

Suchitra

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.422/2023

VIKAS SONU KANDOLKAR

... PETITIONER

Versus

THE STATE OF GOA REP BY
CHIEF SECRETARY AND 3 ORS.

... RESPONDENTS

Mr Andre Pereira, Advocate for the Petitioner.

Mr D. Pangam, Advocate General with Mr G. Shetye, Additional
Government Advocate for the State.

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

DATED: 9th OCTOBER 2023

P.C.:

1. Heard Mr Andre Pereira for the petitioner and Mr D. Pangam, learned Advocate General who appears along with Mr G. Shetye, learned Additional Government Advocate for the State.

2. The petitioner in this petition claims that he is the proprietor of the lands adjoining the lands referred to in paragraph 4 of this petition. He states that some development is going on in the lands referred to in paragraph 4 of this petition by which he is seriously affected. Mr Pereira states that on account

of such development the proprietary rights of the petitioner in the neighbouring property are seriously affected.

3. Accordingly, we inquired from Mr Pereira as to why the petitioner does not institute proceedings before the Civil Court for protection of the petitioner's alleged proprietary rights. Mr Pereira responds by saying that there are no Revenue Districts in the State of Goa and consequently the Civil Courts which are functioning cannot be called as the Civil Courts constituted under the Revenue Districts in the State of Goa.

4. With respect, we are not convinced with the response. Learned Advocate General points out that repeatedly such issues are being raised by Mr Pereira for and behalf of various petitioners notwithstanding the repeated rejection of such contentions. Learned Advocate General refers to the decision of the Coordinate Division Bench in **Pandurang Narayan Bagkar & 2 Ors. v/s. State of Goa & Ors. - Writ Petition No.2188/2021 (F) decided on 07.10.2022 (Coram: G. S. Kulkarni & Bharat P. Deshpande, JJ.)**.

5. In the above decision, a similar contention was considered and rejected. Mr Pereira however submits that there are some other decisions on this subject. However, he is not in a position to cite the same.

6. Considering the primary allegation that the petitioner's proprietary rights are affected by some actions of the respondents,

we think that the petitioner, if he so chooses, must agitate his alleged proprietary rights before the Civil Court and not by invoking the extraordinary jurisdiction of this Court under Articles 226 and 227 of the Constitution of India. Besides, we find that in this petition, the petitioner seeks to question the orders made by respondent no.3 on 12.02.2015, 07.04.2015 and 09.09.2015. There is no explanation in the petition about this inordinate delay.

7. Accordingly, for the above reasons we decline to entertain this petition. The dismissal of this petition however, will not come in the way of the petitioner taking steps before the appropriate Civil Court for protection of his alleged proprietary rights. However, such steps will have to be consistent with law and all contentions of all parties including the respondents/defendants are explicitly kept open.

8. With the above observation, this petition is dismissed. There shall be no order for costs.

BHARAT P. DESHPANDE, J.

M. S. SONAK, J.

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