

Niti

IN THE HIGH COURT OF BOMBAY AT GOA

**WRIT PETITION NO.387 OF 2022
WITH
MISC.CIVIL APPLICATION NO.248 OF 2022**

WRIT PETITION NO.387 OF 2022

RADHA KRISHNA GAUDE (DEC) AND 2

ORS

... PETITIONERS

Versus

ANIL PANDHARINATH KALE AND 10 ORS

... RESPONDENTS

**WITH
MISC.CIVIL APPLICATION NO.248 OF 2022**

RADHA KRISHNA GAUDE (DEC) AND 2

ORS

... APPLICANTS

Versus

ANIL PANDHARINATH KALE AND 10 ORS

... RESPONDENTS

Mr A.D. Bhobe, Advocate for the Petitioners.

Mr S. Khedekar, Advocate for Respondent No.11.

CORAM:- M. S. SONAK, J.

DATED :- 15th December, 2023

P.C.:

Heard Mr A.D. Bhobe for the petitioners and Mr S. Khedekar for respondent no.11.

2. The challenge in this petition is to the orders made by the Mamlatdar, the Deputy Collector and the Tribunal declining interim reliefs to the petitioner pending the disposal of his application for

declaration as tenants of the suit property.

3. On perusing the impugned order, it is necessary to record that there are concurrent findings though prima facie in nature. The concurrent findings cannot be said to be suffering from any perversity so as to warrant interference. Ultimately, these are orders made at the interim stage. Such orders are not ordinarily relevant for deciding the main issue of declaration.

4. Therefore, the interest of justice would be served if the Mamlatdar is directed to dispose of the petitioners' application for a declaration which is registered as case no.JM-I/TNC/BAN/9/2012 expeditiously and, in any case, within eight months from the parties filing an authenticated copy of this order before it.

5. Accordingly, this petition is disposed of without interfering with the impugned orders but clarifying that these impugned orders will not influence the Mamlatdar while deciding the petitioners' application for declaration being case no.JM-I/TNC/BAN/9/2012 on its own merits and in accordance with law. Further, Mamlatdar is directed to dispose of JM-I/TNC/BAN/9/2012 on its own merits and in accordance with law as expeditiously as possible and, in any case, within eight months from the date of the parties producing an authenticated copy of this order.

6. This petition is disposed of. Misc. Civil Applications, if any, do not survive and is disposed of.

M. S. SONAK, J.

NITI K
HALDANKAR

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