

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 756 OF 2014

MISS. RAJANI ANANT FADTE.

... Petitioner

Versus

GOA COASTAL ZONE MANAGEMENT
AUTHORITY THR. ITS MEMBER
SECRETARY AND 6 ORS.

... Respondent

Mr. Sudesh M. Volvoikar, Advocate for the Petitioner.

Mr. M. Salkar, Government Advocate for the Respondent nos. 1 to 4 and 6.

Mr. Rohit Bras De Sa, Advocate for the Respondent no. 5.

Mr. D. Pangam, Advocate for the Respondent no. 7.

Coram:- F. M. REIS &
K. L. WADANE, JJ.

Date:- 14th January, 2015

ORAL ORDER

Heard Shri Volvoikar, learned Counsel appearing for the Petitioner, Mr. Salkar, learned Government Advocate appearing for the Respondent nos. 1 to 4 and 6, Mr. Rohit Bras De Sa, learned Counsel appearing for the Respondent no. 5 and Shri Pangam, learned Counsel appearing for Respondent no. 7.

2. This is a Petition filed by the Petitioner essentially on the ground that the Petitioner is an owner of a property which, according to the Petitioner, was the subject matter of the Writ Petition nos. 574/2013 and 684 of 2013.

3. It is the contention of the learned Counsel appearing for the Petitioner that the subject matter of the said property belongs to the Petitioner and that the Respondent-Communidade has no right to the property. Learned Counsel further pointed out that the Respondent no. 7 has no right to the property belonging to the Petitioner.

4. On the other hand, Shri D. Pangam, learned Counsel appearing for the Respondent no. 7, points out that the subject matter of the said Petition was that the said Respondent moved the Comunidade on the basis of the entries in the Survey Records.

5. Shri Rohit De Sa, learned Counsel appearing for the Respondent no. 5-Comunidade, points out that the property in dispute belongs to the Respondent no. 5-Comunidade.

6. Upon hearing the learned Counsel, the main contention of Shri Volvoikar, learned Counsel appearing for the Petitioner is that the observations made by this Court in the Order dated 18.02.2014 may influence the proceedings initiated by the Petitioner in the Civil Suit claiming title to the property in dispute. The learned Counsel further pointed out that the observations therein are not binding on the Petitioner. Admittedly, the Petitioner is not a party to the said Petition. In any event, disputes of title would have to be decided by the Civil Court in its own merits in accordance with law. Hence, the Civil Court cannot be influenced by the observations with regard to

the title of the property in dispute in the said Order dated 18.02.2014.

7. Subject to the above, the Petition stands rejected.

K. L. WADANE, J.

F. M. REIS, J.

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