

IN THE HIGH COURT OF BOMBAY AT GOA

LD-VC-CW-117-2020

Bharat Fotu Naik and Ors.

...Petitioners.

Versus

State of Goa And Others.

.... Respondents.

Mr. S. D. Lotlikar, Senior Advocate with Mr. Jayant Karn, Advocate for the Petitioners.

Mr. Devidas J. Pangam, Advocate General with Ms. Maria J. S. Correia, Additional Government Advocate for the Respondents No.1 to 7.

Mr. Arjun Naik with Ms. M. Dessai, Advocate for Respondent No.8.

**Coram : M. S. SONAK & DAMA
SESHADRI NAIDU, JJ.**

Date : 24th August, 2020

P. C.:

Heard Mr. S. D. Lotlikar, learned Senior Advocate with Mr. Jayant Karn, learned Advocate for the Petitioners.

2. Mr. Devidas J. Pangam, learned Advocate General with

Ms. Maria Correia, learned Additional Government Advocate appear on behalf of Respondents No.1 to 7. Mr. Arjun Naik with Ms. M. Dessai, learned Advocates appear on behalf of Respondent No.8.

3. In pursuance of our earlier orders, the Mamlatdar has filed the affidavit. In the affidavit, the Mamlatdar states that the sluice gates are in order. He further states that there was inundation of water in the fields and the Members of the Tenants Association informed him that this was on account of incessant rainfall in the last few days.

4. Since, the Mamlatdar asserts that the sluice gates are in order, there can be no difficulty in draining out the water from the fields. The learned Advocate General states that necessary directions will be issued to the Tenants Association to ensure that such water is drained out from the fields within a reasonable period. By accepting such statements, we direct the Mamlatdar to pursue the matter with the Tenants Association, so that this problem, does not recur.

5. Mr. Lotlikar, learned Senior Advocate for the Petitioners points out that there are several illegalities and irregularities in relation to the functioning of the Tenants Association as well as the lessee of the Tenants Association. Mr. Lotlikar, points out that it is this lessee who is breaching the bundhs, on account of which there is

inundation of water. He submits that in fact action should be taken to terminate the lease.

6. Mr. Lotlikar, states that various complaints are placed on record from page Nos. 43 to 75 of the paperbook in this Petition. The learned Advocate General points out that some of the grievances have already been addressed by orders made by the Mamlatdar.

7. Since, there are several complaints made by the Petitioners, we feel that it is only proper that the Mamlatdar looks into such complaints and informs the Petitioners, the outcome of such complaints. If the Mamlatdar, finds merit in any of the complaints, no doubt, the Mamlatdar will take such steps as are permissible in law and, if necessary, issue necessary orders and directions to the Tenants Association. At the request of Mr. Lotlikar, we direct that this Petition itself may be treated as consolidated representation and the same may be treated and disposed of in terms of law by the Mamlatdar. This exercise will have to be completed expeditiously.

8. In case, the Petitioners are aggrieved, we grant them liberty to take out such proceedings as may be permissible in terms of law.

9. With the aforesaid directions and liberty, we dispose of this Petition.

10. All concerned to act on the basis of the authenticated copy of this Order.

DAMA SESHADRI NAIDU, J.

M. S. SONAK, J.

msr.