

Meena

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.69 OF 2021

1. Mr. Trevor Mascarenhas

46 years of age

S/o. Late Basil Mascarenhas,
Major of age, Indian National,
R/o. Chinvar, Anjuna,
Bardez – Goa

2. Mr. Michael Mendonca

47 years of age

S/o. Late Ricardo P. Mendonca
Major of age, Indian National,
525/3 Aminha Casa Vagator,
Anjuna Bardez – Goa.

3. Mr. Leaster P. Albuquerque

32 years of age

S/o. Late Sebastian Albuquerque,
Major of age, Indian National,
R/o. Vagator, Bardez Goa

4. Mr. Amancio Jolannoel Albuquerque

28 years of age

S/o. Late Casmiro James Vincent Albuquerque,
Major of age, Indian National,
R/o. Vagator, Anjuna,
Bardez – Goa

5. Mr. Kennedy Auselino Mendonsa

52 years of age

S/o. Micheal Mendonsa,
R/o. Anjuna Sorranto,
Anjuna Bardez Goa

6. Mr. Tomas C. D'Mello

31 years of age

S/o. Simao Minguel D'Mello,
Major of age, Indian National,
R/o. Anjuna Bardez Goa.

7. Mr. Siddesh Arun Prabhu
30 years of age
S/o. Mr. Arun Prabhu,
Major of age, Indian National
R/o. H. No. 1176/2, Gaunwaddi
Anjuna, Bardez – Goa

8. Mr. Desmond Jude D'Souza
52 years of age
S/o. Camillo C. D'Souza (Zal)
Major of age, Indian National
R/o. San Miguel Prais, Anjuna,
Bardez Goa

.... Petitioners

V/s

1. State of Goa
Through its Chief Secretary,
Having its office at Secretariat,
Alto, Porvorim – Goa

2. The Secretary,
Revenue Department,
Govt. Of Goa, Secretariat,
Alto, Porvorim – Goa

3. The Collector and
Director of Civil Administration,
North Goa District,
Collectorate, Panaji Goa

4. The Town Planner,
The Town & Country Planning Department,
Mapusa, Bardez – Goa

5. The Forest Department
Through the Chief Conservator of Forests
Altinho, Panjim – Goa

6. The Forest Department
Through its Range Forest Officer
Social Forestry
Usgao – Goa

7. The Deputy Collector,
Mapusa, Bardez Goa

8. The Mamlatdar,
Mapusa, Bardez – Goa

9. The Administrator of Comunidades,
North Zone, Having office at
Comunidade Ghar, Mapusa,
Bardez – Goa

10. The Comunidade of Anjuna,
Through its Attorney,
Having its office at Anjuna, Bardez – Goa

11. The Secretary,
Village Panchayat of Anjuna
Anjuna, Bardez Goa

12a. Shri. Yeshwant M. Sawant
S/o Late. Mrityunjai Sawant
Major of age, Indian National,
R/o H. No. 409, Mardung Vaddo,
Assagao, Bardez – Goa.

12. Smt. Minakshi Y. Sawant
W/o Shri Yeshwant M. Sawant
Major of age, Indian National,
H. No.409, Mardung Vaddo,

Assagao, Bardez Goa.

13. Mr. Devender Singh
S/o. Sheo Karan,
Major of age, Indian National,

14. Smt. Satyawati Singh
W/o Devender Singh
Major of age, Indian National

15. Mr. Yoginder Singh
S/o Devender Singh
Major of age, Indian National

16. Smt. Sujata Phouhat
D/o Bhagat Singh Malik
Respondent no 13 to 16 are
the residents of House no. B-4/14,
Mianwali Nagar, Rohtak Road,
Paschim Vihar, Sundar Vihar S.O.
West Delhi, Delhi 110087

... Respondents

Mr. Nigel Da Costa Frias and Mr. Vishal Sawant, Advocates for the
Petitioners.

Mr. Devidas J. Pangam, Advocate General with Mr. S. P. Munj,
Additional Government Advocate for Respondent No.9.

Mr. P. Talaulikar, Advocate for Respondent No.10.

Mr. Rui A. Gomes Pereira, Advocate for Respondent No.12.

Ms. M. Viegas, Advocate for Respondent Nos. 13 to 16.

Mr. A.D. Bhoe, Advocate for the Panchayat.

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

DATED : **18th October, 2022**

P.C.:

Rule. The rule is made returnable immediately at the request and consent of the learned Counsel for the parties.

2. The petitioners have some complaints concerning the alleged allotment of Comunidade property bearing Survey No.496/1 and 496/1A of Village Anjuna, Bardez Goa. A grievance in the petition is that the Administrator has not taken action in pursuance of such complaints.

3. Mr Ulhas Kadam, Administrator of Comunidades, North Zone, has filed an affidavit before us. Paragraph No.7 of this affidavit reads as follows:

“7. I say that in view of the complaints as made to this Respondent by the Petitioners vide complaints dated 12/10/2020 and 16/10/2020, which complaints are pending disposal with this Respondent, this Respondent is at this juncture not advertng to the merits of the impugned documents. I say that this Respondent will conduct due enquiry on the basis of the said complaints, in accordance to principles of natural justice. Notice/Memorandum was issued to the Comunidade dated: 04/05/2021 to inquiry and submit to this office the detailed report in the matter for further necessary action deemed fit. Hereto annexed and marked as EXHIBIT ‘A’.”

4. Learned Advocate General also submits that the Administrator is inquiring into the petitioners' complaints and complaints will be disposed of in accord with the law and compliance with the principles of natural justice within four months from today. This statement is accepted and the Administrator is directed to act accordingly.

5. The learned Advocate General states that this petition will itself be treated as a formal complaint by the petitioners. The learned Advocate General states that this obviates the necessity of a formal Show Cause Notice. The learned Counsel for the Comunidade and respondents No.12 to 16 and the petitioners agree that this will be the appropriate course of action to be adopted by the Administrator so that the status of the properties in question is cleared at the earliest.

6. Mr Pereira, learned Counsel for respondent No.12 and Ms M. Viegas, learned Counsel for respondents No.13 to 16, on instructions, state that until the inquiry is complete and the final conclusion is communicated to all parties, including the petitioners, they will not undertake any activities in the above properties.

7. Mr. Bhobe who appears for the Panchayat states that he has no instructions to make any statement about the pending application made by respondents No.12 to 16. According to us, until the inquiry is complete, the Panchayat should not entertain any applications concerning the above property or grant any permission. The Panchayat is directed to act accordingly.

8. The petitioners, respondents No.12 to 16 and the representative of the Comunidade to attend the office of the Administrator on 01st November 2022 at 11.00 am for a preliminary hearing. On this date, the Administrator to set out the timeline for the parties to file their response, if they choose to. The Administrator shall also afford an opportunity of hearing to all these parties. The Administrator will communicate his

decision to all these parties simultaneously.

9. As regards the police complaint the petitioners are free to resort to the remedy available under CrPC.

10. At this stage, we clarify that we have not examined the merits of the complaints because we believe that it is for the Administrator to look into the complaints at the first instance.

11. Therefore, all the contentions of all the parties are left open to be considered by the Administrator at the first instance.

12. The rule is disposed of in the above terms without any order for costs.

BHARAT P. DESHPANDE, J

M. S. SONAK, J

