

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 232 OF 2019

- 1 Smt. Rajeshwari Phadte
w/o. Late Kalidas jzana Phadte,
aged about 60 years, occupation
fisherwoman, residing at
H.No.1167, Adanwada, Madkai,
Ponda Goa, Pin 403 404
- 2 Mr. Eshwar Kalidas Phadte,
s/o. Late Kalidas Jana Phadte,
aged 27 years, occupation
fisherman, residing at H.No.1167, ... Petitioners.
Adanwada, Madkai, Ponda, Goa,
Pin 403 404

V/s.

- 1 State of Goa,
Through its Chief Secretary,
Having his Office at Secretariat,
Porvorim – Goa, Pin 403 501
- 2 Director,
Directorate of Fisheries,
Government of Goa,
Dayanand Bandodkar Marg,
Panaji, Goa, Pin 403 001.
- 3 The Chairman,

Akhil Gomantak Harakari Sahakari
 Sauntha Goa Ltd.,
 Officer at 'Naik Villa', First Floor
 (FO5), Dr. Dada Vaidhya Road,
 Kundaikar Nagar, Panaji, Goa.

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| 4 | Directorate of Settlement and Land
Records, Collectorate Building,
Government of Goa, Panaji – Goa. | (Amendment carried out as
per order dated 10/06/2019)
... Respondents |
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Mr. Shashikant Narayan Joshi, Advocate for the petitioners.

Mr. Sagar Gurudas Dhargalkar, Additional Government
 Advocate for respondents No.1 and 2.

**Coram:- S. C. GUPTE &
 NUTAN D. SARDESSAI, JJ.**

Date:- 1st July 2019

ORAL JUDGMENT : (per S.C. GUPTE,J)

Rule. Heard forthwith with the consent of learned
 Counsel for the parties.

2. The petition, as we have noticed on the last occasion, i.e.
 on 10th June,2019, in our order, concerns the identity of the
 place of operation of a fishing stake. In our last order we have
 noted that in an earlier petition involving a part of the

controversy, Writ Petition No.215 of 2017, directions were issued to the Director of Fisheries to identify the fishing stakes allotted to the petitioners and their rival. Inspection report of the Department, which was placed on record by the petitioners, indicated that the petitioners' stake and the rival party's stake were in different survey numbers and were quite apart from each other. The identity of the two fishing stakes thus being established, the only question which remained to be answered was about the identity of the village of the fishing stake of the petitioners - whether it was Tonca Madkai or Tonca Kundaim. This Court was of the view that this controversy could be easily resolved by the Land Survey Department by identifying the village in which Survey No.191, i.e. the petitioners fishing stake, fell. In that view of the matter, we directed the petitioner to implead the Director of Settlement and Land Records as respondent No.4. The Director was asked to consider the controversy and communicate to the Court the identity of the village in which Survey No.191 fell. The Director has since carried out a survey and has identified the fishing stake abutting Survey No.191 as falling within the revenue village of Madkai.

3. Having regard to this report, which is not a matter of contest, prayer clause (a) of the petition deserves to be granted. In this prayer the petitioner is seeking a Writ of Mandamus directing the Director of Fisheries to make correction in their records by showing address of the petitioner's fishing stake at Tonca Madkai.

4. Accordingly, Rule is made absolute and the petition is allowed by allowing prayer clause (a) of the petition which reads as follows:

“(a) Issue Writ of Mandamus or any other Writ or Order by way of Direction in the nature of Mandamus, directing the Director of Fisheries to carryout necessary corrections in their Records by showing the Address of Fishing Stake No.3/5/81 (4) Tonca-Madkai at the Address Tonca-Madkai with the place of the operation of the New as 'Tonca-Madkai', belonging to the petitioners.”

NUTAN D. SARDESSAI, J.

S. C. GUPTE, J.

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