

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 776 OF 2019

ARCHDIOCESE OF GOA AND DAMAN, THR.
ITS FINANCIAL ADM., THR. CONST.
ATT., REV. FR. NOEL D'COSTA.,

... Petitioner

Versus

STATE OF GOA, REP. THR., REVENUE
SECRETARY, GOVT. OF GOA AND 2
ORS.,

... Respondents

Mr J. E. Coelho Pereira, Senior Advocate with Mr. Bernard
Fernandes, Advocate for the Petitioner.
Mr. Manish Salkar, Additional Government Advocate for the
Respondents.

Coram:- C. V. BHADANG, J.

Date:- 16th October, 2019

P.C.

The present petition can be disposed off on a short count. The petitioner is challenging the judgment and order dated 09.11.2018 passed by the Revisional Authority in case no.15/1/2009-RD. The petitioner is principally aggrieved by the direction to the petitioner not to alienate the land bearing survey no.22/1 of Village Mollem, which is subject matter of inquiry under Section 14(3) of the Goa Land Revenue Code (Code, for short) before the Collector, South Goa.

2. Mr. J. E. Coelho Pereira, the learned Senior Advocate for the

petitioner submits that the order is without jurisdiction as the Collector and for the matter of that the Revisional Authority does not have any power under Section 14 of the Code to grant any interim relief.

3. The learned Additional Government Advocate for the respondents points out that the order is operating from the year 2009 and even the impugned order is passed on 09.11.2018 and, therefore, this Court may not interfere on the ground of delay and laches in challenging the said order.

4. I have considered the submissions made. No provision has been brought to my notice, which authorises the Collector to grant such interim relief in an enquiry under Section 14(3) of the Code. However, Mr. Pereira, the learned Senior Advocate, on instructions, states that for the present, the petitioner which is an Association, has no intention to alienate the property which is the subject matter of the enquiry. The statement so made is accepted.

5. In the absence of any provision being brought to my notice to show that the authority acting under Section 14(3) of the Code has the power to grant interim relief particularly of the nature as has been granted, the petition has to succeed.

6. The petition is accordingly allowed. The impugned order to the extent directing the petitioner not to alienate the suit property is hereby set aside. This shall however be subject to the statement made on behalf of the petitioner.

7. The learned Collector, South Goa, is directed to complete the inquiry and dispose off the proceedings by 31.03.2020.

8. The parties to co-operate for the time bound disposal of the matter.

9. The petition is disposed off in the aforesaid terms.

C. V. BHADANG, J.

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