



IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.380 OF 2025

MINGUEL JERONIMO RODRIGUES ... PETITIONER

Versus

STATE REP. BY THE
MAMLATDAR OF
BARDES AND 3 ORS

... RESPONDENTS

Mr. P. Talaulikar, Advocate for the Petitioner.

Mr. Manish Salkar, Government Advocate for Respondent Nos. 1 and 2.

Mr. Gaurish Agni and Mr Kishan Kavlekar, Advocates for Respondent No.3.

CORAM:- VALMIKI MENEZES, J.

DATED :- 1st October, 2025

ORAL ORDER:

1. Registry to waive office objections and register the matter.
2. By this petition, filed under Article 227 of the Constitution of India, the Petitioner has challenged order dated 02.05.2023 passed by the Deputy Collector and SDO, Bardez, in Land Revenue

Proceedings under Section 33 of the Goa Land Revenue Code 1968, which bears no. CNV/BAR/ILLE/29/2022. The Appellant has also impugned order dated 28.07.2023 passed by the Administrative Tribunal of Goa at Panaji upholding the Collector's order, in Land Revenue Appeal No.69/2023.

3. The original proceedings before the Collector were by way of a Show Cause Notice dated 04.07.2022 issued to the Respondent No.2 Dabholkar, alleging that the Respondent No.2 had indulged in illegal conversion of agriculture land bearing Survey No.301/1 of village Anjuna, by constructing shops for commercial purpose thereon. Admittedly, in the survey records, this land is assessed as a garden land and rice cultivation.

After the Show Cause Notice was issued to Respondent No.3 on 04.07.2022, a complaint came to be filed on 13.07.2022 by the Respondent No.4 alleging that there were about 10 persons who were involved in the illegal construction of structures in the agricultural land on Survey No.301/1. During the pendency of these proceedings, the present petitioner filed an application dated 05.03.2023, seeking intervention in the proceedings, claiming that he was the co-owner of the suit property. In the meantime, one day prior to this intervention application i.e. on 01.02.2023, the Petitioner also applied, for conversion of the very same agricultural

property under Survey No. 301/1, under Section 32 of the Land Revenue Code, before the very same Collector, which came to be summarily rejected on 02.02.2023. This order was not challenged further by the Petitioner and has attained finality.

The intervention application was allowed by a Roznama entry. Thereafter the Collector on 02.05.2023 passed the impugned order holding the construction undertaken by Respondent No.3, Dabholkar, to be illegal and directed demolition of the structures and restoration of the land under Survey No.301/1 to its original condition.

4. The Respondent No.3 Dabholkar, filed an appeal to the Administrative Tribunal which bears No. LRA 53 OF 2023, whilst the Petitioner filed an independent appeal bearing No. LRA 69 of 2023 before the tribunal. It is these two appeals which arose from the same original order dated 02.05.2023 that came to be dismissed by the impugned order. The Respondent No.3 Dabholkar has not challenged the order of the Tribunal any further, and the same has attained finality. It is only the Petitioner who has approached this Court against the order of the Tribunal.

5. From the record, it further transpired that the Petitioner had in fact given no objection to the Respondent No.3 dated 02.12.2022

for carrying out the illegal construction in the land under Survey No.301/1. This fact was not disclosed by the Petitioner before the Tribunal. This fact was recorded by the Administrative Tribunal at page 54 of the paper book, whilst rendering its finding, which it has observed from the record of the Collector. The fact that the Petitioner himself had given no objection for carrying out the illegal construction was also not disclosed by the Petitioner in its appeal memo before the Tribunal.

The Petitioner now claims an independent right to challenge the order dated 02.05.2023, even though the original show cause notice was issued to the Respondent No.3.

6. The present petition would have to be rejected not only for the fact that there has been a clear suppression of facts by the Petitioner, both before the Tribunal and before this Court, but also for the fact that before this Court and before the Tribunal the Petitioner has not disclosed that, immediately prior to his intervention application before the Collector, he had sought conversion of the very same land under Section 32 before the Collector on 01.02.2023, which came to be rejected on 02.02.2023; that order became final for want of challenge.

7. Considering that the Collector had rejected the Petitioner's case for conversion which has not been challenged any further, obviously the grounds on the basis of which this petition was filed are totally not tenable. Independent of this, on a reading of the findings given by the Tribunal, where the Tribunal has held that the Petitioner has not produced any evidence before the Collector or before it to justify the illegal construction of shops which are commercial activities, it has rightly held that the land has been converted contrary to the provision of Section 33 of the Land Revenue Code.

8. No interference is called for in the impugned orders dated 28.07.2023 of the Tribunal or order dated 02.05.2023 of the Collector. The petition is rejected.

9. The Deputy Collector, Bardez taluka dealing with the conversion of land case shall proceed to immediately carry out the demolition of the structures and to revert land under Survey No.301/1 of Village Anjuna to its original condition. The Collector shall implement the order dated 02.05.2023 passed in proceedings bearing Case No. CNV/BAR/ILLE/29/2022, within a period of one month from today, and shall place on the record of this Court a report of compliance to demonstrate that its order has been implemented. The Registrar (J) of this Court to inform the concerned Collector of this order for implementation.

10. List this matter on 28.11.2025 for compliance report.

VALMIKI MENEZES, J.