

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 710 OF 2017

MRS. SHUBHALAXMI U.P. RAIKAR., ... Petitioner

Versus

SANJAY ANANT PATIL AND 2 ORS., ... Respondents

Mr. Ulhas Bhagwant Pai Raikar, Advocate for the petitioner.

Coram:- C. V. BHADANG, J.

Date:- 4th September 2017

P.C.

On hearing the learned Counsel for the petitioner, I do not find that any case for interference is made out.

2. The respondent no.1 filed an application for declaration as a tenant, which application was granted in the year 2006. Admittedly, the petitioner did not challenge the same. It is contended that the petitioner was not aware of the said order.

3. Subsequently, when the purchase proceedings were initiated, the petitioner sought intervention, which was rejected by the learned Mamlatdar by an order dated 03/03/2009, on the ground that the application under Section 18C of the Goa, Daman and Diu Agricultural Tenancy Act, 1964, is already disposed of and the matter was only fixed for payment/ deposit of the purchase

price to the Bhatkar. As such, the learned Joint Mamlatdar found that there was no jurisdiction to entertain the application. The said order has been confirmed in appeal. The relevant reasoning can be found in para 14 of the judgment of the Appellate Court.

4. The only contention raised on behalf of the petitioner is that the application for negative declaration filed by the petitioner and which is pending before the Civil Court (which will now be sent to the Mamlatdar in view of amendment to the Tenancy Act), has to be decided on its own merits.

5. In such circumstances, the petition is disposed of.

6. Needless to mention that the application for negative declaration shall be decided on its own merits, in accordance with law.

C. V. BHADANG, J.

SMA