



Meena

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.139 OF 2024

1. Netaji Dattu Gaonkar,
Son of Dattu Gaonkar,
Aged 60 years, Business,
Married, Indian National,
R/o. H.no. 80, Gaonkar Wada,
Advalpal, Bicholim-Goa.
2. Vinesh Ramanth Gaonkar,
S/o. Ramnath Gaonkar,
Aged 53 years,
R/o. H.no. 223, Gaonkar Wada,
Advalpal, North Goa, Goa
3. Shri. Babi Ankush Gaonkar,
S/o. Ankush Gaonkar,
Aged 52 years,
R/o. H.no. 69,
Gaonkarwada, Advalpal, Bicholim,
Assonora, North Goa, Goa.
4. Shri. Santosh Sripad Gaonkar,
S/o. Sripad Gaonkar,
Aged 49 years,
H.No. 57/1,
Gaonkarvada, Advalpal, Bicholim,
North Goa, Goa
5. Shri. Mahadev Ramakant Gaonkar,
S/o. Ramakant Gaonkar,
Aged 21 years,
R/o. H.no 148/1,
Gaonkarvada, Advalpal, Bicholim,
Assonara, North Goa-Goa
6. Jose D'Souza

S/o. Cosma Dsouza,
H.No. 39, Gaonkarwada, Advalpal,
Bicholim, North Goa, Goa

7. Govind Shamsundar Gaonkar,
S/o. Shamsundar Gaonkar,
R/o. H.no. 13, Gaonkar wada,
Advalpal, Bicholim, Goa

... PETITIONERS

Versus

1. The State of Goa, Through its Chief
Secretary, Having Office at Secretariat,
Porvorim, North Goa, Goa.
2. Shri. Shivram Govind Gaonkar, Son of
late Shri, Govind Gaonkar, Aged 70
years, Retired, R/o. H.no. 76/2,
Gaonkar Wada, Adwalpale, Bicholim-
Goa
3. Shri. Shrikant Jairam Gaonkar, Son of
late Shri. Jairam Gaonkar, Aged 50
years, Business, And his wife,
4. Smt. Sweta Shrikant Gaonkar, Wife of
Shri Shrikant Gaonkar, Aged 40 years,
Service, Both residents of H.No. 12/3/2,
Gaonkar wada, Adwalpale, Bicholim-
Goa
5. Shri. Raghunath Fati Gaonkar,
Son of late Shri. Fati Gaonkar,
Aged 66 years, Farmer,
r/o. H.no. 43/1, Gaonka Wada,
Adwalpale, Bicholim-Goa
6. Smt. Hirabai Yeshwant Gaonkar,
Widow of late Shri. Yeshwant Gaonkar,
Aged 67 years, Housewife

7. Shri. Arjun Yeshwant Gaonkar,
Son of late Shri. Yeshwant Gaonkar,
Aged 44 years, Business.
Present Treasurer of the Comunidade
of Advalpal.
8. Smt. Alisha Arjun Gaonkar,
Wife of Shi. Arjun Gaonkar,
Aged 41 years, Service,
All residents of H.no. 215/2,
Gaonkar Wada, Adwalpale, Bicholim,
Goa
9. Shri. Dilip Harishchandra Gaonkar,
Son of late Shri. Harishchandra
Gaonkar, Aged 49 years, Farmer.
10. Smt. Dipti Dilip Gaonkar,
Wife of Dilip Gaonkar,
Aged 45 years, housewife,
Both residents of H.No.36/1,
Gaonkar Wada, Adwalpale,
Bicholim-Goa
11. Sagar Raghunath Gaonkar
S/o. Raghunath Gaonkar,
Major of age,
Present President of the Comunidade
of Advalpal
R/o. H.no. 43/1, Gaonkarwada,
Advalpal, Bicholim, Goa
12. Krishna Gopal Gaonkar,
S/o. Gopal Gaonkar,
Major of age,
Present Vice-Treasurer of the
Comunidade of Advalpal,
R/o. H.no. 79/1, Gaonkarwada,
Advalpal, Bicholim, North Goa, Goa.

13. The Comunidade of Adwalpal,
Through its Attorney,
Office of the Administrator of
Comunidade, of
Adwalpal, North Zone,

14. The Administrator of the
Comunidade,
Office of the Administrator of
Comunidade, of
Mapusa, North Goa, Goa

...RESPONDENTS

Mr. Prasheen Lotlikar with Mr. R. Naik, Advocates for the Petitioners.

Mr. Ajay Borkar, Advocate for Respondent No.1.

Mr. H. Shirodkar, Advocate for Respondent Nos.2 to 10.

Mr. Kavita Naik, Advocate for Respondent No.13.

CORAM:- VALMIKI MENEZES, J.

