

IN THE HIGH COURT OF BOMBAY AT GOA

LD-VC-CW NO. 85 OF 2020

1. Narendra Pandurang Chatim,
Major of age,
son of late Pandurang Chatim,
Residing at House no.196, Badem,
Salvador do Mundo, Bardez, Goa.

2. Policarpo Antao,
s/o late Joaquim Antao,
r/o. Coelho Vaddo,
Britona, Penha de Franca,
Bardez-Goa.

..... Petitioners

V e r s u s

1. The Mamlatdar of Bardez,
Mapusa, Bardez-Goa.

2. The Executive Engineer,
Soil Conversation Division,
Directorate of Agriculture,
Government of Goa,
Tonca, Caranzalem-Goa.

3. The State of Goa,
Through its Chief Secretary,
Secretariat, Porvorim, Goa.

4. The Director of Agriculture
Agriculture Department,
Government of Goa,
Tonca, Panaji, Goa.

5. Serula Shetkari Tenants' Association,
Through its President,
Shri Alex Compos,
Major of age,
Resident of Donvaddo,
Salvador do Mundo,
Bardez-Goa.

6. San Paulo Cantor Tenants Association,
Through its President,
Shri Sanotsh Tatu Gaude,
Major of age, resident of Badem,
Salvador do Mundo, Bardez, Goa.

7. Shri Magnuesh Walke,
Major, r/o Char Manos,
Salvador do Mundo, Bardez- Goa.

8. Shri Subhash Halarnkar,
Major, r/o Matovaddo
Britona, Bardez, Goa.

..... Respondents

Mr. Nigel Da Costa Frias, Advocate for the Petitioner.

Mr. D. Pangam, Advocate General with Ms. Maria Correia, Additional
Government Advocate for the Respondent nos.1 to 4.

Ms. Caroline Collasso, Advocate for the Respondent no.5.

Mr. V. Parsekar, Advocate for the Respondent no.6.

Mr. A. D. Bhohe, Advocate for the Respondent no.7.

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

Date : 10th August, 2020

ORAL JUDGMENT (*Per M. S. Sonak, J.*)

1. Heard Mr. Nigel Da Costa Frias, learned Counsel for the petitioner, Mr. D. Pangam, learned Advocate General for the respondent nos.1 to 4, Ms. Collaso, learned Counsel for the respondent no.5, Mr. Parsekar, learned Counsel for the respondent no.6 and Mr. Bhobe, learned Counsel for the respondent no.7.

2. Rule. The Rule is made returnable forthwith at the request of and with consent of the learned Counsel for the parties. The learned Counsel for the respondents waive service.

3. The petitioners, in this petition, have raised several grievances with regard to the functioning of the Tenants' Association as well as the operation of sluice gates in Khazan lands situated in the Village at Salvador do Mundo.

4. One of the grievance raised was that the Managing Committee of the respondent no.5-Association, is continuing as such without holding any elections right from the year 2006.

5. Insofar as the aforesaid grievance is concerned, the learned Advocate General has pointed out that now an Adhoc Committee has been appointed to govern the affairs of the respondent no.5-Association and that this Committee has already taken charge.

6. Ms. Collaso, the learned Counsel, who appears for respondent no.5, submits that accounts and certain documents are yet to be furnished to the Adhoc Committee and the same will be done within three weeks from today. This submission is accepted as an undertaking given to this Court and the respondent no.5 is directed to submit the accounts as well as other documents so that the Adhoc Committee is in a position to function more effectively than what it claims to be presently functioning.

7. The petitioners have a grievance that the sluice gates are rendered un-operational and there are breaches in the bunds and obstruction in the

drainage system as a result of which there is flooding in the Khazan lands. According to us, it is for the Tenants' Association including the Adhoc Committee which is now appointed to first look into these grievances and pursue such issues with the appropriate governmental authorities. It is the responsibility of these Associations to ensure that the Khazan fields are maintained properly. This will include issues like maintenance of sluice gate, breach of bunds and obstruction in the drainage system. No doubt, all this will require proper sanctions and even finances from the appropriate authorities. For this purpose, the Association should approach the concerned authorities and we are sure that the concerned authorities will also act in accordance with law and render co-operation which is required to be rendered for purpose of maintenance of these Khazan lands.

8. The petitioners are also at liberty to pursue these matters with the Association as well as the concerned authorities.

9. Mr. Costa Firas, the learned Counsel for the petitioners, pointed out that insofar as one of the sluice gate is concerned, the estimate for repairs has

already been prepared by the Agricultural Department and submitted to the Mamlatdar. We direct that the process in relation to this sluice gate be expedited by the concerned authorities.

10. With these directions, we dispose off this petition.

M. S. JAWALKAR

M. S. SONAK, J.

arp/*