under Article 30 has been styled as an appeal, the same are actually in the nature of election petition which requires to be adjudicated after allowing the parties to lead evidence and since in the present case, the Tribunal had decided the appeal only on the basis of written statements and the documents produced by the parties, the impugned judgment and order is liable to be set aside. Mr. Pangam further submitted that the impugned judgment and order has been passed after a period of almost 15 months after the matter was reserved for judgment which is clearly in breach of several judgments of the Apex Court and the judgment delivered by learned Single Judge of this Court and, therefore, on this ground alone, the impugned judgment and order is liable to be set aside. Mr. Pangam further submitted that the Tribunal has not considered several submissions made in support of dismissal of the proceedings initiated by respondents no. 1 to 5. Mr. Pangam further submitted that perusal of paragraph No. 15 of the judgment clearly discloses that the ballot papers which were in the ballot boxes, have been perused by the President of the Tribunal although the ballot boxes were not opened in the presence of the parties, thereby seriously affecting the secrecy of the election process. Mr. Pangam further submitted that perusal of the rojnama dated 16/06/2010 discloses that the ballot boxes were not opened and it was observed that they would be opened at appropriate time at different stages as required by the Tribunal. Mr. Pangam, therefore, submitted that the Tribunal has relied upon the material without the same being put to the notice of the petitioners. Mr. Pangam further submitted that panel wise elections for the Managing Committee of the Devasthan is permissible under the Regulation and there is no provision in the Regulations which bars panel wise election and as such, the finding recorded by the Tribunal that the election conducted was illegal and void on the ground that the same was held panel wise ,is patently unsustainable in law. Mr. Pangam further submitted that judgment dated 14/12/2004 delivered by Division Bench of this Court in Writ Petition Nos. 514/2004 and 515/2004 holding that panel wise elections are permissible under Article 40 requires to be reconsidered. Mr. Pangam further submitted that doctrine of necessity clearly compelled petitioner

Downloaded from CourtKutchehry — https://dev.courtkutchehry.com/judgments/shri-jitendra-raghuraj-deshprabhu-…

no. 1 to preside over the meeting for holding election inasmuch as there was no impediment insofar as the petitioner no. 1 is concerned and consequently, there was no need to appoint his substitute to conduct the election. Mr. Pangam lastly submitted that this is a fit case in which the matter deserves to be remanded to the Tribunal for de novo decision, by following the judgment of the Apex Court and of this Court. In support of his submissions, Mr. Pangam placed reliance upon the following judgments :

(i) R.C. Sharma Vs. Union of India (UOI) and Others,

(ii) Anil Rai Vs. State of Bihar; (2001)7 SCC 318.

(iii) Devang Rasiklal Vora Vs. Union of India and another; (2004) 3 BCR 450.

(iv) Unreported judgment in the case of M/s.Shivsagar Veg. Restaurant Vs. Assistant Commissioner of Income Tax dated 14/11/2008 delivered by the Division Bench of this Court.

10. Per contra, Mr. Lotlikar fairly conceded that the judgment delivered by the Tribunal is in violation of the directions given by the learned Single Judge of this Court in the case of Pradeep Sangodker Vs. State of Goa and another; CDJ 2006 BHC 2128. However, learned Senior Counsel submitted that mere delay in delivery of judgment by itself would not be the ground to set aside the judgment and the party seeking to set aside the judgment on the ground that it is in violation of the directions given by the learned Single Judge of this Court in the case of Pradeep Sangodker (supra), has to make out the case of prejudice and unless the case of prejudice is made out, no interference is warranted in exercise of writ jurisdiction simply on the ground of delay. Learned Senior Counsel further submitted that even in the petition, no ground has been taken that the important arguments, having bearing on the outcome of the proceedings before the Tribunal, have not been dealt with by the Tribunal and as such, the contention of the petitioners that the impugned judgment and order is liable to be set aside solely on the ground of delay, is unsustainable in law. Mr. Lotlikar, learned Senior Counsel further submitted that the Tribunal has rightly set aside the elections of the petitioners inasmuch as petitioner no. 1, who himself was the contesting candidate, presided over the meeting clearly in breach of principles of natural justice and as such, the finding of the Tribunal that election is liable to be set aside on this ground, cannot be faulted with. Learned Senior Counsel further submitted that the Tribunal has rightly held that panel wise election to the Management of the Devasthan is not permissible in terms of the Regulations and, therefore, no interference is warranted with the impugned judgment and order. Learned Senior Counsel further submitted that even if this Court is inclined to set aside the impugned judgment and order and remand the matter to the Tribunal, the petitioners ought not to be allowed to continue to hold the posts in the Managing Committee and Administrator be appointed in respect of the Devasthan.

