

IN THE HIGH COURT OF BOMBAY AT GOA.**WRIT PETITION NO. 275/2008**

Mumtaj B. Shaikh,
resident of D'Melo Waddo,
Canca, Bardez,
Goa.

Petitioner

Versus

Shri Asdraleno Pedro D'Mello e Granjo
President of Canca Comunidade,
having office at Canca, Bardez-Goa

Respondent.

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Mr. J.P. Mulgaonkar, Advocate for the petitioners.
Mr. Rohit Bras De Sa, Advocate for the respondent.

CORAM : F.M.REIS & K.L.WADANE, JJ
DATED : 01/02/2016.

Oral Judgment (Per F.M. Reis, J):

1] Heard Mr. J.P. Mulgaonkar, the learned counsel appearing for the petitioner and Mr. Rohit Bras De Sa, the learned counsel appearing for the respondent.

2] For the reasons stated in the judgment passed today i.e. 01/02/2016 in Writ Petition No.262/2008, we pass the following order:-

Order

- (i) The impugned order dated 28/4/2008 is quashed and set aside and the proceedings in the case No.MAM/BAR/ILLE-CANCA/84/2008 and MAM/BAR/ILLE/CANCA/86/2008 are restored to file of the respondent no.2.
- (ii) The petitioners, if so advised, are at liberty to obtain appropriate declaration/order from the Competent Authority with regard to their claim of tenancy over the subject property.
- (iii) The respondent no.2 shall proceed to decide the said show cause notice after such adjudication is finally disposed of.
- (iv) The petitioners shall initiate such proceedings within three months from today.
- (v) The proceedings shall be stayed until such adjudication is disposed of finally by the Competent Authority.
- (vi) Needless to say that the respondent no.1, if so advised, they shall proceed to take action in terms of the Land Revenue Code.
- (vii) Rule is made absolute in the aforesaid terms.
- (viii) All the contentions of the parties on merits are left open.
- (ix) The petition is disposed of accordingly.

K.L.WADANE, J

F.M. REIS, J

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