

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 529 OF 2018**

- 1) Smt. Sheelavati alias Lilavati
Raghuvir Dabholkar, wife of
late Raghuvir Nilu Dabholkar,
aged 69 years, agriculturist,
Indian National,
- 2) Shri Nilesh Raghuvir Dabholkar,
aged about 43 years, service,
agriculturist, Indian National,
son of late Raghuvir Nilu Dabholkar,

Both residing at House No.
275/2 (New), 145/1 (Old),
Dabhol Wada, Chapora, Caisua,
Anjuna, Bardez-Goa.
And four others.

..... Petitioners.

V e r s u s

- 1) Mr. Shrikrishna Pundalik Rivankar,
son of late Pundalik Narayan Rivankar,
Indian National, resident of Mercedes,
Tiswadi-Goa (since deceased) through
his legal heir

- 1A) Smt. Chandravati Narayan Rivankar,
wife of late Narayan Pundalik Rivankar,
aged 96 years, widow, landlady,
resident of House No.276, Huda Waddo,
near Vithal Temple, Anjuna,
Bardez-Goa and another.

.... Respondents

Mr. D.J. Pangam, Advocate for the Petitioners.

Mr. K.T., Advocate for the Respondents.

Coram:- C. V. BHADANG, J.

Date:- 18th June 2018.

Oral Order:

The petition challenges the order dated 27/03/2018 passed by the Deputy Collector, Mapusa granting ad interim ex parte stay, against the order of temporary injunction granted by the Mamlatdar, in favour of the petitioner and further directing a stay of the proceedings before the Mamlatdar. The petitioner had approached the learned Mamlatdar under section 8A of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 for declaration of their tenancy rights in respect of the subject land in which the Mamlatdar had granted injunction, restraining the respondent no.2 from plucking the coconuts from the plantation in the suit property.

2. Shri Pangam, the learned counsel for the petitioners has contended that respondent no.2 filed an appeal before the learned Dy. Collector without even annexing a copy of the order passed by the Mamlatdar. It is submitted that there was a caveat filed by the petitioner which was also not taken cognizance of and the learned Dy. Collector granted ex parte stay of the order passed by the Mamlatdar and also stayed the proceedings.

3. The learned counsel for the first respondent points out that the caveat was filed subsequent to the passing of the order.

4. I find that it is not necessary to go into the said question. There is an interim relief operating in this petition from 2/5/2018. The petitioner has already entered appearance in the appeal before the learned Dy. Collector. It would thus be appropriate that the learned Dy. Collector decides the appeal on its own merits and in accordance with law, in a time bound manner. The petition is accordingly disposed off in the aforesaid terms, with no order as to costs. The learned Dy. Collector shall decide the appeal on its own merits as expeditiously as possible and in accordance with law within a period of eight weeks from the receipt of the order. The ad interim relief already operating in this petition shall continue for a period of eight weeks.

C. V. BHADANG, J.

ap/-