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IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.389 OF 2025

Dr. Damodar T. Gaunker
69 years of age, married,
R/o Tukaram House, H.no:947/1,
Kranti Nagar, Penha-De-Franca,
Porvorim, Goa.

... Petitioner.

Versus

1. Additional Collector-II,
South-Goa District,
Margao-Goa.

2. M/s Chowgule & Co. Pvt. Ltd.
Chowgule House, Mining Division,
Marmugao Harbour, Goa 403408

... Respondents.

Mr. Parikshit Sawant with Ms. Dipali Dessai, Advocates for the
Petitioner.

Ms. Sapna Mordekar, Additional Government Advocate for
Respondent No.1.

Mr. Prasheen Lotlikar, Advocate for Respondent No.2.

CORAM: VALMIKI MENEZES, J.

DATED: 9th October, 2025

ORAL JUDGMENT:

1. Registry to waive office objections and register the matter.
2. Rule. Rule made returnable forthwith. With the consent of the

parties, petition is disposed of finally.

3. The main contention raised in this petition is that the closure of the opportunity by the Additional Collector, South Goa District to file objections to/reply to the report of the Zonal Agricultural Officer (ZAO) dated 05.06.2025. The impugned order, closing opportunity to the Petitioner is dated 12.08.2025.

4. The petition is opposed by the Respondent No.2 mainly on the count that the Petitioner had not even placed an application citing reasons why he sought time on 12.08.2025 to file his reply. Since no reasons were assigned for seeking an adjournment, according to the Respondent, the Additional Collector was justified in refusing further time.

5. From the record, it appears that the report of the ZAO was filed before the Collector on 05.06.2025. Copies of the report were given on the same day, and the matter was then listed within three weeks on 27.06.2025, when both parties sought time. The matter was adjourned to 24.07.2025, on which date the Collector was not sitting or taking up matters and adjourned to 12.08.2025, on which date the Respondent No.2 filed its reply. According to the reply of the Respondent No.2, the report of the ZAO has been opposed, claiming that no compensation was due to be paid to the Petitioner, who is the original Applicant Agriculturist.

6. The approach of the authority in cases where compensation is to be decided, under the Mines and Minerals (Development and Regulation) Act, 1957, Regulation 72 is obviously a beneficial piece of legislation that requires the owner of the leasehold rights for entitles compensation to be paid by the holder of the mining lease to the persons whose land has been affected by the mining operations. Even when matters are heard or adjournments sought, these are to be viewed, not as a Civil Court would view them, but are to be granted based upon the fact that the legislation under which compensation is sought as a beneficial one.

7. In the present case, the Respondent No.2 filed a reply on 12.08.2025 within two months of receiving the report, whilst the Petitioner sought time to file a reply on that date. Though reasons may not have been specifically recorded in the proceedings sheet, the reason appears to be that the Petitioner was unwell on that date for which reason time was sought. This seems to be sufficient cause for granting the Petitioner some further time to consider the report and file his reply, more so since the claim filed by the Petitioner was for compensation of Rs.4,32,750/- ^{per annum} as opposed to the amount recommended by the ZAO in his report of Rs.3,46,000/- ^{per annum} which was opposed by the Respondent No.2 mining lessee.

8. Considering all these circumstances, a clear case is made out for quashing and setting aside the impugned order dated 12.08.2025

Corrections
carried out as
per order dated
10.10.2025.
sd/-

and giving the Petitioner a further opportunity to file his reply. This is not a case where the Additional Collector, on rejection of the opportunity to file a reply, has immediately passed an order. In fact, the matter is now listed on 13.10.2025 for final arguments.

Correction
carried out as
per order dated
10.10.2025.
sd/-

9. Consequently, the impugned order dated 12.08.2025 stands quashed and set aside. The Petitioner shall file his reply to the report of the ZAO on ~~12.08.2025~~ ^{13.10.2025} along with a rejoinder to the reply filed by the Respondent No.2 on the same day. The Additional Collector II, South Goa Margao dealing with Case No. (New) AC-II/MINING/1/2019/C/04, shall after taking the reply and rejoinder on record, dispose of the claim preferably by 31.12.2025.

10. Rule is made absolute in the above terms.

11. parties to act on the authenticated copy of this order.

VALMIKI MENEZES, J.