

Amrut

**IN THE HIGH COURT OF BOMBAY AT GOA**  
**WRIT PETITION NO.248 OF 2021**

COMMUNIDADE OF CHICALIM,  
THR. ITS ATTORNEY, RAYMOND M.  
CARVALHO.

... Petitioner

*Versus*

STATE OF GOA, THR.  
REVENUE SECRETARY AND ORS.

... Respondents

Mr. J. P. Mulgaonkar, Senior Advocate with Ms. Rupa Banaulikar,  
Advocate for the petitioner.

Mr. D. Pangam, Advocate General with Ms. Maria Correia,  
Additional Government Advocate for the respondent Nos. 1, 2, 3 and  
5.

Mr. D. Khambata, Senior Advocate with Mr. Rohan Dakshini,  
Ms. Janaki Garde, Mr. A. D. Bhobe and Ms. K. Govenkar, Advocates  
for the respondent No.4.

**CORAM:   REVATI MOHITE DERE &  
              M. S. JAWALKAR, JJ**  
**DATE :     14<sup>th</sup> December 2021**

**P.C.**

1.     Heard the learned counsel for the parties.
  
2.     By this petition, the petitioner has sought the following two  
substantive reliefs:

“(a) for a writ of certiorari or a writ in the nature of  
certiorari or any other appropriate writ, order or direction  
to quash and set aside the conversion sanad dated  
18/07/2017 with respect to a portion of 2255 square

metres of the petitioner's property bearing survey No.10/1 of Village Chicalim Mormugao Taluka Goa;

(b) for a writ of mandamus or a writ in the nature of mandamus or any other appropriate writ, order or direction, directing the respondents to decide the application dated 12/12/2013 for promulgation of survey records pertaining to survey number 10/1 of Village Chicalim.

3. As far as prayer clause (a) is concerned, Mr. Mulgaonkar, learned Senior Counsel for the petitioner submits that at the time when the conversion sanad was granted in favour of the respondent No.4, the petitioner was not heard despite being the owner of the subject property i.e. a portion of 2255 square metres of the property bearing survey No.10/1 of Village Chicalim, Mormugao Taluka Goa.

4. Mr. Mulgaonkar further submits that since there has been a breach of the principles of natural justice, the appropriate remedy would be writ jurisdiction.

5. Mr. Khambata, the learned Senior Counsel appearing for the respondent No.4 states that the petitioner has an alternate efficacious remedy under Section 188(1)(c) of the Goa, Daman and Diu Land Revenue Code, 1968 ( hereinafter referred to as the said Code) and that the said ground i.e. breach of principles of

natural justice can even be agitated before the Appellate Authority.

6. Learned Advocate General also submits that it is always open for the petitioner to raise the ground of breach of the principles of natural justice before the Appellate Authority i.e. the tribunal. He further submits that the provisions of Section 195 of the said Code would also apply to the petitioner and that the Appellate Authority has the power to condone the delay.

7. Without going into the merits of the petition, since there is an alternate efficacious remedy available to the petitioner in terms of Section 188 of the said Code, it would be appropriate to relegate the petitioner before the Appellate Authority i.e. the tribunal. The petitioner is at liberty to file an appropriate appeal before the appropriate authority i.e. the tribunal within four weeks from today. If such an appeal alongwith an application seeking condonation of delay is filed, the tribunal shall decide the same as expeditiously as possible. Needless to state, that if an application for condonation of delay is filed, the tribunal shall take into account the period of filing of the petition by the petitioner in this Court.

8. As far as prayer (b) is concerned, the learned Advocate General submits that the authority i.e. The Inspector of Survey and Land Records, Margao Goa, will decide the said dispute case No.255/Chicalim seeking promulgation of survey records pertaining to survey No.10/1 of Village Chicalim as expeditiously as possible and in any event on or before 30<sup>th</sup> May 2022. Statement accepted.

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

10. It is made clear that we have not gone into the merits of the petition including the issue of delay, if any, and as such keep all contentions of all parties on all points open. Both the parties to cooperate in the expeditious disposal of the proceedings before the tribunal.

11. All parties to act on the authenticated copy of this order.

**M. S. JAWALKAR, J**

**REVATI MOHITE DERE, J.**

TARI AMRUT NAGESH Digitally signed by TARI AMRUT NAGESH  
Date: 2021.12.15 18:22:45 +05'30'