



Jose

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.421 OF 2025

GAJANAN RAJARAM
KORGAONKAR

... Petitioner.

Versus

DEVENDRA RAGHURAJ
DESHPRABHU AND 4 ORS.

... Respondents.

Mr. Rama Rivankar, Advocate for the Petitioner.

CORAM: VALMIKI MENEZES, J.

DATED: 11th November, 2025

ORAL ORDER:

1. Registry to waive office objections and register the matter.
2. This petition takes exception to an order dated 20.08.2025, passed by the Deputy Collector, Pernem, rejecting the preliminary objections filed by the Petitioner in a tenancy appeal filed under the provisions of Section 49 of the Goa, Daman and Diu Agricultural Tenancy Act.
3. From the record, it appears that the Petitioner obtained an order of declaration of his right as an agricultural tenant of the suit property on 20.01.1987. In the tenancy proceedings, the father of the

Respondents was made a party, who expired somewhere in November, 1987. The appeal filed before the Deputy Collector has been instituted by the children of the original landlord Raghuraj Vassudev Deshprabhu. The appeal has been filed along with an application for condonation of delay, which is yet to be heard by the Appellate Authority.

4. The main contention raised in this petition is that the Appellants are not persons aggrieved by the original Judgment and Order of declaration, as they were not parties to the proceedings and hence, they have no locus standi to file an appeal after a period of almost 30 years since the declaration was granted. The Deputy Collector has rejected the preliminary objections, which are now impugned before this Court.

5. The provisions of appeal in Section 49 of the Tenancy Act do not require an application for leave by a person claiming to be aggrieved by a decree or order to be filed, in the same manner as is required by the provisions of the Code of Civil Procedure. The provisions of CPC are not applicable to the Authorities under the Tenancy Act. Section 49 of the Act permits every order, other than an interim order of the original Authority i.e. the Mamlatdar, to be challenged in appeal and does not require leave to be sought by a person claiming to be aggrieved by such an order.

6. In the present case, the Respondents/Appellants before the

Collector are children of the original landlord and are parties to the purchase proceedings instituted by the Petitioner. They claim to have been notified in the purchase proceedings from where they claim they had knowledge of the original order of declaration. They are, therefore, directly affected by the original order and would be entitled to challenge the order of declaration, provided they show good cause to condone delay in filing the appeal. The view taken by the Collector which is in the above lines cannot be faulted and does not call for interference in the supervisory jurisdiction of this Court under Article 227 of the Constitution of India.

7. The petition is, therefore, dismissed at the threshold.

VALMIKI MENEZES, J.