

Santosh

***IN THE HIGH COURT OF BOMBAY AT GOA***

***WRIT PETITION NO. 886 OF 2019***

The Comunidade of Taleigao,  
through its Attorney.

..... Petitioner.

Versus

State of Goa and others. .

..... Respondents

Mr. Filipe Melo, Advocate for the Petitioner.

Mr. D. J. Pangam, Advocate General with Ms. Priyanka Kamat,  
Additional Govt. Advocate for Respondents No.1 & 2.

Mr. P Kamat, Advocate for Respondent No.3.

Mr. A.D. Bhobe, Advocate for Respondent No.4.

CORAM : PRADEEP NANDRAJOG, CJ.,  
M.S. SONAK, J.

OCTOBER 07, 2019

**P.C.:-**

Heard learned Counsel for the parties. The facts of the case are reflective of interesting bureaucratic quibbling. Noting that qua the land comprised in Survey No.2/4, in the revenue record of Village Taleigao, ownership was recorded in the name of Village Panchayat of Taleigao, the Petitioner filed an application in the Office of Deputy Collector and S.D.O. Panaji, requesting the erroneous entry to be

corrected. The application is dated 18.10.2001. The Deputy Collector disposed of the application informing the Petitioner that the claim was not adjudicable because it did not fall within Section 103 of the Land Revenue Code, 1968. Land Revenue Appeal No.203/2001, laying a challenge to the communication dated 5.11.2001 was disposed of by the Administrative Tribunal, Goa noting that Section 103 of the Code empowers the Revenue Authorities to correct clerical errors in the record of rights maintained. The appellate order dated 27.11.2002 directed the Deputy Collector, Panaji to dispose of the application dated 18.10.2001 in accordance with law.

2. Unfortunately for the Petitioner, the ministerial act, communicating the appellate order dated 27.11.2001, by the Registrar of the Administrative Tribunal addressed the communication to the Deputy Collector and the District Level Controller, Margao, Goa. The communication ought to have been addressed to the Deputy Collector, Panaji, for the reason the appellate order dated 27.11.2002 issued directions to the said Officer.

3. Declaring that the direction in the order dated 27.11.2002 in the Land Revenue Appeal No.203/2001 is to the Deputy Collector, Panaji, we dispose of the Petition directing the second

Respondent impleaded in the Writ Petition, to comply with the appellate order dated 27.11.2002 and pass necessary orders disposing of the application dated 18.10.2001, guided by the fact that the said application clearly attracts Section 103 of the Land Revenue Code for the reasons stated in the application is that the title entry in the revenue record is an erroneous entry.

4. The compliance shall be made, from today, within 12 weeks.

5. The learned Counsel for Respondent No.3 wants us to record the usual mantra. We oblige. We have not expressed any opinion on the merits of the controversy concerning the title of the Petitioner or the third Respondent. This adjudication shall be done by the second Respondent.

**M.S. SONAK, J.**

**CHIEF JUSTICE**