

Suchitra

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.251/2022

SUDHEER PRABHAKAR DESAI

... PETITIONER

Versus

THE DEPUTY COLLECTOR
AND SUB DIVISIONAL
MAGISTRATE, MAPUSA
SUB DIVISION AND ANR

... RESPONDENTS

Mr Parag Rao with Mr Akhil Parrikar, Advocates *for the
Petitioner.*

Ms Sulekha Kamat, Additional Government Advocate *for the
State.*

CORAM: M. S. SONAK, J.

DATED: 19th August 2023

P.C.:

1. Heard Mr Parag Rao for the petitioner and Ms Sulekha Kamat, learned Additional Government Advocate for the State.
2. The basic challenge in this petition is to the Deputy Collector's order dated 22.04.2022 purported to have been made under the provisions of the Land Revenue Code.
3. As against such order, the petitioner has alternate and efficacious remedies available under the Land Revenue Code.

Such remedies are efficacious because the petitioner can always urge that restitution should be ordered if the petitioner succeeds in convincing the authorities that the impugned order was made illegally and in a high-handed manner. Even the contention that the provisions of Section 32 of the Land Revenue Code are inapplicable can always be urged before the Appellate/Revisional Authorities and such authorities will be duty-bound to consider the same in accord with law and on its own merits.

4. Therefore, this petition is disposed of by granting the petitioner leave to avail of the alternate remedies available under the Land Revenue Code. If the alternate remedies are availed of within four weeks from today, then, the Appellate/Revisional authorities must decide the appeal/revision on merits without advert to the issue of limitation. This is because the petitioner was bonafide pursuing this matter before this Court and is now being relegated to avail alternate remedies available under the Land Revenue Code. All contentions of all parties are left open.

5. The petition is disposed of without any order for costs.

6. All concerned to act on the authenticated copy of this Order.

M. S. SONAK, J.