

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 932 OF 2015

MR.CARIDADE D'SOUZA @ JOSE
CARIDADE D'SOUZA (SINCE DECEASED)
REPRESENTED BY HIS LEGAL HEIR.,

... Petitioner

Versus

MRS.BRIDGET D'SOUZA @ BRIGIDA
MARIA D'SOUZA (SINCE DECEASED)
THR. HER LRS. AND 7 ORS.,

... Respondents

Shri N. Costa Frias, Advocate for the petitioner.
Shri. Gaurish N. Agni and Shri E. Usapkar, Advocates for the
respondent nos.1(a) & 1(b) 1(ci)

Coram:- F. M. REIS, J.

Date:- 1st December, 2016

P.C.

Heard Shri Nigel Costa Frias, learned Counsel appearing for the petitioner and Shri Gaurish Agni, learned Counsel appearing for the respondent nos.1(a) & 1(b) 1(ci).

2. The challenge in the above petition is to an order passed whereby the Revenue Authority were directed to revert the entries in the records of right to the original persons who figured in the year 1997.

3. During the course of the hearing of the above petition it is not disputed by the learned Counsel appearing for the petitioner and the respondents that the name of Caridade D'Souza and Augusto Souza were figuring in the occupant column in respect of the property surveyed under No. 89/4 of village Pomburpa.

4. In such circumstances, taking into consideration the view taken

by the learned Tribunal based on the earlier orders passed by the Revenue Authority, there is no justification to interfere in the impugned order directing that the names of the said Caridade D'Souza and Augusto D'souza, to figure in the survey records in respect of survey no.89/4.

5. Mr. Nigel Costa Frias, learned Counsel for the petitioner has also taken exception to the findings of the learned Tribunal with regard to the claim of title by the petitioner and the respondents.

6. The impugned order passed by the learned Tribunal is in the course of mutation proceedings, and such orders cannot create or defeat the title of the parties if they are so entitled. In such circumstances, the findings so arrived at, during the course of such proceedings cannot influence the Court while examining the title of the parties on its own merits.

7. With the above observations, petition stands disposed off accordingly.

F. M. REIS, J.