

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 178 OF 2019**

Smt. Maria Teresa Philomena D'
Rocha Pegado, widow of Hipolito
Policarpo Pegado, House No.E-
207, Rua de Ouerem,
Panaji- Goa.

..... Petitioner

V e r s u s

1. State of Goa,
Through the Chief Secretary,
Government of Goa, having its
Office at Secretariat, Porvorim.
2. The Collector, North Goa District,
having his Office at Collectorate
Building, D. B. Bandodkar Road,
Panaji.
3. Dy. Collector & Sub Divisional
Officer of Panaji, having his office
at D. B. Bandodkar Road, Panaji.
4. The Superintendent of Survey &
Land Records, Panaji having its office,
at Directorate of Settlement and
Land Records, Collectorate building,
D.B Bandodkar Road, Panaji.

..... Respondents

Adv. Gajendra Usgaonkar for the Petitioner.

Ms. Priyanka Kamat, Additional Government Advocate for Respondent no.1
to 4.

Coram:- C. V. BHADANG, J.

Date:- 25th June 2019.

Oral Judgment:

Heard. Rule, made returnable forthwith. The learned Additional Government Advocate waives service on behalf of the respondents. Heard finally by consent of parties.

2. The challenge in this petition is to the impugned order/communication dated 20/12/2017 and 11/4/2018, issued by the learned Deputy Collector. By the letter dated 20/12/2017, the Dy. Collector has asked the petitioner to submit Form No.I and XIV in original, site plan, survey plan and other title documents, if any, in order to comply with the provisions of section 54 of C.P.C.. By the subsequent letter dated 11/4/2018, the learned Dy. Collector has asked the petitioner to file an application for partition in prescribed form and to furnish the relevant documents.

3. The issue pertains to the partition of the suit property by metes and bounds in pursuance to the final decree dated 12/9/2017 passed by the learned Senior Civil Judge, Panaji in Special Civil Suit No.40/2009/B. The Civil Court has sent a precept to the learned Dy. Collector for partition of the suit property by metes and bounds, in pursuance of which the aforesaid two

communications have been issued by the learned Dy. Collector.

4. Ms. Kamat, the learned Additional Government Advocate, on instructions, from Mr. Feroz Saiyed, Field Surveyor, who is present before the Court states that it is not necessary for the petitioner to file a formal application or to furnish the documents as required. It is submitted that the Dy. Collector shall decide the issue of partition in accordance with the order passed by the Civil Court. In view of the specific statement made, the impugned orders/communication are hereby set aside. The learned Dy. Collector, Panaji shall decide the matter of partition of the suit property as per the decree of the Civil Court as expeditiously as possible and in accordance with law. Rule is made absolute in the aforesaid terms with no order as to costs.

C. V. BHADANG, J.

ap/-