

**IN THE HIGH COURT OF BOMBAY AT GOA**

**LD-VC-CRI-14-2020.**

Mr. Jose Remedios Rodrigues. ... Petitioner.

Versus

Presiding Office, Maintenance  
Tribunal and Deputy Collector,  
Tiswadi, Panaji, Goa & Ors. ... Respondents.

Shri A. Naik, Advocate for the Petitioner.

Ms. Akshada Bhat, Advocate for the Respondent.

**Coram : Nutan D. Sardesai. J.**

**Dated : 30<sup>th</sup> June, 2020**

P.C.:

Heard Shri Arjun Naik, learned Advocate for the petitioner.

2. It was his contention that an order came to be passed by the respondent no.1 under the Maintenance and Welfare of Parents and Senior Citizen Act, 2007 against him without giving him any opportunity of hearing and further without any reference to the survey number of the property in question unlike the notice issued

to him referring to the survey no.86/10 of the property of village Talaulim, Tiswadi, Goa. It was his further contention that he had succeeded to the property upon the demise of his father alongwith the other siblings and as a co-owner he could not be restrained by an order of injunction for dealing with the property in question. The proceedings were initiated at the instance of his own brother i.e. the respondent no.3 pursuant to his complaint of illegal construction by the co-owner on the property. A notice came to be issued by the BDO dated 19.05.2020 under Section 66 of the Goa Panchayat Raj Act, 1994, which had precipitated the present proceedings against him. In view thereof, he prayed for ad-interim relief in terms of prayer clause (b).

3. Looking to the manner in which the order has been passed by the respondent no.1 under the provisions of the said Act, which virtually injuncts the petitioner from dealing with his co-ownership right in the property in question, ad-interim relief is granted in terms of prayer clause (b):-

b). Pending the hearing and final disposal of the petition this Hon'ble Court be pleased to stay the impugned order and proceedings bearing case no.1/SDM/TIS/WEL-SEN-CIT/2020 pending before the Respondent No.1.

4. Notice be issued to the respondent nos.2 and 3 returnable on 10.07.2020.

**Nutan D. Sardesai, J.**

MF/-