

**IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO. 483 OF 2014**

LADY D'SOUZA MAHILA ASHRAM THR.

ITS DIRECTOR P. K. PATIDAR ... Petitioner

Versus

MISS GRACE D'COSTA AND 3 ORS. ... Respondents

Mr. Emerico Estevam Afonso, Advocate for the Petitioner.

Mr. J.E. Coelho Pereira, Senior Advocate with Mr. V. Braganza,
Advocate for Respondent No.1.

Coram:- N. M. JAMDAR, J.

Date:- 11 March 2015

ORAL ORDER :

By this petition, the petitioner-Institute of Public Assistance challenges the order dated 17 February 2009 passed by the Administrative Tribunal of Goa in rejecting the Misc. Application for condonation of delay in Land Revenue Appeal.

2. The appeal was filed by the petitioner challenging the order dated 25 April 2006 filed by Deputy Director and Sub-Divisional Officer, Mapusa. In the appeal the petitioner contended that when he took charge of the office in November 2007/January 2008, while inspecting the records, he came across the order of the Deputy Collector wherein entries have been made in the record of rights in favour of the respondents in the suit property. It was the case of the petitioner that the entries were made by consent of the predecessor of the petitioner without any authority as the property belongs to the

public body. There was a delay of 2 years and 4 months in filing the appeal, therefore an application for condonation of delay was taken out, which application was rejected by the Administrative Tribunal by the impugned order dated 17 February 2009. Thereafter the present petition was filed on 31 July 2014 after a period of 5 years and 5 months.

3. When the petition had come up earlier and it transpired that the respondent no.2 is in possession of the property at present. It was then put to Mr. E. Afonso, the learned Counsel for the petitioner that if it is the case of the petitioner, which is a public authority, that the property belonging to the State is wrongfully in possession of the respondent no.2 then whether the petitioner is taking any steps to recover the property. Mr. Afonso submitted that he has received instructions to file a suit for recovery of possession and suit will be soon filed.

4. The present petition arises from correction of revenue records, which do not confer any title and do not create substantive rights. This Court has taken a consistent view that in the circumstances, it is not necessary to interfere with the orders correcting the revenue records, leaving the parties open to pursue their remedies to get their substantive rights adjudicated.

5. Since the petitioner is taking steps to institute civil proceedings in respect of the property, the proceedings can be decided on own merits irrespective of the correction of revenue records.

6. It is therefore not necessary to interfere with the impugned order, as all the rights and contentions of the parties in respect of the correction of revenue records will be considered on its own merits in the Civil Suit that is to be filed by the petitioner. Mr. Afonso states that the suit will be filed expeditiously and approximately within 3 to 4 months time is required, considering the approvals involved. Writ Petition is accordingly disposed of. All the contentions of both the parties in respect of the revenue records are kept open to be decided in the Civil Suit.

N. M. JAMDAR, J.

NH/-