

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO.499 OF 2014**

Smt. Maria J.C. Pereira,
major, R/o. H.No.221,
St. Lawrence, Agassaim,
Baixe-de-Igreja, Ilhas, Goa. Petitioner

V/s

1. State,
represented by the Mamlatdar
of Tiswadi-Goa, Panaji.
2. Principal Secretary (Revenue),
Secretariat, Porvorim-Goa.
3. Dy. Collector (S.D.O.),
Collectorate Building,
Panaji Sub-Division,
Panaji-Goa.
4. Mr. Mario Dias Do Rosario,
Son of Mr. Alvano Venceslau
Dias do Rosario, Aged 50 years,
Service, R/o. Baixe-de-Igreje,
Agassaim, Tiswadi-Goa. ... Respondents

Shri D. Phadte, Advocate for the Petitioner.

Shri P. Faldessai, Additional Government Advocate for Respondents No.1,2 & 3.

Shri Rohit Bras De Sa, Advocate for Respondent No.4.

CORAM : N.M. JAMDAR, J.

DATE : 5th FEBRUARY, 2015

ORAL JUDGMENT :

Rule. Rule returnable forthwith. Respondents waive service. Taken up for final disposal.

2. By this petition, the petitioner challenges the order passed by the Principal Secretary (Revenue) disposing of the revision application filed by respondent no.4 challenging the order passed by the Deputy Collector, Tiswadi. The Deputy Collector by his order dated 2 December 2011 allowed the intervention of the petitioner and the proceedings instituted against respondent no.4.

3. The petitioner had filed a complaint against the respondent no.4 in respect of his acts of filling mud in the field and converting an agricultural land into non-agricultural land without seeking permission. During the hearing of the complaint the Deputy Collector found that there was no cooperation from Mamlatdar of Tiswadi even though the

proceedings had started in the year 2008 and, therefore, intervention of the petitioner-the complainant was necessary so that he could assist the State. By the impugned order, the Secretary held that if the Mamlatdar was not co-operating the Deputy Collector could have summoned his presence, but it was not a matter in which petitioner could be made an intervenor.

4. The learned Additional Government Advocate submitted that it may not be possible for the Mamlatdar to attend the proceedings. However, the Secretary has observed that Mamlatdar should remain present since it is his duty having complaint filed before the State.

5. The complaint is pending since the year 2008. It has to be decided at an early date. The Mamlatdar as directed should attend to the complaint either through himself or through his authorized officer. The Deputy Collector will take the case to its logical end at the earliest. The learned Additional Government Advocate assures that the office of Mamlatdar will take all possible steps to assist in expediting the hearing of the complainant.

6. In view of this assurance, it is not necessary to interfere with the impugned order. However, since the impugned order is passed on the basis that proceedings will be diligently prosecuted by the office of Mamlatdar and expeditiously disposed of, it will be open to the petitioner to revive this petition if the complaint is not disposed of within a reasonable

period, that is on or about 6 months. Petition stands disposed of in above terms. No costs.

N.M. JAMDAR, J.

NH/-