

IN THE HIGH COURT OF BOMBAY AT GOA

CONTEMPT PETITION NO. 1 OF 2017

IN

WRIT PETITION NO. 578 OF 2016

MR. RUDOLF VAZ.,

... Petitioner

Versus

SMT. RAJESHWARI PHADTE AND ANR.,

... Respondents

Mr. Joaquim Godinho, Advocate for the petitioner.

Mr. S. N. Joshi, Advocate for the respondent no.1.

Mr. P. Dangui, Government Advocate for the respondent no.2.

Coram:- F. M. REIS &
PRITHVIRAJ K. CHAVAN, JJ.

Date:- 22nd June, 2017

P.C.

Heard Mr. J.Godinho, learned Counsel for the petitioner, Mr. S. N. Joshi, learned Counsel for the respondent no.1 and Mr. P. Dangui, learned Government Advocate for the respondent no.2.

2. Petition filed by the petitioner is on the ground that statement accepted upon instructions of the respondent no.1 who is present in Court has been breached as according to the petitioner, the respondent no.1 has interfered with the subject property surveyed under No.198 of Madkai village. It is further pointed out that such act on the part of the respondent is in flagrant breach of such statement recorded and accepted by this Court, and as such contempt proceedings be initiated against the respondent no.1. But however, Shri S. N. Joshi, learned Counsel for the respondent no.1 dispute the said contention and pointed out that

the respondent no.1 honours the statement recorded in the said order dated 1.9.2016 while disposing of Writ Petition No.578 of 2016. It is however pointed out that the petitioner himself is interfering with the fishing stakes allotted to the respondent no.1.

This contention is also disputed by the learned Counsel appearing for the petitioner.

3. Be that as it may, the only aspect which we propose to examine is whether there is a breach of statement recorded by this Court in the said Order. Considering the rival contentions and taking note of the contention of Mr. S. N. Joshi, learned Counsel appearing for the respondent no.1 that the respondent no.1 has not interfered with the subject property surveyed under no.198, we find it appropriate to direct the respondent no.2 with the assistance of Surveyor of the Directorate of Land Survey to visit the subject property and remove any encroachment if at all done or existing in the property under survey no.198 after giving a notice to the petitioner and the respondent no.1 within three weeks from today. The respondent no.2 to file compliance report after four weeks.

4. Petition stands accordingly disposed of.

PRITHVIRAJ K. CHAVAN, J.

F. M. REIS, J.