

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 459 OF 2010

1. Inacio Rodrigues (since deceased by LRs), House No. 34, Dando, Sanguem, Goa.

- i) Smt. Filomena Rodrigues (wife)
 - ii) Shri Antonio Rodrigues (son)
 - iii) Smt. Simian A. Rodrigues (daughter-in-law)
 - iv) Shri Vincent Rodrigues (son)
 - v) Shri Vitorin N. Rodrigues (son)
 - vi) Smt. Monica V. Rodrigues (daughter-in-law)
 - vii) Shri Orlando Rodrigues (son)
- All r/o House No.34, Dando, Sanguem, Goa.

viii) Smt. Josephina Rodrigues @ Fernandes (daughter)

ix) Shri John P. Fernandes (son-in-law)

Both r/o House No.57, Vaddem Colony No.1, Sanguem, Goa.

- x) Smt. Fatima Rodrigues (daughter)
 - xi) Shri Luciahno D'Costa (son-in-law)
 - xii) Kum. Sarina Rodrigues (daughter)
- R/o House No.34, Dando, Sanguem, Goa.

2. Comunidade of Bhati (Astragar) by its present Attorney, Shri Naguesh Prabhu Dessai, R/o Rivona, Sanguem, Goa.

... Petitioners

Versus

1. Revenue Officer and Collector,
appointed under Wildlife
Preservation Act, 1972, Ponda-
Goa.
2. The Chief Wild Life Warden,
Panaji-Goa.
3. The Dy. Conservator of Forests,
South Goa Division, Margao-Goa. ... Respondents

Mr. Agnelo F. Diniz, Advocate for the Petitioners.

Mr. Pradosh Dangui, Additional Government Advocate
for the Respondents.

CORAM:- C.V. BHADANG, J.

DATE:- 1st August, 2016.

ORAL JUDGMENT:

Heard the learned Counsel for the
petitioners and the learned Additional Government
Advocate for the respondents.

2. The learned Counsel for the petitioners
submits that in view of the fact that Civil Suit
No.131/2004 has been decreed as per the judgment and
decree dated 29/11/2014, the matter will have to be

remanded back to the learned Collector, for deciding it afresh in accordance with law. The learned Additional Government Advocate for the respondents does not dispute this proposition.

5. In such circumstances, by consent of parties, the following order is passed:

O R D E R

(a) The petition is partly allowed.

(b) The impugned judgment and order dated 06.05.2010, is hereby set aside.

(c) The matter is remanded back to the Collector, appointed under the Wildlife Preservation Act, 1972, for deciding the claim afresh, in accordance with law.

(d) Rival contentions of the parties are left open.

(e) Rule is partly made absolute, in the aforesaid terms, with no order as to costs.

C. V. BHADANG, J.

EV