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26/6/14
at 3-33 pm

**BEFORE THE PRINCIPAL SECRETARY (REVENUE),
GOVERNMENT OF GOA, SECRETARIAT, PORVORIM, BARDEZ
GOA.**

Case No. 15-6-2009/RD

The Registrar
Goa University,
Taleigao Plateau, Goa

Petitioner

V/s

- 1) Shri. Pramod M.S. Talaulikar
- 2) Shri. Pradeep M.S. Talaulikar
- 3) Smt. Usha V.S. Talaulikar
- 4) Shri. Vijesh V.S. Talaulikar
- 5) Smt. Prvasini Pramod Talaulikar
- 6) Smt. Amita Pradip Talaulikar
all resident of Talaulikar Hospital, Boca de Vaca,
Panaji-Goa.
- 7) Comunidade of Calapur
Through its Attorney,
Shri. Elias N Dias with office at
Village Panchayat Calapur,
Tiswadi Taluka,
North Goa District,
- 8) Salgoacar Construction Company. Pvt. Ltd.
- 9) Salgoacar Realtors Pvt. Ltd
Both having office at Salgoacar House,
Vasco- da- Gama-Goa.
- 10) Chowgule Real Estate Const. Pvt. Ltd.
Through their Authorized Agent
Shri. Vijay Nagvekar with office at
Casa-LPEL-SOL,
Opp. Hotel Goa Marriot, Miramar,
Panaji-Goa.
- 11) Under Secretary Finance Budget - I,
Secretariat, Porvorim-Goa
- 12) Emgee Housing Private Ltd.
Through Signatory Rony Fernandes,
City Center, Patto Plaza, 602, 6th Floor,
Panaji-Goa.
- 13) Bitubab Investment Pvt. Ltd.
- 14) Vasudev Real Estate Pvt. Ltd.
Both having office at Salgoacar House,
Vasco-da-Gama-Goa.
- 15) Jose Maria Martins,
R/o Sao Paula, Taleigao Market,
Taleigao-Goa.



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Under Secretary (Revenue-II)
Government of Goa,
Secretariat, Porvorim-Goa.

Respondents

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ORDER

This order shall dispose of Revision petition filed by the Petitioner under section 192 of Land Revenue Code against the order dated 05/01/2009 passed in Case No. LRC/COR/29/08 whereby the application for intervention, filed by the Respondents is allowed by the Dy. Collector & SDO, Panaji. The Revision Petition filed by the Petitioner, individually, against each and every respondent are clubbed together and heard in common.

In brief the case of the Petitioner is as follows:-

The Petitioner has filed an application bearing No. LRC/COR/29/08 before the Deputy Collector and SDO, wherein it is prayed that all internal access roads as shown in the survey plan in the campus of the petitioner need to be cancelled. The petitioner has submitted in the petition that all the respondents filed intervention applications contending that they are interested parties as they have been using the existing access since times immemorial and even people residing in and around the vicinity are using the same access. The Petitioner has further submitted that the Trial Court upon hearing the oral submission in the matter is pleased to allow the applications filed by the Respondents, hence the petitioner is aggrieved by the said order. The petitioner has contended that no parties could be added to the proceedings without the consent of the petitioner except in the case where they are necessary parties. The Petitioner has further contended that the Respondents should have filed appropriate proceeding before the Civil court to establish their easementary rights, if any. Petitioner further contended that they had no place in the proceedings before the Deputy Collector wherein the Petitioner has prayed that internal access road shown in the survey plan are to be cancelled so as not to bifurcate or divide the land of the petitioner. It is contention of the Petitioner that the Trial Court erred in holding that the presence of the respondents was necessary to enable the Trial Court to dispose off the matter effectively and completely.

Accordingly, notices were issued in the matter and the respondent were duly served. The Respondents appeared before this authority and filed their written arguments. The Respondent No. 1 to 6 filed their written arguments and submitted that a notice in the proceedings initiated by the petitioner before the Trial Court was published in the local newspaper thereby appealing to all the interested parties to appear in the matter. They further submitted that vide

Under Secretary (Revenue-II)
Government of Goa,
Secretariat, Porvorim-Goa.

Principal Secretary (Rev.)

the said public notice, the respondents came to know about the proceeding filed by the petitioner and as abundant caution, they filed application for intervention in the said proceedings. The Respondents have also argued that they are owners of the properties and some have also sold some of the properties and they use these traditional pathways, and they would be adversely affected by any order passed by the Dy. Collector, as their properties may be land locked in case the existing roads are deleted as requested by the petitioner. They further argued that they are interested parties in the matter as they are interested in the subject matter i.e. the roads and they would be directly affected by the out come of the case. The respondents submitted that the Dy. Collector has rightly passed the order allowing the application for intervention.

The Respondent No.10 filed his written arguments submitting that they are directly affected by the action of the petitioner since the road which sought to be deleted is the only road available to the respondent. The Respondent No.10 further argued that the decision in the matter pending before the Trial Court, will have direct impact on the respondent, hence the Trial Court has passed a valid and proper order allowing the application for intervention.

I have perused the revision petition, the written arguments filed by the Respondents, oral arguments forwarded by the parties and the records and proceedings of the Trial Court. The Petitioner is aggrieved by the order passed by the Trial Court thereby allowing the intervention application of the respondent. The Petitioner has prayed before the Trial Court for deletion of existing access, as on the survey plan. The Respondents are claiming that they are using the said access, for their properties, which will be land locked in case an order is passed, as prayed by the petitioner.

I have perused the order passed by the Ld. Dy. Collector. He has rightly decided that the Respondents will be affected if a order is passed in the proceedings before him. It is clear from records that the Trial Court has not finally decided the matter. The Petitioners are seeking deletion/cancellation of roads shown on the survey plan. The Respondents have joined the proceedings as a result of a public notice issued in the said proceedings. The Dy. Collector has rightly ordered that the Respondents are interested parties in the subject matter of the said proceedings. As rightly held by the Trial Court, prejudice will be caused to the Respondents in case they are not heard before deciding the proceedings, finally. There is no reason for the petitioner to shy away from the contention of the respondents as both parties will have sufficient opportunity to defend themselves before the Trial Court.

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In view of the above, I do not find any reason to set aside the order passed by the Trial Court hence the following order is passed.

The Revision Petition filed by the petitioner is hereby dismissed. The order dated 05/09/2009 passed by the Dy. Collector and SDO in Case No. LRC/COR/29/2008 is maintained.

Order to be communicated to the parties.

Given under my hand and seal of this Authorities on this 26th day of December, 2013.



[Handwritten Signature] 26.12.13

(Parimal Rai)
Pr. Secretary (Revenue)
Principal Secretary (Ray)
Government of Goa
Secretariat, Porvorim

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Under Secretary (Revenue-II)
Government of Goa,
Secretariat, Porvorim-Goa.