

Suchitra

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.409/2022

MAXWELL DIAS

... Petitioner

Versus

STATE OF GOA THR. UNDER
SECRETARY (REVENUE-I) & 3 ORS.

... Respondents

Mr. Joaquim Godinho, Advocate *for the Petitioner.*

Mr. P. Arolkar, Additional Government Advocate *for Respondent-State.*

Mr. A. D. Bhobe with Ms. A. Kuvelkar, Advocates *for the Respondent No.4.*

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

DATED: 17th OCTOBER 2022

P.C.:

- 1.** Heard Mr. Godinho for the petitioner, Mr. Arolkar, learned Additional Government Advocate for respondents no.1 to 3 and Mr. Bhobe for respondent no.4.
- 2.** The petitioner has prayed for the following substantive reliefs in this petition:

“(a) For a Writ of Mandamus and/or an appropriate writ or order or direction, directing the Respondent no.2 & 3 to issue the copies of the Judgments and orders, if any passed by the Respondent No.3, on 12.01.2021 to the Petitioner in the LRC Mutation Appeals, bearing Case No.A1-LRS/MUT/APPL/07/2017/179 & Case No.A1-LRC/MUT/APPL/07/2017/180.

(b) For an order or direction, directing the Respondent No.4 to return the files to the office of the Respondent No.3.

(c) For a direction, if for any reason, the Respondent No.3 is not in a position to locate or receive the files, the Respondents be directed to reconstitute the files with the assistance of the concern parties, to rehear and to decide the matter afresh.

(d) For a direction, directing the Respondent No.4 to pay the cost of the petition and other expenses undergone by the Petitioner, who is a senior citizen of 82 years old.”

3. Insofar as the prayer clause (a) is concerned, we find that the petitioner has himself annexed the Roznama in Case No.A1-LRC/MUT/APPL/7/2017 at page no.82.

4. As against the entry of 11.01.2021 there is an endorsement that the matter is kept for orders on 12.01.2021. On 12.01.2021 the order made is transcribed in the Roznama.

5. Mr. Bhobe, the learned counsel for respondent no.4 clarifies that the order transcribed in the Roznama is itself the Judgment and Order by which the appeal was disposed of. He states that there is no separate Judgment as such.

6. Considering the above position and upon perusing the Roznama, according to us, relief in terms of the prayer clause (a) of the petition stands worked out.

7. The respondent no.4 has filed an affidavit before us that the appeal filed by the petitioner and the appeal filed by the Forest Department were disposed of on the same date. The files were returned to the concerned clerk and the respondent no.4 has not taken the files with him. Mr. Bhobe on instructions states that the above appeals were dismissed.

8. Mr. Arolkar has stated that the file of the Forest Department appears to be missing. He states that necessary FIR has been lodged concerning the missing file. He states that this missing file is being re-constructed in accord with the rules. He says that this exercise will be complete within fifteen days from today.

9. We accept the statements of Mr. Arolkar. Accordingly, no further directions are necessary in relation to prayer clauses (b) and (c).

10. Further, since, the order made in the petitioner's appeal was very much available to the petitioner, there is no question of award of any costs to the petitioner. Possibly it was the petitioner's understanding that there must be some separate Judgment and Order. Since, the order was transcribed in the Roznama itself and the same was made available to the petitioner, there is no question of award of any costs in favour of the petitioner.

11. For all the above reasons we dispose of this petition. There shall be no order for costs.

BHARAT P. DESHPANDE, J.

M. S. SONAK, J.