

IN THE HIGH COURT OF BOMBAY AT GOA

CONTEMPT PETITION NO. 12 OF 2002

Mr. Jos Peter D'Souza,
1/S2 Garden Centre (II),
Near Police Station,
Mapuca, Goa.

... Petitioner.

Versus

Shri V. P. Shetye,
Law Secretary,
Government of Goa,
Secretariat,
Panaji, Goa.

... Respondent.

Petitioner in person.

Shri A. N. S. Nadkarni, Advocate General with Shri H. D.
Naik, Addl. Govt. Advocate for the respondent.

CORAM: P. V. KAKADE &
P. V. HARDAS, JJ.

DATE: 20th November, 2002.

ORAL ORDER (Per P. V. Kakade, J.)

Heard the petitioner in person. We also heard the learned Advocate General who has filed affidavit-in-reply of the contemner, the Law Secretary of the State. The learned Advocate General made a statement that apart from the merits involved, the State Government is prepared to give inspection of all the relevant files and records to the petitioner, regarding which the grievance is made in this petition, in accordance with the earlier Order of this Court passed in Writ Petition No. 317/2002.

2. A perusal of the affidavit in reply shows that it is not at all satisfactory, so as to convince the judicial conscience to hold that it was an inadvertent

mistake on the part of the contemner. This is specially so in view of his specific statement made at page 16, that the concerned files were not located for being placed for orders and as the files could not be located he presumed that there was a mix up. He has also mentioned that he had to approach the Chief Minister of the State to seek his permission. We fail to understand as to why such permission was required in the light of the specific orders passed by this Court, when the contemner himself was not only aware of the orders passed by this Court well in time, but also was having custody of the said files with him. Prima facie, we are convinced that this particular statement and stand of mixing up of files is nothing but an attempt to pass the buck to the higher ups, which we strongly deprecate.

The contemner is hereby directed to give inspection of all the necessary and relevant files as per the earlier order of this Court, to the petitioner immediately. Also issue notice to the Chief Secretary of the State to file his affidavit to clarify the position which has been brought to our notice by virtue of the aforesaid statement made by the contemner in his affidavit filed today. He shall also explain in details the procedural norms adopted under such circumstances in the light of the specific orders of the Court. the affidavit must be filed on record on or before the next date fixed. S. O. till Monday, i.e. 25th November, 2002.

Notice of this petition to the contemner. The contemner is present in person and waives service. He is also at liberty to file affidavit-in-reply in details, if so required, after the affidavit of the Chief Secretary comes on record.

The contemner shall remain present in person, on the next date fixed.

Authenticated copies of this Order to be supplied.

P. V. KAKADE, J.

P. V. HARDAS, J.

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