

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 992 OF 2016

IN

WRIT PETITION NO. 764 OF 2016

MR. KRISHNA GADEKAR.,

... Applicant

Versus

**STATE OF GOA, THR. SECRETARY
REVENUE, GOVT. OF GOA AND 3 ORS.,**

... Respondents

Shri Pranay A. Kamat, Advocate for the Applicant.

Shri Rajesh Shivolkar, Additional Government Advocate for
Respondent Nos.1, 2 and 3.

Shri Devidas Pangam, Advocate for Respondent No.4.

**Coram:- SMT. R. P. SONDURBALDOTA &
C. V. BHADANG, JJ.**

Date:- 22nd December, 2016

P.C:

We have heard Shri Kamat, the learned Counsel for the applicant, the learned Additional Government Advocate for the respondent nos.1, 2 and 3 and Shri Pangam, the learned Counsel appearing for respondent no.4.

2. By this application, the applicant, who was the petitioner in Writ Petition No.764/2016 is seeking recall of the order dated 30.11.2016, by which the petition came to be disposed of on the basis of a statement made on behalf of the Comunidade (respondent no.4), that the respondent no.4 shall consider the application of the petitioner for allotment of the plot, afresh, within a period of four months.

3. The contention on behalf of the applicant that the order was passed in the absence of the Advocate, cannot be accepted in as much as the applicant was represented before this Court, when the order dated 30.11.2016 came to be passed.

4. The learned Counsel for the applicant submits that under the relevant provisions, in the Code of Communitade, in the matter of procedure to be followed for allotment of land, the Administrator of Communitade (respondent no.3) can independently examine the resolution passed by the Communitade and accordingly, process the application and submit the proposal to the Government for final order of allotment. The learned Counsel for the applicant thus submits that this Court may clarify that after the respondent no.4 reconsiders the application, it would be open to the Administrator to independently process the application in accordance with law.

5. Thus, the only apprehension expressed on behalf of the applicant is that in view of the disposal of the writ petition, the Administrator would not be in a position to independently consider, assess and process the proposal for allotment. We find that the apprehension is misplaced. All that the order dated 30.11.2016 records, is that the respondent no.4 shall consider the

application afresh, in as much as earlier, the proposal was rejected by the Comunidade, which was communicated by respondent no.3 to the petitioner vide letter dated 30.10.2015, which was subject matter of challenge in the writ petition. It is evident that after the respondent no.4 reconsiders the proposal and submits the same to the respondent no.3, the respondent no.3 shall be entitled to independently process the same in accordance with law. Thus, no case for recall of the order is made out. The application is accordingly disposed of in the aforesaid terms.

C. V. BHADANG, J. SMT. R. P. SONDURBALDOTA, J.

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