

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 521 OF 2014

THE REGISTRAR OF GOA UNIVERSITY ... Petitioner
Versus
SHRI. PRAMOD M.S. TALAULIKAR AND
14 ORS., ... Respondents

Ms. Ashwini Agni, Advocate for the Petitioner.

Coram:- F. M. REIS, J.

Date:- 13th August, 2014

ORAL ORDER:

Heard Ms. Agni, learned Counsel appearing on behalf of the Petitioner. The above Petition challenge the orders passed by the Authorities whereby the Application for impleadment of the Respondents came to be allowed.

2. Ms. Agni, learned Counsel has assailed the impugned order essentially on the ground that the parties who sought impleadment are not necessary or proper parties as they have no connection with the dispute being adjudicated before the learned Deputy Collector. The learned Counsel pointed out that the Respondents have filed an Application stating that the road shown in the survey plan of the disputed property situated in villages of Bambolim, Calapur and Taleigao are their means of access though according to the Petitioner

the parties have no right of access through the disputed road belonging to the Petitioner. The learned Counsel pointed out that it is the contention of the parties that the Respondents are claiming an easementary rights over the said roads and as such, according to the learned Counsel such right cannot be decided by the learned Deputy Collector. The learned Counsel pointed out that the proceeding before the Revenue Authority cannot adjudicate such claim and as such, the impugned order cannot be sustained and deserves to be quashed and set aside. The learned Counsel pointed out that the Authorities have not examined whether the Respondents have any claim in the disputed property and as such, committed a jurisdictional error which requires interference of this Court under Article 227 of the Constitution of India.

3. I have considered the submissions and also gone through the record. It is not in dispute that the Petitioner in the proceeding before the learned Deputy Collector inter-alia seeks to delete the roads which are shown in different survey numbers in which the Respondents claim an easementary rights. As such, the contention of the learned Counsel that the Respondents have no nexus with the issue in consideration before the Revenue Authority cannot be accepted. In case, such roads are deleted the alleged right claimed by the Respondents may be affected. In view of the above, I find no case for interference under Article 227 of the Constitution of India and as such, the Petition stands rejected accordingly. All contentions

of the parties on merits are kept open.

F. M. REIS, J.

EV