

Esha

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 704 OF 2023

GAGAN TREXPO L.L.P. THR. ITS
DESIGNATED PARTNER KING
KAKAR AND 3 ORS. ... PETITIONERS

VS

CUSTODIAN OF ENEMY
PROPERTY FOR INDIA & 4 ORS. ... RESPONDENTS

Mr M.B. da Costa, Senior Advocate with Mr Rehan Abbasi,
Advocate for the Petitioners.

Mr Devidas J. Pangam, Advocate General with Mr Shubham
Priolkar, Additional Government Advocate for Respondent
Nos. 2, 3 and 4.

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

DATED: 1st NOVEMBER 2023

P.C.:

1. Heard Mr Mario Brut da Costa, learned Senior Advocate who appears along with Mr Abbasi for the Petitioners. Learned Advocate General appears along with Mr Priolkar for Respondent Nos. 2, 3 and 4.

2. For the order that we propose to now make, notice may not be necessary to Respondent Nos. 1 and 5.

3. The Petitioners have applied to the third Respondent for mutation in respect of plot admeasuring 3,000 square metres bearing Survey No. 97/3 in Marra village, Bardez, Goa, by their Application dated 16.03.2022.

4. The Custodian of Enemy Property for India has objected to the grant of such mutation.

5. Accordingly, at this stage, we direct the appropriate Authority empowered to consider the Application for mutation to dispose of the Petitioners' Application for mutation on its own merits and in accordance with law as expeditiously as possible and in any case, within three months from today.

6. The appropriate Authority must afford an opportunity of hearing to the Petitioners and the Custodian. This means that notices must be issued to the Petitioners and the Custodian and if they appear on the appointed date, then, a hearing should be granted to them.

7. The appropriate Authority must communicate its decision to the Petitioners and the Custodian within three months from today.

8. All contentions of all parties are left open. This means that this Court has not gone into the various contentions raised by the Petitioners in this Petition.

9. The Petition is disposed of in the above terms without any order for costs.

10. All concerned to act on an authenticated copy of this Order.

BHARAT P. DESHPANDE, J.

M. S. SONAK, J.