

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 332 OF 2018

VIJAY ANANDRAO MADGAVKAR (DEC)
THR. HIS LRS.,

... Petitioner

Versus

CAPTAIN OF PORTS, GOVT. OF GOA.,

... Respondent

Shri Ashwin D. Bhobe, Advocate for the petitioners.
Shri Vishwadh Sardessai, Additional Government Advocate for
the respondent.

Coram:- C. V. BHADANG, J.

Date:- 9th July 2018

P.C.

This petition can be disposed of on a short count.

2. The respondent had filed an application before the learned Deputy Collector under Section 14(3) of the Goa Land Revenue Code (Code, for short), claiming that the riverine in question belongs to the State and that the petitioners have encroached upon the riverine. The learned Deputy Collector passed the following operative order on 08/11/2002 :

"As the sketch on record showing the encroached area on property under survey no.27/3 village Candola has various shortcomings. The applicant is directed to present a more accurate plan drawn by the property authority."

3. The petitioners challenged the same before the Administrative Tribunal in Land Revenue Appeal No.34/2006, which was

dismissed by the Tribunal on 23/06/2014. The petitioners have made an unsuccessful attempt to get the order reviewed, which Review Application was dismissed on 29/07/2016. Hence, this petition.

4. Shri Bhobe, the learned Counsel for the petitioners points out that after filing of this petition, the State has quantified the arrears of the riverine charges and current riverine charges, which are payable yearly. He further submits that the arrears of riverine charges and current riverine charges have been paid to the Government. This aspect is not disputed by the learned Additional Government Advocate for the respondent.

5. In view of the fact that the petitioners have paid the riverine charges, which the State has accepted, now there does not appear to be any dispute of title of the State over the riverine. It can be said that the petitioner has accepted the title of the State over the riverine. In that view of the matter, the relief sought in the application under Section 14(3) of the Code does not survive. In the circumstances, the impugned order is hereby set aside and the petition is disposed of in the aforesaid terms, with no order as to costs.

C. V. BHADANG, J.