

Niti

**IN THE HIGH COURT OF BOMBAY AT GOA**

**WRIT PETITION NO.106 OF 2020**

**JOAQUIM BARRETO & 2 ORS.**

...Petitioner

*Versus*

**THE CUSTODIAN OF  
ENEMY PROPERTY & 3 ORS.**

...Respondents

**Mr. Bhargav Khadeparkar, Advocate for the Petitioner.**

**Mr. Pravin Faldessai, Assistant Solicitor General of India for  
Respondent Nos.1 & 2.**

**Mr. Geetesh Shetye, Additional Government Advocate for  
Respondent Nos.3 & 4.**

**CORAM: DIPANKAR DATTA,CJ &  
M. S. SONAK, J.**

**DATED: 29<sup>th</sup> MARCH 2022**

**ORAL ORDER :**

1. Aggrieved by the action taken by the respondents 1 and 3 in identifying the residential house of the petitioners [bearing House No.690, 691/1 and 691/2, situated on the property bearing Survey No.64/3 of Village Cortalim], as enemy property under the Enemy Property Act, 1968, this writ petition was instituted on 24.01.2020 seeking *inter alia* the following relief:

(a) *Pass a writ of mandamus or a writ in the nature of mandamus declaring that the identification of*

*residential house of the petitioners as enemy property by the respondents is illegal and arbitrary.*

*(b) Without prejudice to prayer clause (a), pass an order quashing and setting aside the order of the respondent no.1 dated 08.10.2010 as arbitrary and violative of principles of natural justice.*

2. In course of hearing, Mr. Faldessai, learned Assistant Solicitor General of India appearing for the respondent no.2, has placed before us a communication bearing File No.10-01-90/CC/1233 dated 24.11.2021, issued by the Assistant Custodian of Enemy Property. It has been conveyed by the said communication to the Deputy Collector (Revenue), Margao, South Goa District, on the subject of enemy property belonging to Laurencio Barretto, an enemy subject situated at village Cortalim, Mormugao, that the Custodian of enemy property has taken a decision to treat Survey No.44/6 as enemy property and further that Survey No.64/3 should be deleted from enemy property records. It was also sought to be conveyed that mutation in the revenue records may be made accordingly. One other condition, at the foot of the communication, is to the effect that the petitioners in this writ petition are to be requested to withdraw the pending litigation as the grievance has been resolved and the petition rendered infructuous.

3. The said communication is taken on record and marked 'X' for identification.

4. In view of the above, nothing survives for decision on this writ petition. The same stands disposed of with the direction that

the revenue records may be corrected in terms of the communication dated 24.11.2021 by the respondent no.3 – the Mamlatdar, in accordance with law, as early as possible but not later than four weeks of service of a copy of this order.

5. No costs.

**M. S. SONAK, J.**

**CHIEF JUSTICE**

NITI K  
HALDANKAR

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