

(2012) 03 BOM CK 0019
In the Bombay High Court
Case No : Writ Petition No. 841 of 2010

Smt. Gunavati Jaganth Khandeparkar, (since deceased) APPELLANT
through her legal heirs, (Shri Babal Khandeparkar and his
wife; Smt. Bandini Babal Khandeparkar, Shri Suryakant
Jaganath Khandeparkar and his wife and Smt. Sunita
Suryakant Khandeparkar

Vs

Shri Antonio Bernardo Costa RESPONDENT

Date of Decision : 29-03-2012

Acts Referred:

Citation : (2012) 03 BOM CK 0019

Hon'ble Judges : F.M. Reis, J

Bench : Single Bench

Advocate : T. George John, for the Appellant; Nitin Sardessai, Advocate for the Respondent no. 1 and Mr. J. Godinho, Advocate for the Respondent no. 2, for the Respondent

Judgement

F.M. Reis, J.—Heard Shri T. George John, learned Counsel appearing for the Petitioners, Shri Nitin Sardessai, learned Counsel appearing for the Respondent no. 1 and Shri Godinho, learned Counsel appearing for the Respondent no. 2. Leave to amend at the request of the learned Counsel appearing for the Petitioners.

2. Rule. Heard forthwith, with the consent of the learned Counsel. Learned Counsel appearing for the Respondents waives service.

3. The above Petition challenges the Order dated 05.02.2010, passed by the learned Administrative Tribunal of Goa, as well as the Order dated 01.12.1998, passed by the Addl. Collector in case no. 50/1995 on the ground that according to the Petitioner, the learned Addl. Collector did not have jurisdiction to entertain the Appeal preferred by the Respondents when according to the Petitioners, only a revision was maintainable. At the hearing of the above Petition, the learned Counsel appearing for the respective parties have agreed to dispose of the above

Petition by consent on the following terms :

(i) The impugned Orders dated 05.02.2010, passed by the learned Administrative Tribunal and the Order dated 01.12.1998, passed by the Addl. Collector, stands quashed and set aside.

(ii) The matter is remanded to the learned Addl. Collector to treat the Appeal preferred by the Respondent no. 1 as a revision under the Mundkar Act and dispose of the said revision after hearing the parties in accordance with law.

(iii) All contentions of the parties on merits are left open.

(iv) Considering the nature of the dispute and the pendency of the matter for the last more than ten years, the Addl. Collector is directed to dispose of the said Petition as expeditiously as possible preferably within six months from today.

(v) Rule is disposed of in the above terms.

(vi) Petition stands disposed of accordingly.