

Vinita

**IN THE HIGH COURT OF BOMBAY AT GOA.
WRIT PETITION NO.508 OF 2022**

SHOBHA MAHADEV NAIK @ ...Petitioners.
TONTECAR AND 2 ORS
VS
DILIP MALBARAO DESSAI (SINCE ...Respondents.
DECEASED REP. BYLRS) AND 4 ORS

Mr. J. P. Mulgaonkar, Senior Advocate with Ms. A. Tirodkar, Advocate
for the petitioners.

Mr. D. Gaonkar and Mr. A. Salgaonkar, Advocates for the
respondent nos.2, 3, 4 on caveat.

**CORAM: G. S. KULKARNI, J.
DATE: 19 OCTOBER 2022.**

P.C.:

1. I have heard Mr. Mulgaonkar, learned Senior Counsel for the
Petitioners and Mr. D. Gaonkar, learned Counsel for the respondent
nos.2, 3, 4 on caveat. Respondent no.1 is deceased, the legal
representatives of the deceased are respondent nos.1(a) and 1(b) who
alongwith respondent no.2 who were are original landlords.
Respondent nos. 3 to 5 are appearing on a caveat who are stated to be
the persons in whose favour the suit land has been sold by the said
original owners under Sale Deeds dated 10 February 2006 and 31

August 2018. The respondent nos. 1(a) and 1(b) and respondent no. 2 are formal parties as property has already been sold.

2. This petition has been filed praying for following reliefs:-

- “a. The petitioners therefore pray for a Writ of Certiorari or any other appropriate Writ/Order/Direction in the nature of Certiorari calling for the records of the case and quashing and setting aside the impugned Judgment and Order dated 8 September 2022 passed by the Administrative Tribunal, Goa, in the Tenancy Revision Application No.14/2021 and Misc. Application no.157/ 2021 /STAY /TRA and also the order dated 16/12/2021 passed by the Deputy Collector, Bicholim in the case No.39-01-2019-TNC-APPL/BICH*
- b. For an Interim Order staying the impugned Judgment and Order dated: dated 8 September 2022 passed by the Ld. Administrative Tribunal, Goa, in the Tenancy Revision Application No.14/2021 and Misc. Application no.157/2021/STAY /TRA and order dated 16/12/2021 passed by the Deputy Collector, Bicholim in the case No.39-01-2019-TNC-APPL/BICH pending the hearing and final disposal of this petition.*
- c. For ad-interim reliefs in terms of prayer clause(b) above pending the hearing and final disposal of this petition.*
- d. For any other relief as this Hon'ble Court deems fit and proper.”*

3. After proceedings were heard for sometime, in my opinion, considering the facts and circumstances of the case, it would be appropriate that the learned Mamlatdar decides the application as filed by the petitioners under Section 8(A) of the Tenancy Act as directed by the Tribunal after hearing all the interested parties. It is open to the parties to urge all contentions as may be permissible in law in adjudication of such application. The Mamlatdar shall accordingly hear all the parties and pass afresh order as expeditiously as possible in any event, within a period of three months from the date of this order. Needless to observe that learned Mamlatdar shall decide the said application afresh without being influence by the earlier orders.

4. In so far as the interim measures are concerned, let the status quo as on date continue to operate till the disposal of the application filed by the petitioners under Section 8A of the Tenancy Act, and which now would be decided by the Mamlatdar. In passing of such order of status quo is in no manner is an expression on the merits of the dispute between the parties before the learned Mamlatdar. The proceedings be decided without in any manner being influenced by

such protection granted which is in the interest of justice. All contentions of the parties on merits are expressly kept open.

- 5.** Disposed of in above terms. No costs.
- 6.** Parties to act on the duly authenticated copy of this order.

G. S. KULKARNI,J.

VINITA VIKAS NAIK Digitally signed by VINITA VIKAS
NAIK
Date: 2022.10.22 11:24:36 +05'30'