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IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 509 OF 2025

Mrs. Lucia Afonso @
Mrs. Lucia Maria Jose Gomes e Afonso,
Aged 72 years,
Road 4, C 4, La Citadel Colony,
Dona Paula, Goa. 403004. ... Petitioner

Versus

1. State of Goa
Through Chief Secretary,
Porvorim, Goa.
2. Deputy Collector and SDO,
Collectorate Building, Panaji, Goa.
3. Jt. Mamlatdar III,
Tiswadi Taluka,
Panaji, Goa. ... Respondents

Mr. Gaurish Agni with Mr. Kishan Kavlekar, Advocates for the
Petitioner.

Mr. Geetesh Shetye, Additional Government Advocate for
Respondent Nos. 1 to 3.

CORAM:- VALMIKI MENEZES, J.

DATED :- 18th DECEMBER, 2025

ORAL JUDGMENT

Registry to waive office objections and register the matter.

2. Heard learned Advocates for the parties.

3. Rule. Rule is made returnable forthwith; at the request of and with the consent of learned Advocates for the parties, the matter is finally heard and disposed of. Learned Advocate Mr. Gaurish Agni waives service on behalf of the Petitioner, and learned Additional Government Advocate Mr. Geetesh Shetye waives service on behalf of Respondent Nos 1 to 3.

4. The challenge in this petition is to the order dated 22.07.2024, passed in a Revenue Proceedings under the Goa Daman and Diu (GDD) Land Revenue Code, 1968. On the purchase application being granted under the Mundkar Act to one Jeronimo Gonsalves, whose name came to be entered into the Survey Record in Form No. I & XIV under Survey No. 168/3 in the occupants column, mutation to that effect was carried out by the Mamlatdar. However, whilst carrying out the mutation of the name of Jeronimo Gonsalves in the occupants column, the name of Jeronimo Gonsalves, which was entered in the other rights column as "House owned by House No. 133 Jeronio Gonsalves" was not simultaneously deleted.

5. Section 96 of the Land Revenue Code empowers the Mamlatdar to make an entry in the appropriate column of the Survey Record in Form I and XIV, based upon a document under which a person acquires a title or conversely, such entry may be deleted in the Survey Record if the title stands extinguished or lost. The provision, Section 96 of the Land

Revenue Code, 1968 obviously covers both situations, i.e. an entry being made or an entry being deleted based upon the acquisition of a right or extinguishing of a right. In the present case, though Jeronimo's name was entered in the other rights column, his right to the Mundkarial house crystallised on purchase, pursuant to which his name was mutated into the occupants column under Mutation No. 872, however, his name ought to have been simultaneously removed from the other rights column, as his right was crystallised by the purchase of the house in a proceedings under Section 16 of the Mundkar Act.

6. The learned Mamlatdar, whilst carrying out the mutation, made an entry in the occupants column, but has erroneously not simultaneously deleted, the name of Jeronimo Gonsalves from the other rights column.

7. An affidavit has been filed before me by Ms. Maria Ceceilia Coutinho, widow of Jeronimo Gonsalves and the son of Jeronimo Gonsalves-Joaquim Rosario Gonsalves. Jeronio Gonsalves expired on 02.12.2002. The affidavit states that Respondent Nos. 4 and 5 have not objected to the name of Jeronimo Gonsalves being deleted from the other rights column as part of the process of mutation, which remained incomplete.

8. The parties submit that in the meantime, in a partition proceeding before the Deputy Collector, Tiswadi, has partitioned the original land under Survey No. 168/3 and has created a new Survey No. 168/3B admeasuring 300 sq. mtrs., which comprises the Mundkarial house purchased by late Jeronimo Gonsalves under the purchase order. Consequently, the Survey Records in Form I & XIV of Survey No. 168/3 of village Taliegao, which now effectively has a new area of 1666 sq. mtrs.; this new Survey does not have an entry of the name of Jeronimo Gonsalves in the occupants column, but continues to have an entry in the other rights columns.

9. Consequently, the impugned order dated 22.07.2024, whereby the Mamlatdar directs the parties to apply for the correction of the records under Section 103 of the Land Revenue Code before the Deputy Collector, stands quashed and set aside. The Joint Mamlatdar III at Tiswadi shall now effect the deletion of the entry in the other rights column of Survey No. 168/3, which reads as "House owned by House No. 133 Jeronio Gonsalves", since mutation of this entry has been effected in the occupants column of New Survey No. 168/3B. The Mamlatdar shall also add the symbol “%” in the Survey Records of Survey No. 168/3B pertaining to the area occupied by Maria Cecelia Coutinho and Joaquim Rosario Gonsalves to denote their rights acquired under the Mundkar Act. The

deletion of the entry in the other rights column shall be complied by 15.01.2026.

10. Rule is made absolute in the above terms. The Writ Petition stands disposed of.

VALMIKI MENEZES, J.