

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 556 OF 2019**

NIRDOSH A. SHIRODKAR.

... Petitioner

Versus

STATE OF GOA, THR. ITS CHIEF

SECRETARY AND 3 ORS.

... Respondents

Mr. A. D. Bhobe and Ms. K. Govenkar, Advocates for the Petitioner.

Ms. M. Correira, Addl. Government Advocate for the Respondent Nos. 1 to 3.

**Coram:- M. S. SONAK &
NUTAN D. SARDESSAI, JJ.****Date:- 30th September, 2019*****P.C.***

Heard Mr. A. D. Bhobe, learned counsel for the Petitioner and Ms. M. Correira, learned Addl. Government Advocate for Respondent Nos.1 to 3.

2. On 23rd September, 2019, we made the following order :-

“Heard Mr. A. D. Bhobe, learned counsel for the Petitioner and Mr. S. Dhargalkar, learned Addl. Government Advocate for Respondent Nos.1, 2 and 3.

2. Mr. Bhobe submits that the Petitioner was adjudged as the highest bidder in the auction of sluice gate which was held on 17th December, 2018. He submits that the execution of the lease deed was kept pending because of the impugned order which directed the report to be obtained

from the Soil Conservation Department. He points out that such report has now been received and the same is in fact favourable.

3. *We note that the Collector of North Goa, has filed an affidavit in this matter and paragraph 10 of the same reads as follows :*

"10. I say that with reference to para 19 of the petition, the Stability reports of the Bund and the Sluice Gate of Pomburpa Tenant Association is obtained from the Soil Conservation Department which states as "Bund in normal condition, Sluice gate is in good condition". Accordingly the said report along with the reports of the other Tenant associations of Bardez Taluka was forwarded to the office of the Additional Collector-I North Goa District, Panjim Goa vide letter No.MAM/BAR/Sluice Gate Auction/2019/1440 dated 29/04/2019 for further directions. I say that the grounds raised by the Petitioner are without any merits and substance."

4. *Accordingly, we direct the concerned Authorities to inform us of their decision in the matter of execution of lease deed within one week from today.*

5. *Stand over to 30th September, 2019."*

3. In pursuance of the aforesaid order, Ms. M. Correia, learned Addl. Government Advocate has produced before us the order dated 30th September, 2019 made by the Mamlatdar of Bardez which reads as follows :

"No.MAM/BAR/Sluice Gate Auction/2019 Date : 30/09/2019

ORDER

In view of the Memorandum vide No.16/14-85/RB(Part File)/471 dated 26/09/2019 received from The Collector North Goa District, Panjim Goa in response to the letter no.1/2/2017-RD/2750 dated 23/09/2019 from the Under Secretary (Rev-1), Revenue Department, Secretariat, Porvorim Goa wherein Government has conveyed an approval pertaining to auction of Sluice Gate/Bunds which are as follows :-

1. *12 numbers of bund of Tenant Associations of Bardez Taluka which are in Good condition are permitted to be auctioned for the current year with immediate effect.*
2. *The Mamlatdar is instructed to co-ordinate with the Soil Conservation wing of the Agriculture Department for repairs of remaining sluice gates of Bardez Taluka where work has already commenced/is under process.*
3. *The Mamlatdar is directed to appoint Administrator for defunct Tenant Associations.*

Therefore, the below mentioned Chairman/Managing Committee is hereby permitted to conduct sluice Gate auction for the current year with immediate effect and incase auction have already held/taken place, the concerned Chairman of the Tenant Association shall be directed to execute lease deed agreement with immediate effect.

This order shall take effect immediately.

Sd/-

*(Laxmikant Kuttikar)
Mamlatdar of Bardez Taluka
Mapusa Goa.”*

4. Mr. Bhobe, learned counsel for the Petitioner states that the aforesaid order substantially redresses the grievance of the Petitioner in the present petition.

5. Accordingly, by taking the aforesaid order dated 30th September, 2019 on record, we dispose of this petition.

6. All concerned to act on the basis of the authenticated copy of this order.

NUTAN D. SARDESSAI, J.

M. S. SONAK, J.

at*