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IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.390 OF 2025

Mount Carmel Chapel of Ponda,
Opp. Ponda Police Station, Ponda
Represented by the Attorney of the
Managing Committee duly authorised
Vide Order dated 02-06-2022
Shri Jeronimo Rocsan Fernandes,
68 Years of Age, s/o Roque
Ferandes, Indian National,
Service, Resident of
Flat No.ESF-1, Dr. Lourenco
Almeida Compld, opposite
Hotel Menino
Sadar, Ponda, Goa

... Petitioner.

Versus

Subhash Datta Naik Gaunekar,
Major of Age, Married,
Residing at House No. PMC/W8/211/8
Tisk-Ponda, Goa

... Respondent.

**WITH
WRIT PETITION NO.391 OF 2025**

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Opp. Ponda Police Station, Ponda
Represented by the Attorney of the
Managing Committee duly authorised
Vide Order dated 02-06-2022
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68 Years of Age, s/o Roque
Ferandes, Indian National,

Service, Resident of
Flat No.ESF-1, Dr. Lourenco
Almeida Compled, opposite
Hotel Menino
Sadar, Ponda, Goa

... Petitioner.

Versus

Hanumant Shambu Naik Gaunekar
Major of Age, Married,
Residing at House No. PMC/W8/211/8
Tisk-Ponda, Goa

... Respondent.

Mr. Vilas Pavithran, Advocate for the Petitioner.

Mr. Raviraj Chodankar, Advocate for Respondent No.2.

CORAM: VALMIKI MENEZES, J.

DATED: 9th October, 2025

ORAL JUDGMENT:

1. Registry to waive office objections and register the matters.
2. Rule. Rule made returnable forthwith. With the consent of the parties, petition is disposed of finally.
3. This Judgement shall dispose of Writ Petition No. 390/2025 and Writ Petition No. 391/2025 which arise from two orders, both dated 24.09.2025 passed by the Administrative Tribunal of Goa, dismissing an application for condonation of delay of 36 days in filing two Mundkar Appeals bearing Nos. MISC APPLN/76/2022/COND/MRA IN VN-REG/2022/MUNDKAR

REVISION AND MISC APPLN NO.75/2022/COND/MRA IN UR-REG/2022/MUNDKAR REVISION. Both these appeals arise from two orders of the Deputy Collector in which the original application of the Respondents, who are claiming to be Mundkars, has been allowed and they have been declared separately as Mundkars of the suit house.

4. The main contention raised in these petitions is that the certified copies of the impugned orders passed by the Collector dated 25.10.2021 were applied for by the Petitioner on 08.11.2021 and by the stamp laced on the certified copy itself, admittedly were ready on 19.01.2022. On reckoning the limitation period prescribed under the Mundkar Act for filing a revision under Section 28 of the Mundkar Act before the Tribunal, the limitation of 60 days expired on 06.03.2022. The revision applications came to be lodged on 22.04.2022 with a delay of 36 days.

5. The explanation given in the applications for condonation of delay for the delay of 36 days, were primarily that after the certified copy was obtained, time was taken by the Advocate who prepared the revisions applications to file the same. Additionally, since the revision applications were filed by a religious institution being, Mount Carmel Chapel at Ponda, sanction was required to be taken administratively, from the Arch Diocese of Goa and Daman, prior to filing the revision applications.

6. The reasons for the delay, though opposed by the Respondents, on the face of it, cannot be considered to be unjustified, considering that the Petitioner is a jurisdictional entity and not a person.

7. However, the Administrative Tribunal has dismissed the applications for condonation of delay mainly on the ground that it could not be believed that the certified copies issued to the Petitioner were ready on 19.01.2022 when the certified copy obtained by the Respondents, which was placed on record along with the reply of the Respondents, disclose that their copy was ready on 10.12.2021. It was wholly irrelevant for the decision on the application for condonation of delay, as to what was the date on which the Respondents were given their certified copy. What the law requires the Court to do is to reckon the period of limitation after allowing for deduction of the period taken by the Court issuing the certified copy for completing the same and issuing the same. The Tribunal has completely misdirected itself in considering the date when the certified copy was ready as the date stated on the certified copy issued to the Respondent.

8. For these reasons, the impugned orders dated 24.09.2025 necessarily have to be quashed and set aside. For the reasons stated in the application, the delay of 36 days is hereby condoned. The Administrative Tribunal shall now register the two revision applications, earlier unregistered under Nos. MISC

APPLN/76/2022/COND/MRA IN VN-REG/2022/MUNDKAR REVISION AND MISC APPLN NO.75/2022/COND/MRA IN UR-REG/2022/MUNDKAR REVISION as Mundkar Revision Applications, and the same may be heard on their own merits and disposed of expeditiously.

9. Rule is made absolute in the above terms.

VALMIKI MENEZES, J.