

Meena

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.4 OF 2020

NAVINCHANDRA RAMAKANT ...Petitioners
CATCAR AND 2 ORS.

Versus

STATE OF GOA, THR. CHIEF ...Respondents
SECRETARY AND 14 ORS.,

Mr. E. Dias, *Advocate for the petitioners.*

Mr. V. Sardesai, *Additional Government Advocate for the
respondent No.1.*

Mr. Guru Shirodkar and Ms. Varsha Parab, *Advocates for
the respondent Nos. 3 to 15.*

CORAM: MANISH PITALE, J.

DATED: 27th September, 2021.

P.C.:

1. By this Writ Petition the petitioners have challenged the order dated 23/09/2019 passed by the respondent No.2- Goa Commission for Scheduled Caste and Schedule Tribe. It is the contention of the petitioners that the direction given under the said order to the effect that the petitioners should not evict or dispossess the respondent Nos.3 to 15 and their family members from the property in question till disposal of the matter pending before the appropriate Court of law, was completely without jurisdiction. It was submitted that the respondent No.2- Commission had no power or authority to give such a direction.

2. While issuing notice on 06/11/2020, this Court observed that once a quasi-judicial forum like the respondent No.2 – Commission herein itself ruled that it had no jurisdiction, such direction could not have been passed. In fact, this Court gave a prima facie observation that the Civil Court or any other judicial fora where the disputes between the parties are pending, will proceed with the matters uninfluenced by the impugned order.

3. This Court has heard the learned Counsel for the rival parties. It is clear from the impugned order itself that in the paragraph earlier to the operative portion of the order the respondent No.2 – Commission itself has observed as follows:

“Therefore after thoroughly examining the complaint and also after hearing the views of all the parties and their concern Advocates, I am in opinion that the present matter is in Civil nature and to act on such matter the Commission has no Jurisdiction. Therefore following order is passed.”

4. Thereafter, surprisingly the respondent No.2–Commission passed the operative portion of the order which reads as follows:

ORDER

Complaint dated 29th august 2018 filed Shri. Vaval Pandhari Gaonkar and others Ponda Goa is hereby stand disposed off and the same is accepted by the Complainants and the Respondents.

Hence, this Commission recommend the Respondents that they should not evict/dispossess the

Complainants and their family members from the property known as 'Gali' surveyed under survey no.11/1 Village Usgao, Taluka Ponda Goa, till the disposal of the matter ending before the appropriate court of law.

On 23rd of September 2019 Order is passed.”

5. It is clear from the above quoted portion of the impugned order that the order itself is self-contradictory, for the reason that once the respondent No.2 – Commission had come to a considered conclusion that it did not have jurisdiction in the matter, there was no propriety in giving the specific direction in the operative portion of the order quoted above.

6. In view of the above, the Writ Petition is allowed and the impugned order is set aside to the extent of the direction given in the operative portion of the order.

7. Needless to say, the dispute between the parties is now said to be pending before the Civil Court of competent jurisdiction, which shall proceed without being influenced by the order passed by this Court.

MANISH PITALE, J.

MEENA VISHAL
BHOR