

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 625 OF 2015

SHRI PRATAPSINGH RAUJI RANE.

... Petitioner

Versus

SHRI. TAJODDIN IMAM HUSSAIN
SHILEDAR AND 3 ORS.,

... Respondents

Adv. Carlos Alvares Ferreira for the Petitioner.

Mr. A. Prabhudessai, Addl. Government Advocate for Respondents
no.3 and 4.

Coram:- S. B. SHUKRE, J.

Date:- 2nd February, 2016

P.C.:

Heard learned counsel for the petitioner and learned Additional
Government Advocate for the Respondents no.3 and 4.

2. Thus respondent no.2 is only a formal party. Respondent no.1 is dead and it is seen from the death certificate produced at Annexure "A" in application Stamp no.394/2016, he died on 19/6/2013, much before the order impugned in this writ petition was passed by the Administrative Tribunal. The impugned order has been passed on 30/3/2015. Since on that date, the appeal was already abated, the impugned order could not have been passed. Be that as it may, these facts are stated here only to show that no purpose is going to be served by issuing notice to a dead respondent.

3. There is also a notification published in the Official Government Gazette on 14/9/2015 bringing into force some amendments carried out to the Goa Land Revenue Code. By these amendments, a new Section, Section 6A has been inserted in the Land Revenue Code. This section validates the performance of all acts, duties and functions by the Dy. Collector carried out in terms of Section 6 (2) of the said Code.

4. The result of the amendment, so brought into force in the Goa Land Revenue Code is that the order impugned herein would have to be treated as not existing in law. That apart, the appeal has also stood abated on the date of the impugned order. For this additional reason as well, the impugned order would have to be treated as non-est in law.

5. In the circumstances, the writ petition deserves to be allowed. It is allowed accordingly and the impugned order is hereby quashed and set aside. No order as to costs. The writ petition is disposed of in the above terms.

S. B. SHUKRE, J.

ap/-