

Niti

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.871 OF 2023

JAINATH DHULAPKAR

... PETITIONER

Versus

STATE OF GOA, THR. ITS CHIEF
SECRETARY, AND 8 ORS

... RESPONDENTS

Mr Sagar Dhargalkar, Advocate for the Petitioner.

Ms Maria Correia, Additional Government Advocate for the
Respondents - State.

**CORAM:- M. S. SONAK &
VALMIKI SA MENEZES, JJ.**

DATED :- 6th December, 2023

P.C.:

Mr Dhargalkar, based on instructions from the petitioner, seeks leave to withdraw this petition with liberty to institute an appeal under Section 49 of the Goa Agricultural Tenancy Act, 1964, before the appellate authority. This was based on the objection raised by Ms Maria Correia that the petitioner has an alternative and efficacious remedy under the said Act.

2. Mr Dhargalkar states that an appeal would be instituted within thirty days from today. If the appeal is indeed instituted within thirty days from today, the appellate authority to consider that this petition was instituted on 20.10.2023 and was pending in this Court till today.

This means that the petitioner was bonafide pursuing his remedies. This aspect should be considered by the appellate authority for condoning the delay, if any, in instituting the appeal. All this is provided the appeal is instituted within thirty days from today and not later.

3. This petition is disposed of with liberty in the above terms. There shall be no order for costs.

4. All concerned to act on an authenticated copy of this order.

VALMIKI SA MENEZES, J.

M. S. SONAK, J.