11. Mrs. Agni, learned Amicus Curiae submitted that the judgment delivered by the learned Single Judge in the case of Pradeep Sangodker (supra) is clearly

Downloaded from CourtKutchehry — https://dev.courtkutchehry.com/judgments/shri-jitendra-raghuraj-deshprabhu-…

binding on the Tribunal and the Tribunal has acted in clear breach of the directions given by the learned Single Judge of this Court. Mrs. Agni further submitted that this is a case of willful disobedience. Mrs. Agni further submitted that the Tribunal being subordinate to the High Court, was bound to follow the directions given by the learned Single Judge of this Court in the case of Pradeep Sangodker (supra). In support of her submissions, Mrs. Agni relied upon the following judgments :

(i) Magna Graphics Ltd. Vs. Prakash Sabde, .

(ii) Atma Ram Builders P. Ltd. Vs. A. K. Tuli and others; 2011 DGLS (Soft) 466.

(iii) Unreported judgment dated 25/08/2010 in W.P. No. 834/2009 (Mr. Michael Anthony William Gareth Vs. Mrs. Maria do Rosario Da Fatima) delivered by the learned Single Judge of this Court.

12. We have carefully considered the rival submissions, perused the record and the judgments relied upon.

13. In view of rival submissions, the following points arise for determination in the present writ petition :

(i) Whether Article 30 of Devasthan Regulations is ultra vires the Constitution of India?

(ii) Whether the impugned judgment and order is liable to be set aside in view of inordinate delay in delivering the judgment after conclusion of arguments and being in clear breach of the directions given by the learned Single Judge of this Court in the case of Pradeep Sangodker (supra) ?

(iii) Whether the Tribunal was legally justified in setting aside the elections of the petitioners to the management of respondent no. 8 Devasthan ?

14. We shall now deal with the above referred points for determination arising in the present writ petition. Ordinarily, the petition challenging an order passed by the Administrative Tribunal under Article 30 of Devasthan Regulations would lie before the learned Single Judge. However, the petitioners have challenged the vires of Article 30 and that is how the present writ petition is taken up by the Division Bench.

15. Insofar as the challenge of the petitioners to Article 30 of the Devasthan Regulations on the ground that it is ultra vires the Constitution of India since no procedure has been prescribed under Article 30 for disposal of the appeal is concerned, we do not deem it appropriate to go into this challenge in the present writ petition. The petitioners have chosen to file written statements and produce documents before the Tribunal in appeal preferred under Article 30 of respondents no. 1 to 5 and have invited the judgment on the basis of the written statements and documents produced. At no point of time, the petitioners made any grievance before the Tribunal that the procedure followed by the Tribunal was not proper or that the same has caused prejudice to the petitioners. If the

Downloaded from CourtKutchehry — https://dev.courtkutchehry.com/judgments/shri-jitendra-raghuraj-deshprabhu-…

petitioners were to insist before the Tribunal that the proceedings under Article 30, though styled as an appeal, ought to have been tried as an election petition by recording evidence, the petitioners ought to have made such demand before the Tribunal. Admittedly, no such demand was made before the Tribunal. The petitioners acquiesced in the procedure followed by the Tribunal and invited the judgment in the appeal. It appears that the petitioners have chosen to challenge the vires of Article 30 only because the Tribunal had decided against the petitioners. The petitioners, having invited the judgment in terms of the procedure followed by the Tribunal, are not entitled to contend now that Article 30 of the Devasthan Regulations is ultra vires the Constitution of India. Moreover, in the course of arguments, Mr. Pangam has not pointed out as to in what manner any prejudice has been caused to the petitioners by the procedure that has been followed by the Tribunal. Therefore, we do not deem it necessary to deal with the contention of the petitioners on merits that Article 30 suffers from vise of arbitrariness and as such, deserves to be declared unconstitutional. As stated above, this petition in the normal course would lie before learned Single Judge, but having heard the learned Counsel for the parties at length, we deemed it appropriate to decide the petition on merits.

16. The next question which arises for consideration is whether the impugned judgment is liable to set aside in view of inordinate delay in delivering judgment after conclusion of the arguments, in view of the judgments of the Apex Court and this Court. In order to appreciate this argument, it would be appropriate to refer to the judgments relied upon by the parties.

