

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 684 OF 2013

Shri Rohidas Narvekar,
of major age, Indian National,
resident of Akhada, Jua,
Tiswadi Goa.

... Petitioner

V e r s u s

1. The President,
Comunidade of Jua,
Tiswadi Goa.

2. The Administrator,
Administration of Comunidades,
Central Zone,
having office at Panaji Goa.

3. State of Goa,
Through the Chief Secretary,
having at the Secretariat,
Porvorim, Bardez Goa.

... Respondents

AND

4. Miss Rajani Anant Fadte,
Fisherwoman, 63 years,
r/o H.No.1362, Vaoi-Dongri, Jua,
St. Estevam, Tiswadi Goa.

... Intervenor

Mr. Devidas J. Pangam, Advocate for the petitioner.

Ms. S. Mordekar, Addl. Government Advocate for the respondent nos.
2 and 3.

Ms. S. Walwaikar, Advocate for the intervenor.

:2:

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

Date :- 13th January, 2016

ORAL JUDGMENT (Per F. M. Reis, J)

Heard Mr. D. Pangam, learned counsel appearing for the petitioner, Ms. S. Mordekar, learned Addl. Government Advocate appearing for the respondent nos. 2 and 3 and Ms. S. Walwaikar, learned counsel appearing for the intervenor.

2. The above petition inter-alia seeks a direction to quash and set aside the order dated 03.10.2013 passed by the respondent no.2. Mr. Pangam, learned counsel appearing for the petitioner however does not press at this stage to the other reliefs sought in the above petition.

3. Upon hearing the learned counsel appearing for the respective parties and the intervenor, the impugned order dated 03.10.2013 passed by the respondent no.2 is on the assumption that the disputed property surveyed under No.233/1 situated at Jua, St. Estevam of Tiswadi Taluka belongs to the Comunidade. But however, the intervenor has pointed out in the affidavit that the intervenor has filed a title suit bearing Civil Suit No. 51/2014 against the respondent no.1 as well as the petitioner claiming that the

subject property surveyed under No.233/1 belongs to the intervenor.

4. Mr. Pangam, learned counsel appearing for the petitioner points out that the petitioner is also a party to such suit which is pending adjudication before the learned Principal District Judge at Panaji. It cannot be disputed that the action taken by the respondent no.2 would be subject to any decision taken by the learned District Judge in the said suit filed by the intervenor wherein it is reported that even a State Government is a party. In such circumstances, we find it appropriate to dispose of the above petition holding that the impugned order dated 03.10.2013 would be subject to the final decision in the suit filed by the intervenor. The respondent no.2 shall proceed to take action based on the final decision in the said suit pending before the Competent Court. All contentions of the parties are left open.

5. With the aforesaid directions, Rule stands disposed of with no order as to costs.

K. L. WADANE, J

F. M. REIS, J

at*