



IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 198 OF 2024

Smt. Gopiki Soma Lingudkar,
Wife of late Shri Soma Lingudkar,
71 years of age, widow,
Residing at H.No.206,
Alorna, Taluka Pernem, Goa.

.... **PETITIONER**

V/S.

- 1. The Deputy Collector & S.D.O.,**
Pernem Taluka, Pernem- Goa.
- 2. Shri Vassudev Atmaram Parab,**
Son of late Shri Atmaram
Vishnu Parab,
Major of age,
r/o. H.No.136/C,
Gauthanwada, Alorna, Pernem
– Goa.
- 3. Smt. Smita Vassudev Parab,**
Wife of Shri Vassudev
Atmaram Parab, Major of age,
r/o. H.No.136/C,
Gauthanwada, Alorna, Pernem
– Goa.
- 4. Comunidade of Alorna,**
through its Attorney,
Having its office at Alorna,
Taluka of Pernem Goa.

**5. Administrator of
Comunidades,
North Zone, Opposite to Respondents.
Mapusa Civil Court, Mapusa,
Bardez- Goa.**

Ms. Nicole Mayekar, Advocate for the Petitioner.

Ms. Sulekha Kamat, Additional Government Advocate for the Respondent Nos. 1 and 5.

Mr Deepak Gaonkar, Advocate for the Respondent Nos. 2 and 3.

CORAM : VALMIKI MENEZES,J.

RESERVED ON: 5th MARCH,2026

PRONOUNCED

ON : 6th MARCH,2026

JUDGMENT :

1. This Petition assails two orders, both dated 16.12.2023, passed by the Deputy Collector, SDO, Pernem Taluka in case no. DCP/MND/APL/3-9/2023. The first order allows an application filed by Respondent No.2 and 3 for leave to appeal while the second order grants stay of Judgment and Order dated 04.07.2023 passed by the Joint Mamlatdar-1 of Pernem Taluka in Case No. JM-I/MND/PUR/11/2020 allowing

present Petitioner's application for purchase of a dwelling house and land appurtenant thereto, under Section 16 of Goa Daman and Diu Mundkars (Protection from Eviction) Act 1975.

**FACTS WHICH ARE BORNE FROM THE
AVERMENTS IN THE PETITION:**

2. It is the case of the Petitioner that, the Petitioner had filed an application on 01.09.2020, for the purchase of a dwelling house before the Joint Mamlatdar-1 of Pernem Taluka in Case No. JM-I/MND/PUR/11/2020; vide its Judgment and Order dated 04.07.2023, the Mamlatdar invoked powers under Section 16 of the Act and allowed the same.

3. Subsequently the Respondent No.2 and 3 herein, filed an application seeking leave to file appeal, challenging the aforementioned Judgment and Order dated 04.07.2023 along with an application for Stay of the said Judgment and Order, both dated 01.09.2023, before the Deputy Collector and SDO of Pernem (Respondent No. 1 herein). An Appeal under

Section 24 of the Goa Mundkar (Protection from Eviction) Act, 1975 bearing number DCP/MND/APL/3-9/2023 was also filed on 01.09.2023 before Respondent No. 1.

4. Thereafter, by an Order dated 16.12.2023, Respondent No. 1 allowed the applications dated 01.09.2023, thereby granting the Respondent Nos. 2 and 3 leave to appeal and stay of the said Judgment and Order dated 04.07.2023.

5. On the very same day, i.e. on 16.12.2023, the Petitioner filed separate applications for urgent certified copies of the Orders passed by Respondent No. 1 in the application for stay and in the application seeking leave to appeal, which were inwards in the Office of Respondent No. 1 on 18.12.2023 under Inward Nos. 7110 and 7109 respectively. The said Applications were followed by reminders/requests dated 29.12.2023 made by the Petitioners and inwards in the Office of Respondent No. 1 under inward Nos. 7308 and 7309 respectively.

6. Pursuant to such repeated requests for urgent certified copies of the Order dated 16.12.2023, the Office of Respondent No. 1 on 02.01.2024, furnished only the Order dated

16.12.2023 recorded in the Proceeding Sheet of the application for leave to appeal and order dated 16.12.2023 on the Proceeding Sheet of the application for stay of the Order and Judgment dated 04.07.2023.