17. In the case of R. C. Sharma (supra), the Apex Court was dealing with an appeal before the High Court of Allahabad in which the judgment was delivered after a period of 8 months after conclusion of arguments. It was urged on behalf of the appellant that the High Court had not dealt with number of submissions made because apparently they had been forgotten. At the relevant time, CPC did not prescribe any time limit for delivery of judgment. Yet the Apex Court held that though the CPC did not provide for time limit between hearing of arguments and the delivery of judgment and unreasonable delay between hearing of arguments and delivery of judgment, unless explained by exceptional or extraordinary circumstances, is highly undesirable even when written arguments are submitted. The Apex Court held that it was not unlikely that some points which the litigants considered important might have escaped notice; what was more important was that litigants must have complete confidence in the results of litigation. This confidence tends to have shaken if there is excessive delay between hearing of arguments and delivery of judgment. The Apex Court further held that justice must not only be done but must manifestly appear to be done.

In the case of Anil Rai (supra), the Supreme Court was dealing with criminal appeal in which Patna High Court delivered judgment almost after a period of two years. The Apex Court held that justice must not only be done but appear to have been done and further observed that justice delayed is justice denied and

Downloaded from CourtKutchehry — https://dev.courtkutchehry.com/judgments/shri-jitendra-raghuraj-deshprabhu-…

justice withheld is even worse than that. The Apex Court referred to several judgments of the Apex Court and laid down guidelines to be followed by the High Courts till such time as Parliament would enact measures to deal with such problem.

In the case of Devang Rasiklal Vora (supra), the Division Bench of this Court was dealing with the challenge to order passed in appeal by Central Excise and Gold (Control) Appellate Tribunal (''The CEGAT'' for short) in which The CEGAT had passed the impugned order after a period of two years from the date of conclusion of arguments. The Division Bench referred to the judgments in the case of R. C. Sharma and Anil Rai (supra) and also to the judgment of the Apex Court in the case of Madhav Hayawadanrao Hoskot Vs. State of Maharashtra, in which the Apex Court took serious note of the prejudice normally caused to the litigant due to delayed pronouncement of the judgment for the reasons which are not attributable either to the litigants or to the State or to the legal profession. The Division Bench held that some of the vital points which were raised in the petition and canvassed before the Bench were not to be found in the judgment of The CEGAT, although according to learned Counsel for the petitioner, they were canvassed before The CEGAT. In this factual background, the Division Bench chose to set aside the judgment only on the ground of delay in delivering the judgment.

In the case of Pradeep Sangodker (supra), learned Single Judge of this Court was dealing with the petition in which the petitioner had contended that although final arguments were heard by Consumer Redressal Forum, North Goa at Alto Porvorim on 19/06/2005, no judgment was delivered by the Forum till the petition was filed in the year 2006. The learned Single Judge referred to the judgments of the Apex Court in the case of Madhav Hoskot (supra), R. C. Sharma (supra) and Anil Rai (supra) and also the judgment of Division Bench of this case in the case of Devang Vora (supra) and framed guidelines to be followed by the Judicial/ Quasi Judicial Bodies exercising jurisdiction in the State of Goa. The learned Single Judge gave the following directions which were to be followed by all Courts and Tribunals including the Administrative Tribunal of Goa, functioning within the jurisdiction of Goa :

(i) All Courts should arrange their roaster in such a manner that they should be able to deliver judgment/ order in any matter at the soonest possible.

(ii) Where final arguments are heard in a matter, judgment should be pronounced within a period of three months from the date of conclusion of the arguments.

(iii) In Misc. Application and/or all other matters, order shall not be delayed beyond a period of two months from the date of conclusion of arguments.

(iv) Whenever judgment/ order is reserved, the judgment/ order when delivered should bear the date on which the judgment/order was reserved and date on which it is delivered.

Downloaded from CourtKutchehry — https://dev.courtkutchehry.com/judgments/shri-jitendra-raghuraj-deshprabhu-…

(v) Directions contained in clauses 4 and 5 (inadvertently mentioned as 4 and 5 instead of 3 and 4) above shall be subject to any statutory provisions, if any, providing for a different period such as Consumer Protection Regulations, 2005; wherein Consumer Forum is required to pass the order invariably within fifteen dates of the conclusion of the arguments as per clause-7 thereof.

(vi) Any judicial officer, failing to comply with directions at Sr.Nos. 4 and/or 5 (inadvertently mentioned as 4 and 5 instead of 3 and 4) above shall report to the Registrar, High Court of Bombay at Goa every such matter where there is a failure with reasons for non-delivery of such order/ judgment. The same will form part of their personal file.

