

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.463 OF 2025

The Managing Committee of
Shri Shantadurga Kumbharjuvekarin
Devasthan,
Through its President
Shri Shivaji Mukund Shet,
Having office at Deulwada,
Marcel- Goa.

... PETITIONER

Versus

Shri Mahesh Shrinivas Raikar,
About 68 years of age,
R/O. f-7, Devki Apartment,
Deulwada, Marcel- Goa.

... RESPONDENT

Mr. Abhay Nachinolkar, Advocate for the Applicant.

Mr. Parag Wagle, Advocate for the Respondent.

Respondent present in person.

CORAM:- VALMIKI MENEZES, J.
DATED :- 28th November, 2025

ORAL JUDGMENT:

1. Registry to waive office objections and register the matter.
2. Heard learned Counsel for the Parties.
3. Rule.
4. Mr. Parag Wagle, learned Advocate waives service for the Respondent.
5. The Petitioner impugns herein order dated 11.07.2025, passed by the Administrative Tribunal, granting amendment of grounds of an appeal and has also allowed incorporation of certain reliefs in the appeal.

On examining the reliefs sought in the application for amendment dated 18.10.2022, it is apparent from the same that seeking reliefs as found in prayer clause (a) and (b) for quashing and setting aside the minutes and order of expulsion dated 29.08.2021, passed by the General Body Meeting, as a specific remedy provided under Article 248 of the Devasthan Regulations; the appeal lies to the Administrator of Devasthan i.e. the Mamlatdar, in this case Mamlatdar of Ponda taluka.

6. It is not in dispute that as confirmed by the learned Advocate appearing for the Appellant in Devasthan Appeal No.18 of 2022, that an appeal has in fact been filed against the order of expulsion dated 29.08.2021, before the Administrator on 14.10.2021, and the same is still pending without any notice to the Petitioners therein. If this be so, there would be no question of granting the amendment in relation to relief sought by virtue of clause (a) and (b) of the application for amendment and to amend the appeal memo, to incorporate grounds 4(c) to 4(e), which were in pursuance of the relief sought.

7. The impugned order would also be contrary to scheme of the Devasthan Regulations for the reasons that, when an appeal has been specifically provided to the Administrator, with a period of limitation for lodging such appeal, allowing the amendment to incorporate a challenge to a very same order before a higher forum, would both operate as taking away a remedy/forum of appeal, provided to the Petitioner as also circumventing the period of limitation based on which rights may have accrued to the petitioner herein.

8. For these reasons, the impugned order dated 11.09.2025, insofar as it allows the amendment to incorporate grounds 4(c) to 4(e) and prayers (a) and (b) to the memo of appeal shall stand quashed and set aside. Rest of the order is maintained.

9. It is noticed that the Administrator i.e. the Mamlatdar of Ponda, who is seized of Devasthan Appeal filed on 14/10/2021 by the Respondent herein, has kept an appeal pending which otherwise would have a direct effect on the democratic process of the Devasthan since the order impugned therein effectively takes away the rights of the Appellant before the Administrator to exercise his right as a Mahajan of the temple. In these view of the matter, the Administrator of Devasthan i.e. the Mamlatdar is directed to immediately issue notice of the appeal to the Respondent therein and to dispose of the appeal, considering its nature, preferably and within six months from the date of this order.

10. Rule is made absolute in the above terms. No costs.

VALMIKI MENEZES,J.