

IN THE HIGH COURT OF BOMBAY AT GOA

LD-VC-CW NO. 194 OF 2020

Morombi-O-Grande Tenants Association Petitioners

V e r s u s

State of Goa Respondents

Mr. Rohit Bras De Sa, Advocate for the Petitioners.

Mr. D. Pangam, Advocate General with Ms. Ankita Kamat, Additional Government Advocate for the Respondent nos. 1 and 2.

Mr. A. D. Bhobe, Advocate for the Respondent no.5.

Coram :- M. S. SONAK &
M. S. JAWALKAR, JJ.

Date : 8th December, 2020

P.C.

1. Heard learned Counsel for the parties.
2. According to us, the affidavit filed by the Mamlatdar including in particular paragraph 11(a) thereof, is a little confusing. On one hand, this paragraph states that there is unimpeded access available to the site to the

Zoddy Manas (Sluice Gate) which is stated as not blocked. On the other hand, there is reference to an iron gate much ahead in the property bearing survey no.69 of Morombi-o-Grande, which iron gate was locked and opened at the time of inspection by Mr. Ankush Hoble, respondent no.5, herein. The affidavit further states that the said iron gate does not block the access to the Zoddy Manas (Sluice Gate).

3. Mr. Bhobe, the learned Counsel for the respondent no.5, Mr. Ankush Hoble, states that the iron gate is in the private property of the said respondent and the said, in no manner, blocks the access to the Zoddy Manas (Sluice Gate). This statement is noted.

4. According to us, it would be better if the Mamlatdar and the Petitioners, some of whom claim to be the successful bidders for fishing at the Sluice Gate, together visit the site of the Sluice Gate, so as to sort out this issue of access.

5. Mr. D'Sa pointed out that the successful bidders pay substantial amounts, *inter alia*, to the State for securing the fishing rights by auction.

He points out that if the access to the Sluice Gate is blocked, then the Mamlatdar is duty bound to ensure that such access is made available.

6. The learned Advocate General points out that the Mamlatdar will visit the site tomorrow, i.e. 9th December, 2020 at 3.30 p.m., and hold an inspection in the presence of the petitioners as well as the respondents if the respondents chose to be present. The Mamlatdar, in the course of such inspection, will clearly demarcate at the site the access of the petitioners to the Zoddy Manas (Sluice Gate) so that the petitioners are in a position to access the sluice gate. This exercise should be undertaken by the Mamlatdar at the site since the affidavit does state that the access to the Zoddy Manas (Sluice Gate) is not blocked and further the iron gate which is referred to in paragraph 11(a) of his affidavit does not block the access to the Zoddy Manas (Sluice Gate).

7. The Mamlatdar to file his report in this matter positively on 14th December, 2020, if necessary, with a plan and photographs. The matter will now be taken up on 15th December, 2020.

8. It is made clear that no separate notices will be issued to either the petitioners or the respondents to remain present at the site on 9th December, 2020 at 3.30 p.m.

9. The learned Counsel for the parties state that they will inform their parties about this inspection. It is expected that all parties co-operate with the Mamlatdar in the course of such inspection.

10. Stand Over to 15th December, 2020.

11. All concerned to act on the basis of an authenticated copy of this order.

M. S. JAWALKAR, J.

M. S. SONAK, J.

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