

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 111 OF 2011

SHRI RAMNATH L. MANGUESHKAR ... Petitioner
Versus
SMT. MARIA DE CARMEN C. DE GRACA
DE MIRANDA AND ANR., ... Respondents

Ms. Rajas A. Kantak, Advocate for the petitioner.

Mr. Mahesh Amonkar, Advocate for the respondent no.2.

Coram:- C. V. BHADANG, J.

Date:- 31st July, 2017

P.C.

The petitioner and the second respondent, who are real brothers, were co-mundkars of a dwelling house situated in the property belonging to the first respondent (since deleted). The learned Mamlatdar, by a judgment and order dated 08/10/1999, has held that the demarcation be carried out in respect of 300 square metres of land. The learned Mamlatdar held that as far as individual share of the petitioner and the second respondent is concerned, he had no jurisdiction to declare or decide the same. The respondent no.2 has purchased the entire property (in which the dwelling house is situated) from the respondent no.1. The learned Deputy Collector, by a judgment and order dated 28/11/2000, modified the order of the Mamlatdar, directing the Surveyor to carry out the demarcation of an area of 150 square

metres, including part of the petitioner's house now bearing House No.123/A at Taleigaon. The petitioner unsuccessfully challenged the said order before the learned Administrative Tribunal in Mundkar Revision Application No.14/2001. The learned Administrative Tribunal, by a judgment and order dated 21/12/2009, has dismissed the Revision. Hence, this petition.

2. The learned Counsel for the parties state that the respondent no.2 has now voluntarily agreed to give an additional area admeasuring 50 squares to the petitioner.

3. In the circumstances, by consent of the parties, the petition is disposed of as under :

- (i) The order dated 28/11/2000 passed by the learned Deputy Collector and S. D. O., Panaji, is modified.
- (ii) The Surveyor shall carry out the demarcation of 200 square metres of land, including the part of the petitioner's house No.123/A of Taleigao.
- (iii) The petition is disposed of in the aforesaid terms, with no order as to costs.

C. V. BHADANG, J.

SMA