

Niti

IN THE HIGH COURT OF BOMBAY AT GOA

PIL WRIT PETITION NO.3 OF 2022

**BABUSO RAJARAM
GAONKAR**

... PETITIONER

Versus

**THE COLLECTOR
(NORTH GOA) & 13 ORS.**

... RESPONDENTS

Mr. Pranay A. Kamat, Advocate for the Petitioner.

**Ms. Sapna Mordekar, Additional Government Advocate for
Respondent Nos.1 & 4.**

**Mr. I. Agha with Mr. K. Morajkar, Advocates for Respondent
No.5.**

**Mr. S.D. Lotlikar, Senior Advocate with Mr. S. Sawant,
Advocate for Respondent Nos.6 to 14.**

**CORAM: M. S. SONAK &
BHARAT P. DESHPANDE, JJ.**

DATE : 29th NOVEMBER 2022

ORAL ORDER : (*Per M.S. Sonak, J.*)

1. Heard Mr. Pranay Kamat, Advocate for the petitioner, Ms. Sapna Mordekar for respondent nos.1 to 4, Mr. I. Agha for respondent no.5 and Mr. S.D. Lotlikar, learned Senior Advocate, who appears along with Mr. S. Sawant for respondent nos.6 to 14.

2. Mr. Lotlikar tenders a response on behalf of respondent nos.6 to 14 claiming that they are the owners of the property involved in this

litigation. He submits that the petitioner's case about the Comunidade being the owner is not correct.

3. Ordinarily, such issues which will involve adjudication into the disputed questions of fact will not be undertaken by this Court.

4. Be that as it may, Mr. Agha, learned Counsel for respondent no.5 has already made a statement on behalf of respondent no.5 that respondent no.5 will comply with the directions in the inquiry report dated 03.06.2021, which includes instituting a suit for protecting the property which is the subject matter of this litigation, within two months from 17.10.2022.

5. Mr. Agha, today, reiterates this statement and states that suit to protect the rights and interest of the Comunidade will indeed be instituted before the competent Court of law.

6. By accepting the above statement and directing the Comunidade to act accordingly, we dispose of this petition. However, we clarify that we have not looked into the rival contentions on merits and, therefore, all contentions of all parties on merits are left open. Even Mr. Lotlikar's contention about bonafides of the petitioner are left open.

7. The petition is disposed of in the above terms. There shall be no order for costs.

BHARAT P. DESHPANDE, J.

M. S. SONAK, J.

NITI K

HALDANKAR

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