

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 268 OF 2015**

Miss Sylvia D'Silva, major in age,
R/o H. No. A-26, Ambhekhand,
Verem, Bardez, Goa – 403 109.

.... Petitioner

Versus

1. The Principal Secretary
(Revenue), Government of
Goa, Porvorim, Goa.

2. Smt. Cecilia Gurjao, major in
age, R/o H. No. 88, Behind
General Post office, Panaji,
Ilhas, Goa – 403 001.

.... Respondents

Mr. V.A. Lawande, Advocate for the Petitioner.

Ms. Sapna Mordekar, Additional Government Advocate for
Respondent No. 1.

Mr. Salil S. Saudagar, Advocate under Legal Aid for Respondent
No. 2.

CORAM:- S.B. SHUKRE, J.

DATE:- 29th FEBRUARY, 2016.

ORAL JUDGMENT:

Heard. Rule. Rule made returnable forthwith. Heard
finally by consent.

2. The primary objection of the petitioner is that the appeal filed before the Principal Secretary (Revenue) is not maintainable as there is no provision in that regard under the Goa Land Revenue Code.

3. Upon going through the impugned order, it is seen that an objection regarding maintainability was raised, but, no finding was recorded by the learned Principal Secretary (Revenue) by dealing with this objection and applying his mind.

4. I am, therefore, of the view that the Writ Petition deserves to be allowed by quashing and setting aside the impugned order. The impugned order is quashed and set aside. The matter is remanded to the learned Principal Secretary (Revenue) for deciding the objection regarding maintainability of second appeal and also permissibility under law to convert the second appeal into a revision application, if an occasion arises, in accordance with law. All other objections are kept open. It is made clear that this Court has not gone into the merits of the whole issue and the same are kept open to be decided at the appropriate time by the appropriate forum without being influenced by the observations made in this order.

5. Rule is made absolute. No costs.

S. B. SHUKRE, J.

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