

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 291 OF 2017**

Barabhum Education Society,
a Society registered under the
Societies Registration Act, 1860
Tambdi Surla (Sancorda),
Via, Tisca, Goa 403 406
represented by its Secretary,
Mr. Tulshidas Laad,
son of late Mr. Raghunath Laad,
Indian National, major in age,
resident of H.No.70,
Bolkarnem, Sacorda,
Tambdi Surla, Goa.

... Petitioner

Versus

1. State of Goa,
through Chief Secretary,
Secretariat Porvorim,
2. The Collector of South Goa,
Collectorate Building,
Margao Goa
3. Deputy Collector and
in-charge of Demolition Squad,
Sub Division, Margao Goa.
4. The Deputy Collector,
Collectorate Building,
Dharbandora, Goa.
5. The Mamlatdar/Executive Magistrate,
Dharbandora Goa.

6. The Dy. Superintendent of Police,
S.D.P.O., Margao, Salcete Goa.
 7. The Executive Engineer,
Works Division VI (Roads),
PWD, Fatorda.
 8. The Assistant Engineer,
Water Supply Department,
W.Div. XXX Sub Div. I
Bansai Curchorem
 9. Assistant Engineer,
Electricity Dept., W.Div. X,
Sub Div. II Curti Ponda
 10. Sakhu Dadu Yegde,
 11. Ramu Vithu Yedgo
 12. Vasanti Pandurang Gaonkar
 13. Vithal Fonde,
 14. Nagesh Ambu Pawane
 15. Bhiru Janu Pawane
 16. Babu Dhaku Gawali @ Jangali
 17. Babu Bhiru Fonde
 18. Vithu Janu Pavane
 19. Dulho Bhiru Fonde,
All major of age, Indian Nationals,
All residents of houses in S.No.54,
Surla, Sancorda,
Dharbandora Taluka Goa.
- ... Respondents

Mr. Bhargav M. Khandeparkar, Advocate for the petitioner.

Mr. D. Lawande, Advocate General with Ms. P. Bhandari, Addl. Government Advocate for the respondent nos. 1 to 9.

Mr. Nigel Da Costa Frias, Advocate for the respondent nos. 14, 18 and 19.

Mr. Ashwin D. Bhobe, Advocate for the respondent no.15.

Mr. Andre Pereira, Advocate for the respondent no.17.

**Coram:- F. M. REIS &
NUTAN D. SARDESSAI, JJ.**

Date:- 5th April, 2017

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

Heard Mr. Bhargav M. Khandeparkar, learned counsel appearing for the petitioner, Mr. D. Lawande, learned Advocate General appearing for the respondent nos. 1 to 9, Mr. Nigel Da Costa Frias, learned counsel appearing for the respondent nos. 14, 18 and 19, Mr. Ashwin D. Bhobe, learned counsel appearing for the respondent no.15 and Mr. Andre Pereira, learned counsel appearing for the respondent no.17.

2. Rule. Heard forthwith with the consent of the learned counsel.

3. The learned counsel appearing for the respective respondents waive service.

4. The grievance of the petitioner is that the respondent nos. 10 to 19 are illegally occupying the Government land and no action is being taken by the concerned authorities with that regard.

5. During the course of the hearing of the above petition, Mr. D. Lawande, learned Advocate General has pointed out that as far as the respondent nos. 10, 11, 12, 14, 16 and 17 are concerned, necessary action for demolition shall be taken within six weeks from today.

6. As far as the remaining respondents are concerned, in view of the legal exigencies and pending matters, the action cannot be taken immediately and the proceedings with regard to the

respondent nos. 15, 18 and 19 shall be concluded within ten weeks from today.

7. As far as the remaining respondents are concerned, the process would be completed within three months from today. Mr. Pereira, learned counsel appearing for the respondent no.17 submits that the respondent no.17 is occupying the premises on the land belonging to the panchayat and in support thereof, the learned counsel has produced a Certificate issued by the Sarpanch which states that such respondent was occupying the premises for a long period of time. It is further pointed out that the State Government is not the owner of the subject land as according to him the land belongs to the panchayat.

8. We are not inclined to examine the dispute sought to be raised by Mr. Pereira, learned counsel appearing for the respondent no.17 in the present Writ Petition as the dispute sought to be raised by the petitioner cannot be examined in a petition under Article 226 of the Constitution of India. The respondent, if so advised

would have to initiate a remedy in law. Accepting the said statement of the learned Advocate General with regard to the action intended to be taken as far as the respondent nos.10 to 19 are concerned, we dispose of the above writ petition. Needless to say, all the contentions and remedy, if at all available to the said respondents in accordance with law are left open as we have not examined the validity of the action contemplated by the concerned respondents. Rule stands disposed of accordingly. The petition stands disposed of accordingly.

NUTAN D. SARDESSAI, J.

F. M. REIS, J.

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