

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITIONS NO. 430 AND 431/2014

WRIT PETITION NO. 430/2014

Smt. Julia Fernandes,
major of age, r/o. House No.48,
Sirvodem, Navelim, Salcete, Goa. Petitioner.

V/s.
1) Xantu Naik (deceased)
and others Respondents.

Mr. Noel Parras D'Cruz, Advocate for the petitioners.

Mr. S. D. Lotlikar, Senior Advocate with Ms. P. Hegde, Advocate for the respondents No. 1(bi), b(ii), b(iii), (c), (d), (e), (f), and (h).

WRIT PETITION NO. 431/2014

Smt. Julia Fernandes,
major of age, r/o. House No.48,
Sirvodem, Navelim, Salcete, Goa. Petitioner.

V/s.
1) Shankar Naik (deceased)
through her legal representatives.
And others Respondents.

Mr. Noel Parras D'Cruz, Advocate for the petitioners.

Mr. S. D. Lotlikar, Senior Advocate with Ms. P. Hegde, Advocate for the respondents No.1(b), 1(c ii), 1(c v), 1(c vi) and 1(d).

CORAM :- F.M. REIS, J.

Date : - 6 August 2015.

ORAL ORDER :

Heard the learned Counsel appearing for the respective parties. The above writ petitions challenge orders passed by the Authorities below, namely the Deputy Collector and SDO, Margao and the Administrative Tribunal, Panaji whereby the issue referred to the Mamlatdar by the Rent Controller as to whether the respondents are mundkars or not, was answered in favour of the respondents.

2. On perusal of the impugned orders passed by the learned Deputy Collector and the Administrative Tribunal, I find that the fact finding Authorities have come to the conclusion that the respondents have met the ingredients of the definition of a Mundkar in terms of the Mundkar Act. It is the contention of the petitioners that the respondents are tenants of the disputed property. But, however, there is no tenancy agreement nor any other document produced by the petitioners to substantiate such claim. As such, the findings of the fact finding Authorities cannot be faulted. There is no perversity in such findings and consequently, the petitions deserve to be dismissed.

3. During the course of the hearing, the learned Counsel

appearing for the petitioners submitted that the parties are exploring the possibility of settlement. The parties, if they so desire, are at liberty to settle their disputes.

4. The petitions stand, accordingly, rejected.

F.M. REIS, J.

ssm.