

Meena

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.198 OF 2024

GOPIKI SOMA LINGUDKAR

... PETITIONER

Versus

THE DEPUTY COLLECTOR AND SDO

PERNEM TALUKA AND 4 ORS

... RESPONDENTS

Mr. A.D. Bhobe with Ms. S. Shaikh, Advocate for the Petitioner.

Ms. S. Kamat, Additional Government Advocate for Respondent “
State

CORAM:- AVINASH G. GHAROTE, J.

DATED :- 7th March, 2024

P.C.:

1. The petition points out a very grim situation in as much as though respondent No.1 -Deputy Collector and SDO, Pernem sub-division by an order dated 16/12/2023 passed by him in case No. DCP/MND/APL/3-9/2023 in an appeal under Section 24 of the Goa Mundkars (Protection from Eviction) Act,1975 against the judgment and order date 04/07/2023 of the Mamlatdar, had granted leave to appeal and so also stayed the operation of the judgment dated 04/07/2023 passed by the Mamlatdar, regarding which order is recorded in the order sheet dated 16/12/2023. Subsequently a detailed judgment, has been passed by him as indicated from page 201 to 227, which is also dated 16/12/2023 giving additional reasons for passing

the order of grant of leave and stay.

2. The grievance of Mr. Bhobe, learned Counsel for the petitioner is that the original order as recorded in the order sheet was challenged by the petitioner in revision by raising grounds as available vis-a-vis the order as recorded in order sheet dated 16/12/2023 and therefore it was not permissible for respondent No.1 to supplement the reasonings by a subsequent order which is predated to 16/12/2023.

3. This would clearly indicate that respondent No.1 has acted in a fashion which would be contrary to the accepted norms in the matter which would equally indicate factors extraneous to the proceedings. Learned Additional Government Advocate appears for respondent Nos.1 and 5 and seeks time considering which list the matter on 13/03/2024. Respondent No.1 who has passed the order shall personally remain present in the Court on 13/03/2024 to explain his conduct.

AVINASH G. GHAROTE, J.