



Jose

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.816 OF 2026 (F)

ANTONIO BOSCO DE
DOUZA MENEZES @ A. B.
DE MENEZES THR. POA.

... Petitioner.

Versus

STATE OF GOA THR. CHIEF
SECRETARY AND 5 ORS.

... Respondents.

Mr Gaurish Agni with Mr Yash Naik and Mr Kishan
Kavlekar, Advocates for the Petitioner.

Mr Manish Salkar, Government Advocate for Respondent
Nos. 1 and 7.

CORAM: DR. NEELA GOKHALE, J.

DATED: 5th May, 2026P.C.:

1. By way of this petition, the Petitioner has assailed the Communication/Order dated 12th August, 2025, passed by the Joint Mamlatdar III of Tiswadi Taluka, Panaji, Goa, in Case No. MAM/TIS/JM-III/MUT/HIGH-COURT-MATTER/GOA-VELHA/ 2025, wherein the Joint Mamlatdar has raised four objections. The said objections read thus: -

“1. The Inventory Proceeding no. 38/75 does not have any survey number.



2. The Applicant has to provide link between the Deed of Sale dated 22/04/1993, 04/12/1992, 22/04/1993 and 12/06/2009 & Form I & XIV survey nos. 161/14, 161/18, 162/4 respectively as the name of Mr Romio Vaz figures in the occupant's column.

3. Gift deed dated 05/09/1997 is not furnished.

4. Applicant is directed to provide proper link documents, or else entry cannot be registered and certified.”

2. Brief facts of the Petitioner's case are as follows:

2.1. The Petitioner had filed Mutation proceedings before the Joint Mamlatdar-III of Tiswadi-Goa, with respect to all that piece and parcel of property being situated at Goa Velha under Survey Nos. 162/4, 161/14, 161/16 and 161/18 ('said property'). The survey records of the said property show the name of Mr Romlo Vaz, i.e. the Respondent No. 2, as the occupant.

2.2. In 1975, an inventory proceeding was initiated by Mrs Maria Aida Vaz following the death of her husband, Mr Olegario Vaz. Six legal heirs were named: Maria Lizette Vaz, Maria Aurea Vaz, Maria Elsa Vaz, Ana Sabina Vaz, Maria Lira Vaz and Romulo Vaz. By order dated 29th December 1979, passed by the Civil Judge, Senior Division, Panaji, the said property was apportioned



amongst the legal heirs.

- i. Maria Lizette Vaz, i.e. Respondent No. 3, and Maria Lira Vaz, i.e. Respondent No. 5, were allotted property under Survey Nos. 161/14, 161/16 and 161/18.
- ii. Maria Elsa Vaz was allotted property under Survey No. 162/4.

2.3. The Petitioner purchased a portion of the said property under Survey Nos. 161/14, 161/16 and 161/18 from Respondents No. 3 and 5 by sale deeds dated 4th December 1992, 22nd April 1993 and 24th April 1993, registered with the Sub Registrar of Ilhas at Panaji, Goa.

2.4. Maria Elsa Vaz gifted the property under Survey No. 162/4 to Mr Daniel Olegario Fernandino and Mr David Chaga Fernandino, i.e., Respondents No. 2b and 2c, by Gift Deed dated 5th September 1997.

2.5. The Petitioner purchased a portion of the said property under Survey No. 162/4 from the Respondents No. 2a to 2c by a Sale deed dated 12th June 2009, registered with the Sub Registrar of Ilhas at Panaji, Goa.

2.6. Pursuant to the aforementioned Sale deeds dated 4th December 1992, 22nd April 1993, 24th April 1993 and 12th



June 2009, the Petitioner filed an application before the Joint Mamlatdar for mutation of the Survey records of the said property in favour of the Petitioner.

2.7. By Communication/Order dated 12th August 2025, the Joint Mamlatdar rejected the application. Accordingly, the Petitioner is before this Court seeking the reliefs prayed for.

