

Rekha

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.400 OF 2021

RAMESH VAIGANKAR AND
ANR

... PETITIONERS

Versus

JOSEPH RANGEL AND ANR

... RESPONDENTS

Ms. G. Kamat, Advocate for the Petitioners.

CORAM: BHARAT P. DESHPANDE,J.

DATED : 18th FEBRUARY 2023

P. C.

1. Heard Ms. G. Kamat appearing for the petitioners. In the present petition challenge is against the dismissal of Revision Application No.13 of 2019 filed by the petitioners thereby challenging the order of Deputy Collector/SDO Mapusa who allowed the respondents to file written statement on record.

2. The petitioners claimed to be the mundkar filed Revision Application under section 8A for declaration which was registered as Mundkar case no. MND/SR/15/2011. The present respondent nos.1 and 2 are shown as the respondents/owners.

3. It is the contention of Ms. Kamat that initially the respondents were served before the Mamlatdar but they failed to appear and accordingly ex parte order was passed. Later on respondent nos.1 and 2 filed application for setting aside ex parte order. Said prayer of respondent nos.1 and 2 was allowed, by setting aside ex parte order and granting opportunity to the respondents to take part in the proceedings.

4. Main grievance in the present petition is that the Mamlatdar has allowed respondents to file their written statement belatedly without giving any reasons.

5. The petitioners challenged said order of the Id. Mamlatdar before the First Appellate Authority i.e. Deputy Collector/SDO in case no. DC/MND/REV/BAR/1/7/2016. The First Appellate Authority after detailed order rejected the said proceedings. Petitioners then challenged order of the Deputy Collector in Mundkar Revision Application no. 13/2019 before the Administrative Tribunal of Goa.

6. Vide impugned Judgment dated 10.06.2020, the Id. Administrative Tribunal observed that initially respondents were not served properly and had no opportunity to appear and contest in the matter.

7. I have gone through the entire records as well as grounds mentioned in the present petition. The observations of the Deputy

Collector/S.D.O. as well as that of Administrative Tribunal in the impugned order cannot be termed as illegal or perverse. Both these authorities considered that the respondents were not properly served and therefore the delay if any in filing the written statement cannot debar them from contesting the proceedings by filing their written statement.

8. Even otherwise, the application under section 8A filed before the Mamlatdar was at the preliminary stage and evidence yet to start. Considering the above facts and the reasoned order passed by both the authorities, there is no need to interfere with the impugned order. The Mamlatdar should decide the application under section 8A of the Mundkar Act as expeditiously as possible. The petition therefore fails and stands dismissed.

BHARAT P. DESHPANDE, J.