



IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.106/2022

MARIA AUGUSTA FERNANDES
(DECEASED) THR. LRS AND ANR.

... PETITIONERS

Versus

THE STATE OF GOA THR.
ITS CHIEF SECRETARY
AND 4 ORS.

... RESPONDENTS

Mr J. Pinto, Advocate for the Petitioners.

Ms Sulekha Kamat, AGA for the State.

Mr Terence Vaz, Advocate for Respondent No.3.

**CORAM: M. S. KARNIK &
VALMIKI MENEZES, JJ.**

DATE: 11th JULY 2024

P.C.:

1. Heard Mr J. Pinto, learned advocate for the petitioners, Ms Sulekha Kamat, learned AGA for the State and Mr Terence Vaz, learned advocate for respondent no.3.

2. The relief prayed for in this petition is a direction to the Inspector of Survey and Land Records to assume jurisdiction and issue notice to the parties by exercising powers under Section 61 of the Land Revenue Code, 1968 and Goa, Daman and Diu Land Revenue (Partition of Holdings) Rules, 1969 and proceed to hear and adjudicate the matter according to law.

3. We have perused the communications dated 01.10.2021 and 25.10.2021 of the office of Inspector of Survey and Land Records which are at pages 75 and 79 respectively, of the paper book. In the said communications it has been clearly mentioned that by order dated 14.08.2014 passed by the High Court of Bombay at Goa in Second Appeal No.59/2013, the petitioners have been allotted and given 5/6th right in the property bearing Survey No.2/1 and 4 of Mandur Village, which is undivided, and that the same has to be definitive and not in a fluid state.

4. In this view of the matter, it is not possible for us to grant relief in terms of the prayer clause (A) in view of the orders of the competent Civil Courts. It is open for the petitioners to avail such remedy available in law considering that the Second Appeal No.59/2013 based on which the petitioners are seeking partition, is already decided.

5. The petition is accordingly disposed of. The contentions raised in the petition are kept open. No costs.

VALMIKI MENEZES, J.

M. S. KARNIK, J.