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IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.139 OF 2017

Baburao Hirbarao Desai

...Petitioner

Versus

State of Goa & Ors

...Respondents

Mr Andre Pereira, *Advocate for the petitioner.*

Mr P Faldessai, *Additional Government Advocate for respondent No 1.*

Mr SN Joshi, *Advocate for respondent No 3.*

**CORAM: G.S. PATEL &
NUTAN D. SARDESSAI, JJ**

DATED: 23rd August 2017

PC:-

1. It appears to us that the entire dispute relates to a private property. There are disputed questions of fact *inter alia* relating to title to land. In addition, Exhibit R1 at page 46 is a Deed of Gift dated 4th August 1986 between the Petitioner himself and the 3rd Respondent in regard to lands within the Village Panchayat of Dongurli. The Petitioner seeks in this Writ Petition orders in the nature of a mandamus to remove development work on the basis that the Dongurli Village Panchayat does not have jurisdiction or any right, title or interest on this land.

2. We are quite unable to see how we can possibly examine such disputed questions of fact and title to land in our civil writ jurisdiction under Article 226 of the Constitution of India.

3. The petition is rejected. The Petitioner is at liberty to adopt appropriate civil proceedings. His contentions in that regard are kept open.

4. There will be no order as to costs.

NUTAN D. SARDESSAI J.

G. S. PATEL J.