

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.1122 OF 2018

VITHU MADHUKAR
NAGVEKAR AND ANR.

... Petitioners

VS

THE SECRETARY (REVENUE),
GOVT. OF GOA AND 4 ORS.

... Respondents

Mr. S. S. Kantak, Senior Advocate with Mr. A. Kamat, Advocate for the
Petitioners.

Mr. D. Pangam, Advocate General with Mr. T. Gawas, Additional
Government Advocate for Respondent Nos. 1 to 4.

Mr. A. Sardesai, Advocate for the Respondent No.5.

Coram : M. S. SONAK, J

Date : 30th June 2021

P.C.

Heard Mr. S. S. Kantak, learned Senior Advocate for the
Petitioners, Mr. D. Pangam, learned Advocate General appears along
with Mr. T. Gawas, learned Additional Government Advocate for
Respondent Nos. 1 to 4 and Mr. A. Sardesai, learned counsel for
Respondent No.5.

2. Mr. Kantak, learned Senior Advocate for the Petitioners
submits that in this case the Petitioners have not been furnished with the
memo of revision petition and therefore, the Petitioners, were unable to
respond to the notice by which certain orders made in LRC in their

favour were sought to be revised.

3. The learned Advocate General makes a statement that the revisional powers are being exercised based on the Note dated 08.08.2018 submitted by the Collector. He states that in case any further grounds other than those set out in the said Note are proposed to be taken, then the proper notice will be given to the Petitioners so that they can respond to the additional grounds.

4. In the affidavit filed in this matter by Under Secretary (Revenue), it is stated that the Note of the Collector dated 08.08.2018 was itself considered as Revision Application and further the copy of such Note has already been furnished to the Petitioners.

5. According to me, having regard to the statement in paragraph 6 of the affidavit filed by the Under Secretary (Revenue) as also the statement today made by the learned Advocate General, the grievance of the Petitioners as regards violation of principles of natural justice or inadequate opportunity to meet with the precise case in the revision stands substantially redressed. The learned Advocate General has made out clear that if any additional grounds are proposed to be considered by the revising authority, will give advance notice to the Petitioners about the same so that they are in a position to respond to such grounds. This statement is accepted and the revisional authority will

have to act accordingly.

6. This petition is disposed of by accepting the aforesaid statement.

7. The parties to now appear before the revisional authority i.e. Secretary (Revenue) on 19th July 2021 at 11.30 a.m. and file authenticated copy of this order.

8. The Misc. Civil Application does not survive and the same is also disposed of.

M. S. SONAK, J.

at*