

## IN THE HIGH COURT OF BOMBAY AT GOA

**LD-VC-CW-104-2020**

Gokuldas Naik and Anr. ... Petitioners  
Versus  
State of Goa and Ors. ... Respondents

Mr. Gaurish Agni, Advocate for the Petitioners.

Mr. Devidas Pangam, Advocate General with Ms. Ankita Kamat,  
Additional Government Advocate for Respondent Nos.1 to 6.

Mr. Shailesh Redkar, Advocate for respondent No.7.

Mr. J.P. Supekar, Advocate for respondent No.8.

Mr. J. Ramaiya, Advocate for respondent Nos. 9 to 12.

Mr. Shivan Desai, Advocate for respondent Nos.13 and 14.

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

**Date:- 14<sup>th</sup> December, 2020.**

**P.C.:**

Heard Mr. Gaurish Agni, learned Advocate for the  
Petitioners, Mr. Devidas Pangam, learned Advocate General with  
Ms. Ankita Kamat, learned Additional Government Advocate for

Respondent Nos.1 to 6, Mr. Shailesh Redkar, learned Advocate for respondent No.7, Mr. J.P. Supekar, learned Advocate for respondent No.8, Mr. J. Ramaiya, learned Advocate for respondent Nos. 9 to 12 and Mr. Shivan Desai, learned Advocate for respondent Nos.13 and 14.

2. The complaint of the petitioner is that the property bearing Survey No.147/1B of Village Priol is a tenanted property and despite the same, the respondent No.8 is carrying on the construction activity therein. The petitioner also complains that the respondent Nos.9 to 12 have purchased portions of this property and it is possible that they also undertake construction activities therein. The petitioner has invoked the provisions of the Goa Land Use (Regulation) Act, 1991 to contend that the tenanted properties cannot be used for any purpose other than agriculture. In this case, the respondent no.2 has already issued the conversion Sanad in respect of the suit property. Therefore, the petitioner should have actually made the complaint to the respondent No.2 by pointing out whatever is set out in this petition in the first instance.

3. In any case, in the peculiar facts of the present case we direct the respondent no.2 to treat this petition itself as a complaint to him and to dispose of such complaint on its own merits and in accordance with law as expeditiously as possible and in any case within a period of two months from today. The respondent No.2, after disposing of this complaint should offer hearing to not only the petitioner but also the respondent Nos.8 to 14. Now all these parties have assured that they will not unnecessarily delay the proceedings before the Deputy Collector for the expeditious disposal of the complaint.

4. For a period of two months from today respondent Nos.8 to 12 shall maintain status quo at the site. In addition to this, the respondent No.8 through his learned Counsel Mr. J. Supekar has specifically undertaken to maintain the status quo. Since, such a status quo order is now made, the petitioner, to ensure that the petitioner does not delay the proceedings before the Deputy Collector.

5. Depending upon the Deputy Collector's order on the issue of conversion Sanad, liberty is granted to the petitioner to file

complaint before the respondent Nos.3 and 7 on the issue of the construction / proposed construction on the said property.

6. It is made clear that this Court has not gone in the rival contentions and therefore, it is for the respondent No.2 to go into such rival contentions and dispose of the petitioner's complaint in accordance with law and on its own merits.

7. This petition is disposed of in the aforesaid terms. There shall be order as to costs.

8. The petitioner and the respondent Nos.8 to 14 to appear before the respondent No.2 on 17/12/2020 at 03.00P.M. and file an authenticated copy of this order. The respondent No.2 to then act in terms of the directions in this order.

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

**SMT. M. S. JAWALKAR, J.**

**M. S. SONAK, J.**

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