

IN THE HIGH COURT OF BOMBAY AT GOA**LD-VC-CW-102-2020**

Mrs. Imelda Dias Souza e
Silva

.... Petitioner.

Versus

State of Goa
and ors.

.... Respondents.

Mr. Parag Rao, Advocate for the Petitioner.

Mr. D. Pangam, Advocate General with Ms. Maria Correia, Addl.
Government Advocate for the Respondent No.1.

Mr. S. Karpe, Advocate for the Respondent No.2.

Mr. A.D.Bhobe, Advocate for the Respondent No.3.

Mr. Shivan Dessai and Mr. Sufiyan Sayed, Advocates for the
Respondent No.4.

Coram : M. S. SONAK, &

SMT. M. S. JAWALKAR, JJ.

Date : : 15th September, 2020

P.C.:

Heard learned Counsel for the parties. Arguable issues are
raised. Hence, we issue Rule in this petition.

2. Atleast prima facie, we are satisfied that the respondent no.4 did not have any title to the properties surveyed under Chalta Nos.16 and 18 of P. T. Sheet no.193 of Dona Paula, Goa. Taking into consideration the definition under Section 2(95) of the PDA Regulations, therefore, respondent no. 2, ought not to have permitted amalgamation of plots bearing Chalta nos.15 and 17 of P. T. Sheet No.193, which are admittedly owned by respondent no.4 alongwith plot bearing Chalta nos.16 of P. T. Sheet no.193 in respect to which no title document has been placed on record by the respondent no.4.

3. The order at page 90 of this petition, upon which, reliance is placed by respondent nos.2 and 4 speaks of a Gift Deed. However, no such Gift Deed is produced on record. Besides, in respect to property bearing Chalta no.16 of P. T. Sheet no.193, no title deed or a government order declaring the respondent no.4 as owner is produced on record.

4. For the aforesaid reasons, there shall be interim relief in terms of prayer Clause (c) of this petition.

5. However, we make it clear that the pendency of this petition will not be a bar to either the petitioner or the respondent no.4

from filing a suit or otherwise to get declaration in respect of their respective claims to title.

6. The parties to this petition to complete their pleadings within three months from today and upon completion of the pleadings liberty is granted to apply for final disposal of this matter.

7. The learned counsel for the respondents waives notice on Rule.

SMT.M.S.JAWALKAR, J.

M. S. SONAK, J.

MF/-