

Suchitra

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO.13/2022

ANTHONY NICOLAU DSILVA

... PETITIONER

Versus

STATE OF GOA THR. PUBLIC
PROSECUTOR AND 16 ORS.

...RESPONDENTS

Petitioner in person.

Mr. P. Faldessai, Additional Public Prosecutor *for the State*.

**CORAM: M. S. SONAK &
R. N. LADDHA, JJ.**

DATED: 14th June 2022

P.C.:

1. Mr. Anthony Nicolau D'Silva appears in person.
2. We had appointed Mr. L. Raghunandan under the Legal Aid Scheme. However, Mr. D'Silva submits that he wants to proceed with the matter himself.
3. Mr. D'Silva points out that he has been unlawfully evicted from his own house and his complaints to practically all the authorities have met with no success. He points out that he even approached the office of the Hon'ble Chief Minister, State of Goa and despite directions by the Hon'ble Chief Minister, the various

officers are not taking any action. He points out that he has approached this Court because he feels that no other authorities are taking action on his complaints. He submits that when he tried to enter his own house along with his mother, some FIR was lodged against him. He points out that there are some orders issued by the Panchayat authorities which have also not been implemented.

4. We have heard Mr. D'Silva and Mr. Pravin Faldessai, learned Additional Public Prosecutor for the State.

5. On the perusal of the petition, we find that the petitioner has tried to incorporate too many issues in one and the same petition. Besides, he has indulged in making allegations against practically any and every authorities, including the Judicial Officers, Additional Public Prosecutors and the members of the Bar. He maintains that he stands by his allegations. He was given an opportunity to amend the petition but he has carried out only some cosmetic amendments.

6. Mr. D'Silva was explained that in case he has any grievances against any order made by the Judicial Officers, then, he has the remedy of appeals, revisions, etc. He however insists that this is his proper remedy.

7. The petition, involves highly disputed questions of fact that cannot be gone into in a Writ Petition. The petition concerns civil disputes arising out of petitioner's alleged eviction from his own house. For resolution of such disputes, the petitioner, has alternate and efficacious remedies available to him.

8. If the petitioner's complaints to the police are not attended to, again, the petitioner, has alternate and efficacious remedies of instituting complaints before the Magistrate having jurisdiction over the subject matter. If the petitioner is aggrieved by any of the judicial orders, again, he has remedies provided by the law. However, instituting such a Writ Petition and attempting to raise several issues is not the remedy that can be regarded as a proper remedy.

9. The language used in the petition leaves much to be desired. In any case, without precipitating the issue, we propose to simply dispose of this petition by leaving it open to the petitioner to avail of the various alternate and efficacious remedies that are available to him in respect of each of the alleged causes of action that he has tried to raise in this petition.

10. For the aforesaid reasons, we dispose of this petition by granting the petitioner the liberty to take out appropriate

proceedings before the appropriate forum for the redressal of his grievances. This liberty is to take out proceedings in accord with law and not *de hors* the law.

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

R. N. LADDHA, J.

M. S. SONAK, J.