IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 134 OF 2014
WITH
WRIT PETITION NO. 433 OF 2014
WITH
WRIT PETITION NO. 436 OF 2014
WITH
WRIT PETITION NO. 504 OF 2014

Teofilo D'Souza,
Major of age,
s/o Mathias D'Souza,
Resident of Mathais House,
Near Holy Cross,
Bambolim, Tiswadi – Goa. ... Petitioner

Versus

1. Shri Menino X. Gomes,
Major, retired,
Resident of Tonca,
Post Marcel – Goa.

2. Shri Cipriano Torres,
alias Bosco Antonio Jose Ciriaco Torres,
(since deceased) through
legal representatives, R/o Estevam,
Tiswadi – Goa. ... Respondents

Mr. Ashwin D. Bhobe, Advocate for the Petitioner.

Mr. Vilas P. Thali, Advocate for the Respondent No. 1.

CORAM: N. M. JAMDAR, J.
DATE: 9TH FEBRUARY, 2015.

ORAL ORDER:

By this petition, the petitioners challenge the orders passed by the Administrative Tribunal, Panaji-Goa in Land Revenue Appeal No.87/2010 dated 14th September, 2012 and 15th December, 2010. The proceedings arise from Land Revenue Code, 1968.

2. The respondents filed an application seeking leave to appeal under section 188 (c) of the Land Revenue Code in respect of the order passed by the Deputy Collector and S.D.O., Panaji. It was the case of the respondent no.1 that respondent no.1 is the owner of of the property concerned and inspite of this position, the petitioner had filed for inclusion of his name in the occupant's column. A suit of filed by the respondent no.1 i.e. Regular Civil Suit no.11/2005 against the petitioner and others is pending. After granting leave to appeal to the respondent no.1, the tribunal also proceeded to pass the final orders in the appeal and both these orders are challenged in the present petition.

3. Though the record produced is voluminous and bulky, ultimately what is challenged is correction of the revenue record. It is settled position of law that the revenue records do

not confer any title and the proceedings to correct the revenue record or mutation do not conclusively decide rights between the parties. The entries are maintained primarily for fiscal purposes. In view of this position, this Court has consistently taken a view not to exercise writ jurisdiction, especially when civil suits between the parties is pending.

4. Mr. Ashwin Bhobe, the learned counsel for the petitioner does not dispute this position. He however submits that an order has been passed by the Administrative Tribunal in Land Revenue Appeal No.36/2013 on 27th January, 2015, copy of which is placed on record, by which certain proceedings will revive if the writ petition is disposed off.

5. The parties are litigating in two parallel forums i.e. before the Revenue authority as well as in the Civil Court for the same purpose. It will be thus appropriate if the rights of the parties are conclusively determined in the Civil Court. Even though, I am not inclined to interfere with the impugned order, it is made clear that the impugned order will not conclusively determine the inter-se rights between the parties. It is also clarified that for any further application in respect of the property, or for appointment of Commissioner, parties will make appropriate application before the Civil Court where the proceedings are pending.

6. In view of the above clarification, the order dated 27 th January, 2015 will be kept in abeyance till the disposal of the civil suit to be decided on its own merits. No further

orders are required to be passed. Writ petition is disposed off.

7. Mr. Bhobe submitted that the respondent has made certain unwarranted allegations against the petitioner as well as his advocate by making representation. Since the matter will be decided by the Civil Court on its own merits, the learned counsel for the respondent assures the Court that he will instruct his client not to precipitate the matters by making baseless allegations and representations. This statement is accepted.

N. M. JAMDAR, J.

Ap/-