

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.857 OF 2017
WITH
MISC. CIVIL APPLICATION NO. 1008 OF 2017

Ramakrishna Dessai,
aged 82 years, Indian Inhabitant,
son of late Mangaji Dessai,
residing at B-2, Housing Board Colony,
Mapusa, Goa. Petitioner.

V/s.

State of Goa,
through the Secretary of Revenue,
Government of Goa, having his
Office at Secretariat, Porvorim, Goa. Respondent.

Mr. Nikhil Deep Pai, Advocate for the petitioner.

Mr. Deep Shirodkar, Additional Govt. Advocate for the respondent.

***Coram : N.M. Jamdar &
Nutan D. Sardesai, JJ.***

Dated : 21st February 2018

ORAL JUDGMENT : (Per N.M. JAMDAR, J.)

Misc. Civil Application No.1008 of 2017 is filed for
early hearing of Writ Petition No.857 of 2017.

2. The learned Counsel for the applicant states that in view

of the limited nature of relief sought for by the petitioner, the writ petition itself can be disposed of. Therefore, the writ petition, in which Rule has been issued, is taken up for consideration by consent of the parties.

3. The petitioner, before this Court, has challenged the validity of the Goa Agricultural Tenancy (Amendment) Act, 2017 and has also sought, as an interim order, to restrain the transfer of Tenancy Case No.45/2016/A from the Court of Civil Judge, Junior Division, at Pernem to the Mamlatdar of Pernem under the provisions of the impugned enactment. The learned Counsel for the petitioner submitted that the petitioner is a senior citizen and is 82 years old and is awaiting the decision in respect of the proceedings filed by the tenant against the petitioner who is a landlord. The learned Counsel submitted that the primary anxiety of the petitioner is to get the tenancy case decided at the earliest and it is only out of this anxiety that the writ petition was filed. He submitted that having reflected over the matter, the petitioner would be satisfied if a direction is given to the State to transfer the Tenancy Case to the Mamlatdar as per the impugned enactment and the same is decided on a time-bound basis.

4. Considering the submissions, we are inclined to dispose

of the writ petition by issuing directions to the Mamlatdar of Pernem to dispose of the Tenancy Case at the earliest. In the circumstances, it is not necessary for us to examine the question of validity of the impugned enactment. We leave that question open, to be considered in an appropriate case.

5. Accordingly, the writ petition is disposed of by directing the respondent-State to take steps to transfer Tenancy Case No.45/2016/A from the Court of Civil Judge, Junior Division, at Pernem to the Mamlatdar of Pernem within a period of four weeks from today. The Registry shall send a copy of this order to the Court of Civil Judge, Junior Division at Pernem and to the Principal District Judge, North Goa, Panaji to facilitate the transfer of Tenancy Case No.45/2016/A. Upon receipt of the papers, the Mamlatdar of Pernem will make endeavour to decide the Tenancy Case within six months as an outer limit.

6. The writ petition is, accordingly, disposed of. Rule is discharged.

7. In view of the disposal of the writ petition Misc. Civil Application No.1008/2017 does not survive and is, accordingly, disposed of.