

Suchitra

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.297/2023

ANAND RAJARAM DESSAI
AND 4 ORS.

... PETITIONERS

Versus

STATE OF GOA THR. ITS CHIEF
SECRETARY AND 17 ORS.

... RESPONDENTS

Mr Shivan Desai and Mr J. Ramaiya, Advocates for the
Petitioners.

Mr D. Pangam, Advocate General with Mr Deep Shirodkar,
Additional Government Advocate for Respondent-State.

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

DATED: 26th JULY 2023

P.C.:

1. Heard Mr Desai for the petitioner and Mr D. Pangam,
learned Advocate General who appears along with Mr Deep
Shirodkar, learned Additional Government Advocate for the
State.

2. The petitioners represent one faction and respondents no.6 to 14 represent another faction claiming to represent respondent no.15 i.e. Barabhumi Education Society.

3. By the impugned orders, respondent no.4 has granted recognition to the respondent faction. Therefore, the petitioners impugn the same by instituting the present petition.

4. There are disputed questions of fact which cannot be resolved by this Court in exercise of its extraordinary jurisdiction under Articles 226 and 227 of Constitution of India which disputes are best resolved by the parties approaching Civil Court and obtaining appropriate reliefs from the Civil Court.

5. The impugned orders or the orders made by respondents no.1 to 4 in such matters will always be subject to the orders of the Civil Court. This position is clarified. Therefore, with the liberty to the petitioners to take out appropriate proceedings before the appropriate Court we dispose of this petition.

6. If the petitioners institute a suit or seek any interim reliefs, the Civil Court must decide on the same as expeditiously as possible. Respondents no.1 to 4 will then have to honour orders of the Civil Court.

7. We clarify that we have not examined the *inter se* disputes between the rival factions. The contentions of all such faction

members are left open for adjudication by the appropriate Civil Court.

8. With the above observations and liberty, we dispose of this petition. There shall be no order for costs.

BHARAT P. DESHPANDE, J.

M. S. SONAK, J.

SUCHITRA
NANDAN
SINGHAL

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