

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 698 OF 2018

Raghuvir Barkelo Gaonkar & Anr. Petitioners.

Versus

The State of Goa, through the Chief
Secretary and ors. Respondents.

Mr. Abhay Nachinolkar, Advocate for the Petitioners.

Ms. Susan Linhares, Additional Govt. Advocate for the
Respondents.

***Coram : N.M. Jamdar &
Prithviraj K. Chavan, JJ.***

Date : 16 July 2018.

P.C.:

Heard the learned Counsel for the Petitioners. The Petitioners have questioned the actions of the Respondent-Authority in implementing the Judgment and Order passed on 12 March 2003. The learned Counsel submitted that by this order, the Inspector of Surveys and Land Records, Panaji had directed that the names of certain persons be included in the survey records of the survey numbers in question. The learned Counsel for the Petitioners submitted that when the Petitioners applied for certified copy, it was informed that the order was not being implemented and, therefore,

the Petitioners did not challenge the impugned order. The learned Counsel submitted that however, inspite of this position, the Record of Rights has been changed pursuant to the impugned order dated 12 March 2003.

2. The order passed by the Inspector of Surveys and Land Records was an order pursuant to an application made and as the order records that the Authority went through the material placed before it and having been satisfied passed this order. By merely informing the Petitioners at the time when the Petitioners applied for the certified copy that the Department will not implement the Judgment and Order, it does not cease to operate as, either it has to be expressly set aside under the methodology provided under the relevant statute, or recalled, if such a power is vested with the Authority. The Authority simply cannot state that the Judgment and Order validly passed will not be implemented.

3. If the Authority has now decided to implement the order dated 12 March 2003, the remedy of the Petitioners to challenge the said order is open to them and if the question of delay arises, the Petitioners can always point out the above mentioned facts to the Authority before whom the order sought to be challenged.

4. Keeping the remedy open to the Petitioners, the Writ Petition is disposed of.

Prithviraj K. Chavan, J.

N.M. Jamdar, J.