



Amrut

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.1535 OF 2026

CLUB BERNADO PERES DE SILVA
REPRE BY YOGIRAJ KAMAT ALIAS
YOGIRAJ DIGAMBAR KAMAT AND ANR. ... Petitioners

Versus

JOSEPH PAUL SAVIO COUTINHO
AND ANR. ... Respondents

Mr Shivan Desai and Ms Riya Amonkar, Advocates for Petitioners.

Mr Shivraj Gaonkar, Mr Prabhav Sirvoicar, Mr Shithil Prabhu
Desai and Mr Jumman Shaikh, Advocates for Respondent No.1.

Mr Akhil Parrikar, Advocate for Respondent No.2.

CORAM: S. G. CHAPALGAONKAR, J.

DATED : 28th OCTOBER 2026

P.C:

1. The present writ petition is filed for following prayer:

(a) 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 order dated 07/10/2026 in Proceedings bearing No.8 of 2026 issued by the Hon'ble Goa Lokayukta at Ribandar, Goa."

2. Mr S. Desai, learned Advocate appearing for Petitioner would submit that order impugned is passed by Hon'ble Lokayukta without hearing or giving any notice of hearing to Petitioner. In two hearings that took place before the Lokayukta, Petitioner was not noticed. According to Mr Desai, the powers of Lokayukta are recommendatory in nature and no substantive orders can be passed particularly curtailing civil rights of third party. In support of his submission, he relies upon observations of the Division Bench of this Court in case of ***Bhumika Cleantech Services Pvt. Ltd. Vs Lokayukta, Goa***,¹ particularly paragraphs 11, 12, 13, 15 and 21. According to Mr Desai, the impugned order directly curtailed Petitioner's right to prosecute his remedy before the competent Authority having jurisdiction and deal with propriety rights. Lokayukta does not possess powers to pass any interim direction, particularly that would affect the civil rights of third party.

3. Per contra, Mr Gaonkar, learned counsel appearing for Respondent No.1, invited attention of this Court to the Goa Lokayukta Rules, 2012, particularly Rule 7 and sub-clauses (c) and (h), to contend that Lokayukta has powers to pass interlocutory orders which are just and necessary to meet the ends of justice. Petitioner has a remedy to appear before the Lokayukta and seek recall of interim ex-parte order, if he is

¹ 2017(6) Mh.L.J. 799

aggrieved by the said order, hence there is no reason for writ Court to interfere with the impugned order.

4. Perusal of impugned order suggests that Hon'ble Lokayukta directed to keep no objection given by Chief Officer of Margao Municipal Council in abeyance while issuing notice to Petitioner/original Respondent No.2. According to Mr Desai, title clause in proceedings before Lokayukta is not correct. Respondent No.2 is wrongly impleaded in his capacity as President, in fact the Club itself would have to be shown as Respondent.

5. Be that as it may, this Court finds that Petitioner is at liberty to raise all contentions and objections before Lokayukta instead of impugning interlocutory order by filing writ petition. Petitioner has every opportunity to cause his appearance before Lokayukta on given date i.e. 3rd November 2026 and seek modification or reversal/recall of order. The Petitioner may oppose continuation of interim order beyond 3rd November 2026. In that view of matter, writ petition stands disposed of with liberty to Petitioner to raise all contentions before Lokayukta and seek appropriate directions.

6. Writ Petition stands disposed of.

S. G. CHAPALGAONKAR, J.