DATED :- 2nd May, 2025

ORAL JUDGMENT :

1. Heard Learned Counsel for the parties.
2. Rule. Rule is made returnable made forthwith. The matter is disposed of by consent of the parties.
3. The parties have placed on record pursis for recording the consent order. The pursis is signed by all the Petitioners and Respondents who are present in the Court. The learned Counsel for the parties have identified the

signature of the Petitioners and Respondents. In terms of the pursis, following order shall follow:

“1. The petitioners have filed the present writ petition bearing number No. 139/2024 before this Hon'ble Court praying for the following reliefs:

A. That the Judgement and Order dated 20/06/2019 passed in Tenancy case no. 282/2015 passed by the Court of Joint Mamlatdar-III OF Bicholim Taluka, Bicholim Goa, declaring respondent no.2 Shri. Shivram Govind Gaonkar as the tenant of the said property bearing survey no. 25/0 of village Advalpal be quashed and set aside.

B. That the Judgment and Order dated 23/11/2016 passed by the Court of Civil Judge Junior Division(B Court) at Bicholim in Tenancy case number 284/2015/B declaring the respondent nos. 3 Shri. Shrikant Jairam Gaonkar and respondent no.4 Sweta Shrikant Gaonkars as tenants of the said property bearing survey no. 25/0 of village Advalpal be quashed and set aside.

C. That the Judgment and Order dated 09/12/2019 passed by the Court of Joint Mamlatdar I of Bicholim Taluka in case number JM-I/TNC/PUR/1/2019 allowing the purchase applications filed by respondent nos.3 and 4 be quashed and set aside.

D. That the Judgment and Order dated 16/01/2017 passed by the Court of Civil Judge Senior Division at Bicholim in Tenancy case no. 286/2015 declaring the respondent no. 5 Mr. Raghunath Fati Gaonkar as the tenant of the said property bearing survey no. 25/0 of village Advalpal be quashed and set aside.

E. That the Judgment and Order dated 16/01/2017 passed by the Court of Civil Judge Senior Division at Bicholim in Tenancy case number. 283/2015/A declaring the respondent nos. 6, Hirabai Yeshwant Gaonkar, respondent no. 7 Arjun Yeshwant Gaonkar and respondent no.8 Alisha Arjun Gaonkar as the tenants of the said property bearing survey no. 25/0 be quashed and set aside.

F. That the Judgment and Order dated 08/07/2019 passed by the Court of Joint Mamlatdar III, Bicholim in case bearing no. JM-III/TNC/1/2018 allowing the purchase applications filed by the respondent nos. 6, 7 and 8 be quashed and set aside.

G. That the Judgment and Order dated 12/11/2018 passed by the Court of Joint Mamlatdar IV of Bicholim Taluka in Tenancy case no. 285/2015 declaring the respondent no. 9 Mr. Dilip Harishchandra Gaonkar and respondent no. 10 Mrs. Dipti Dilip Gaonkar as the tenants of the said property bearing survey no. 25/0 of village Advalpal be quashed and set aside.

H. That the Judgment and Order dated 24/02/2020 passed by the Court of Joint Mamlatdar II of Bicholim in case number. JM/II/TNC/PUR/04/2019 allowing the tenancy purchase application filed by the respondent no. 9 and respondent no.10 be quashed and set aside.

2. The petitioners state that pursuant to the filing of the present petition and on notice being issued to the respondents, the respondent nos. 2 to 10 have filed their affidavit in reply contending that they concede and have no objection for quashing and setting aside of the Judgments and Orders mentioned hereinabove, granting Tenancy declarations in their favour, which are impugned by the petitioners in the present petition, and the

respondent nos. 2 to 10 will have no objection for restoring the land in the name of its original owner i.e. "The Comunidade of Advalpal" and the respondent nos. 2 to 10 shall not claim for any tenancy rights in respect to the said property bearing survey no. 25/0 of village Advalpal.

3. The petitioners herein have also agreed that on quashing and setting aside of the judgments and orders impugned in the present petition, the petitioners will withdraw the complaints filed before various authorities, including the Administrator of Comunidade."

4. Consequently, by consent of the parties, the following judgments and orders are quashed and set aside:

i. Dated 20/06/2019 passed in Tenancy case no. 282/2015 passed by the Court of Joint Mamlatdar-III OF Bicholim Taluka, Bicholim Goa.

ii. Dated 23/11/2016 passed by the Court of Civil Judge Junior Division(B Court) at Bicholim in Tenancy case number 284/2015/B.

iii. Dated 09/12/2019 passed by the Court of Joint Mamlatdar I of Bicholim Taluka in case number JM-I/TNC/PUR/1/2019.

iv. Dated 16/01/2017 passed by the Court of Civil Judge Senior Division at Bicholim in Tenancy case no. 286/2015.

v. Dated 16/01/2017 passed by the Court of Civil Judge Senior Division at Bicholim in Tenancy case No. 283/2015/A.

vi. Dated 08.07.2019 of the Joint Mamlatdar III, Bicholim in case No.JM-III/TNC/1/2018.

- vii. Dated 12.11.2018 passed by the Joint Mamlatdar IV of Bicholim in Tenancy Case No.285/2025 and
 - viii. Dated 24.02.2020 passed by Joint Mamlatdar II of Bicholim in case No. JM/II/TNC/PUR/04/2019.
- 5. The land shall revert to and stand vested in the Comunidade of Advalpal.
 - 6. Rule is made absolute in the above terms.
 - 7. Petition stands disposed of.

VALMIKI MENEZES, J.