(vii) In case of Government officers discharging judicial/ quasi judicial functions, such report shall be made to the Chief Secretary of Goa and the same will form part of their personal records.

(viii) The judicial officers concerned shall also be liable for disciplinary action by the High Court and the State Government, as the case may be, for their persistent failure to comply with these directions.

(ix) It is common knowledge that most of the quasi judicial authorities communicate the decision to the parties after reserving the order. This practice should be discontinued forthwith. Every judgment/ order should be pronounced in open Court after notifying the parties the date of the order.

(x) Once the judgment/ order is pronounced, the certified copy should be made available to the parties, if applied for, not later than 7 days and not later than 2 days if the copy is applied for on urgent basis.

In the case of Ms. Shivsagar Veg. Restaurant (supra), the Division Bench of this Court set aside the order passed by the Income Tax Appellate Tribunal, Mumbai Bench in an appeal in which final order was passed on 21/10/2005 upon conclusion of argument on 02/06/2005 on the ground that no reasons were given in support of the judgment. The Division Bench also took note of delay in delivering the judgment and gave direction to the President of Appellate Tribunal to frame and lay down guidelines on the similar lines as are laid down by the Apex Court in the case of Anil Rai Vs. State of Bihar (supra).

In the case of Magna Graphics Ltd. (supra) relied upon by Mrs. Agni, learned Amicus Curiae, the learned Single Judge of this Court held respondent no. 1, who was Collector, Jalgaon guilty for violating the order dated 01/11/2001 passed by the High Court holding that since respondent no. 1 was discharging quasi judicial function, was bound to follow the judgment of the High Court and as such, violation of the order passed by the High Court amounted to contempt of Court.

In the case of Atma Ram Builder P. Ltd (supra), The Apex Court was dealing with an order passed by the Additional District Judge in an objection by son of one of the trustees of the Trust, which was directed to hand over the possession within the period of six weeks by the Apex Court. The Apex Court initiated contempt

Downloaded from CourtKutchehry — https://dev.courtkutchehry.com/judgments/shri-jitendra-raghuraj-deshprabhu-…

proceedings against the tenant as well as against the Additional District Judge, who had passed an order in defiance of the order passed by the Apex Court in proceedings initiated by son of one of the trustees of the Trust, which was directed to vacate the premises. The Apex Court deprecated the practice of litigants, who are trying to frustrate the orders of the Courts by resorting to dubious and dilatory tactics and also quashed the order passed by the Additional District Judge as being totally void and further directed the Hon''ble Chief Justice of Delhi High Court to enquire into the matter and take disciplinary action against the Additional District Judge, who had passed the order frustrating the order passed by the Apex Court.

In the case of Michael Gareth (supra) (unreported judgment in Writ Petition No. 834/2009), while dealing with the order passed by the President, Administrative Tribunal, the learned Single Judge of this Court set aside the judgment passed by the President, Administrative Tribunal on the ground that judgment was passed on 17/10/2009, although final arguments were concluded on 22/06/2006. No doubt, in the said case just before the expiry of three years, Presiding Officer of the Tribunal had sought certain clarifications in the matter and heard the learned Counsel for the parties on 19/06/2009. Learned Single Judge quashed and set aside the final order on the ground that the judgment was pronounced with inordinate delay and in breach of the directions given by this court in the case of Pradeep Sangodker (supra).

18. What emerges from the above judgments is that the Courts and the Tribunals functioning within the State of Goa are bound to follow the mandate given by the Apex Court in various judgments as well as the judgment of the learned Single Judge of this Court.

In the case of R. C. Sharma (supra), the Apex Court has observed that unreasonable delay between the hearing of arguments and delivery of judgment, unless explained by exceptional and extraordinary circumstance, is highly undesirable even when written arguments are submitted. It has been held that in such an eventuality, some points which the litigants considered important, might have escaped the notice. But what is more important is that the litigants must have complete confidence in the result of the litigation and the same tends to be shaken if there is excessive delay between hearing of arguments and delivery of judgment; Justice must not only be done but must manifestly appear to be done.

