

Niti

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.299 OF 2022

PRAMOD LAXMAN NAIK
AND ANR.

....PETITIONERS

Versus

RAVINDRA LAXMAN NAIK
AND ANR.

....RESPONDENTS

Mr P. Lotlikar, Advocate for the Petitioners.

Mr Arjun Naik, Advocate for Respondent No.2.

CORAM: M. S. SONAK, J.

DATE : 13th JULY 2023

ORAL ORDER :

1. Heard Mr P. Lotlikar for the petitioner and Mr Arjun Naik for respondent no.2 (original plaintiff).
2. Mr Lotlikar, on instructions, states that the petitioner has already filed an application under Section 33 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964. On instructions, he states that the petitioners will not pursue the present petition but may be granted liberty to pursue the application under Section 33 of the said Act.
3. Accordingly, this petition is disposed of with liberty to the petitioners to pursue the application under Section 33 of the said Act.

However, it is clarified that this application will have to be decided on its own merits and in accord with law. This Court has not examined the merits or demerits of such application and, accordingly, all contentions of all parties including in particular all objections that the respondents might have to such application are kept open. These matters are to be decided by the Mamlatdar in the first instance.

4. The Mamlatdar, while deciding the application under Section 33 of the said Act, must however not get influenced by the orders made by the Trial Court and the Appeal Court at the interlocutory stage which were impugned in this petition. It is reiterated that the application under Section 33 including issues of its maintainability must be decided by the Mamlatdar independently on their own merits and in accord with law.

5. With the above liberty and clarifications, this petition is disposed of. There shall be no order for costs.

M. S. SONAK, J.

NITI K
HALDANKAR

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