3. Heard Mr Gaurish Agni, learned Counsel appearing for the Petitioner and Mr Manish Salkar, learned Government Advocate appearing for the State.

4. Admittedly, Mr Romulo Vas @ Romlo Vaz, who is arraigned as Respondent No.2, is deceased, and his legal representatives have been brought on record. Since the legal representatives of the parties arrayed as Respondents No. 2(a) to 2(c) and Respondents No. 3 to 6 are themselves the vendors in the sale deed who sold the property to the Petitioner herein, notice to the said Respondents is dispensed with.

5. Mr Agni submits that the Petitioner has already placed on record all the documents that clearly establish the Petitioner's title to the said property from 1992 up to the execution of the last document in 2009. He further submits



that in any case, it is not within the jurisdiction of the Mamlatdar to adjudicate the issue of title, and that the Mamlatdar is bound to carry out mutation based on the title documents placed before him.

6. Mr Agni also submits that the mutation application filed by the Petitioner itself reveals clear averments regarding the manner in which the Petitioner obtained title to the said property. The application is supported by an affidavit. Hence, Mr Agni submits that the Mamlatdar failed to consider that the sale deeds dated 22nd April, 1993, 4th December, 1992 and 24th April, 1993, registered before the Sub-Registrar of Ilhas at Panaji, Goa, demonstrate that the Petitioner purchased the property under Survey Nos. 161/14, 161/16 and 161/18 from the erstwhile owners, namely Maria Lizette Celina Vaz e Menezes, Alvito Socorro de Conceicao Menezes, Maria Lira Regina Vaz e Alvares and Elroy Francisco Alvares.
7. The erstwhile owner has transferred the right, title, and interest in the property to the Petitioner; hence, the Petitioner has become the absolute owner and occupant of the said property.
8. In these circumstances, Mr Agni says that, in view of the fact that all the title documents were placed before the Mamlatdar, the order, once again raising similar objections,



is invalid, and that the Mamlatdar ought to have mutated the name of the Petitioner in the Revenue records of the property.

9. Per contra, Mr Salkar, learned Government Advocate, fairly submits that if the Petitioner provides a chronology of events showing how he derived title to the said property, the Mamlatdar will be bound to enter the Petitioner's name in the mutation records.
10. I have heard the Counsels representing the respective parties and have perused the record with their assistance.
11. It appears that the Petitioner has already provided the clarification/written synopsis in response to the objections raised by the Mamlatdar vide the impugned order. By the said clarification, the Petitioner has himself demonstrated the manner in which the Petitioner derived the title. The entire sequence of events has been narrated in the said clarification application.
12. Considering the fact that the Petitioner is more than 90 years of age and having been made to run from pillar to post, despite having already provided the necessary clarification in response to the objections raised by the Joint Mamlatdar, I see no necessity for the Petitioner to provide once again a



sequence of the flow of his title to the Mamlatdar.

13. In these circumstances, I am inclined to allow the petition.

The communication/order dated 12th August, 2025, passed by the Joint Mamlatdar III of Tiswadi Taluka, Panaji, Goa, in Case No. MAM/TIS/JM-III/MUT/HIGH-COURT-MATTER/GOA-VELHA/2025, whereby the Mamlatdar has raised four objections and refused to mutate the property bearing survey Nos. 161/14, 161/16 and 161/18 of Village Goa-Velha, is quashed and set aside. The Joint Mamlatdar concerned is directed to mutate the name of the Petitioner in Survey Nos. 161/14, 161/16 and 161/18 of Village Goa Velha in the Revenue records in respect of the said property within a period of three weeks from today.

14. Thus, Petitioner's name will appear in the Occupants column of the Revenue records after the deletion of the name of Mr Romla Vaz, which still appears in the Occupant column of the said survey numbers.

15. Petition is allowed in view of the aforesaid.

DR. NEELA GOKHALE, J.