19. It is also well settled that judicial review under Article 226 is available against the decision making process and not against the final decision or order. Admittedly, learned Single Judge of this Court has given directions to the Courts and Tribunals functioning in the State of Goa in the case of Pradeep Sangodker (supra) to deliver the judgment within a period of three months from the date of conclusion of arguments. There is no dispute that the judgment has been passed after a period of almost 15 months clearly in breach of the directions given in the case of Sangodker (supra). Moreover, perusal of the impugned judgment, more particularly paragraph 15 discloses that ballot papers which were in ballot boxes

Downloaded from CourtKutchehry — https://dev.courtkutchehry.com/judgments/shri-jitendra-raghuraj-deshprabhu-…

have been perused by the President of the Tribunal although the ballot boxes were not opened in the presence of the parties. Perusal of the rojnama dated 16/06/2010 discloses that ballot boxes were not opened and it was observed that the ballot boxes would be opened at the appropriate time at different stages as required by the Tribunal. Thus, the Tribunal acted clearly in breach of the principles of natural justice by opening the ballot boxes, in the absence of the parties. Thus, the procedure followed by the Tribunal is clearly in breach of the principles of natural justice. On this count and also on the ground of inordinate delay in delivery of the impugned judgment and order, we are of the considered opinion that the same is liable to be set aside. We are unable to accept the submission of Mr. Lotlikar that in the absence of any prejudice having been pointed out, the petitioners are not entitled to any relief sought in the present petition. The Tribunal having acted in breach of principles of natural justice, the judgment and order which affects the rights of the petitioners, is liable to be quashed and set aside.

20. In so far as the submission of Mr. Lotlikar that even if the matter is remanded to the Tribunal, the petitioners be not allowed to continue as the members of the Management Committee of Devasthan and the Administrator be appointed is concerned, we do not find any merit therein. The petitioners have been the members of the Management Committee of Devasthan since 2008 and by virtue of the interim orders, they continue to be so till date. Therefore, in our considered opinion, this is not a fit case in which Administrator deserves to be appointed as contended by Mr. Lotlikar. However, till the appeal is decided, the Management Committee of the Devasthan shall not take major decisions having financial implications.

21. Before we conclude, we deem it appropriate to refer to one disturbing feature in respect of which the learned Counsel appearing for the parties are ad idem. The President of the Administrative Tribunal has delivered the impugned judgment and order after a period of almost 15 months. The learned Single Judge of this Court in the case of Pradeep Sangodker (supra), had clearly directed the Courts and the Tribunals in Goa to deliver the judgment within a period of three months from the date of conclusion of arguments. Moreover, in the case of Michael Gareth (supra), this Court had set aside the judgment and order passed by the President Administrative Tribunal, Goa in Eviction Appeal No. 3/2006 preferred by respondent no. 2 challenging the order of eviction on the ground that the judgment was delivered almost after a period of three years from the date of hearing of arguments, clearly in breach of the directions given in the case of Pradeep Sangodker (supra). It is really disturbing that the President of the Administrative Tribunal, in spite of directions in the case of Pradeep Sangodker (supra) and judgment in the case of Michael Gareth (supra), has chosen to flout the directions given by the learned Single Judge of this Court in the case of Pradeep Sangodker (supra). It is also to be noted that in terms of the directions given by the learned Single Judge of this Court in Pradeep Sangodker (supra), the President of the Administrative Tribunal was bound to

Downloaded from CourtKutchehry — https://dev.courtkutchehry.com/judgments/shri-jitendra-raghuraj-deshprabhu-…

record the date of reserving the judgment and the date of pronouncing the judgment which admittedly has not been done by the President, Administrative Tribunal and thereby the President, Administrative Tribunal has violated the directions given by this Court. We, therefore, deem it appropriate to send a copy of this judgment to the Chief Secretary Government of Goa so that the State Government takes appropriate action against the President, Administrative Tribunal of Goa in terms of the judgment in the case of Pradeep Sangodker (supra) and the rules applicable.

22. In the result, therefore, the impugned judgment and order dated 08/02/2012 is quashed and set aside and the matter is remanded to Administrative Tribunal for fresh decision. The Administrative Tribunal shall pass appropriate order in the light of the observations made above and in accordance with law. Considering that the matter pertains to elections to the Management Committee of Devasthan, we deem it appropriate to direct the Tribunal to dispose of the appeal expeditiously and in any case on or before 31/07/2012. The parties to appear before the Tribunal on 18/06/2012 at 10.00 a.m.

23. We record appreciation for the valuable assistance rendered by Mrs. A. Agni, learned Amicus Curiae, in the matter. Rule is made absolute in aforesaid terms. No order as to costs.

Downloaded from CourtKutchehry — https://dev.courtkutchehry.com/judgments/shri-jitendra-raghuraj-deshprabhu-…