7. Aggrieved by the order dated 16.12.2023 passed by Respondent No.1 in the Proceeding Sheet, the Petitioner filed two separate Mundkar Revision Applications before the Administrative Tribunal, Panaji in Mundkar Revision Application No. 3/2024, challenging the order granting leave to file appeal to the Respondent Nos. 2 and 3 and in Mundkar Revision Application No. 2/2024, challenging the order granting stay of the Judgment and Order dated 04.07.2023.

8. The Administrative Tribunal, vide Order dated 04.01.2024 in Mundkar Revision Application No. 2/2024, requested Respondent No. 1 to defer the hearing of the proceedings beyond the returnable date i.e. 06.02.2024.

9. On 06.01.2024, the Petitioner appeared before Respondent No. 1 and placed the Administrative Tribunal's Order dated 04.01.2024. It is at this juncture that Respondent No. 1 voluntarily provided a copy of his detailed Judgments

dated 16.12.2023 purportedly passed on the application for leave to appeal and the application for stay of the Judgment and Order dated 04.07.2023 filed by Respondent Nos. 2 and 3, to the Petitioner.

10. It is the Petitioner's case that in the Mundkar Revision Application No. 3/2024, the Petitioner had specifically taken a ground that the order dated 16.12.2023 was a non-speaking/unreasoned order and as such, Respondent No. 1 could not supplement the lack of reasoning in the Proceeding Sheet orders by furnishing belatedly, a separate judgment recording such reasons.

11. Aggrieved by the conduct of Respondent No. 1, the Petitioner has approached this Court with the prayer to quash and set aside the order of Respondent No. 1 dated 16.12.2023.

SUBMISSIONS

12. The following submissions are advanced by the Advocate for the Petitioner, Ms.Nicole Mayekar:

- a. It was submitted that the fact that the reasoned judgment was prepared much after the order dated

16.12.2023 was entered in the proceeding sheet, is evident from the fact that it was only after the Administrative Tribunal directed Respondent No.1 to defer the hearing of the appeal to a date after 06.02.2024, that the Respondent No.1 voluntarily handed over to the Petitioner on 06.01.2024, an order dated 16.12.2023 containing reasons. This was despite the fact that the Petitioner had issued a reminder to the Respondent No.1 to furnish a copy of the order dated 16.12.2023, after which only a proceeding sheet order of that date was issued.

- b. It was further submitted that even the proceeding sheet order dated 16.12.2023 was handed over after a period of 15 days, on 02.01.2024; further, there is not a single stamp on the certified copy of the reasoned order stating the date when the same was completed, or the date when the application for obtaining that order was received or the date when it was delivered. It was submitted that the whole procedure followed by the Deputy Collector is suspicious and does not

inspire any confidence, and clearly points to the fact that the reasoned order was passed much later, and after the Revision Application was filed before the Tribunal, only to nullify the grounds taken therein, that the proceeding sheet order was an unreasoned order.

- c. In furtherance of her arguments she relied on the Judgement dated 10.04.2023 of the Hon'ble Supreme Court in ***The Registrar General, High Court of Karnataka and Anr V/s Shri M. Narsimha Prasad in Civil Appeal No.2519-2522 of 2023.***

13. Learned Government Advocate Ms. Suleka Kamat, representing the Respondents No.1 and 5 has made the following submissions:

- a. It was submitted that after directions of this Court issued under orders dated 07.03.2024, 29.08.2024, an enquiry was conducted into the grounds stated in the petition, and the enquiry report of the Collector is inconclusive as to whether the reasoned judgment dated 16.12.2023 was prepared at a later date and

placed in the file. It was further submitted that pursuant to this Court's order dated 04.12.2024, the Chief Secretary has conducted an enquiry and has imposed a penalty against the Respondent No.1 of "Censure", after concluding that the officer had committed serious lapses and had failed to adhere to procedure laid down for issuance of Certified Copies in the Circular dated 16.10.2006. A copy of the Circular dated 16.10.2006 was also placed on record to submit that the quasi-judicial Authorities which are named in the Circular have in fact been directed to issue Certified Copies applied for on urgent basis, not later than two days from the date on which they had applied for.

- b. In furtherance of her arguments she relied on order dated 24.08.2006 of this Court in ***Shri Pradeep K.R. Sangodker V/s The state of Goa and Anr in Writ Petition no.281 of 2006.***

14. Shri Deepak Gaonkar, learned Advocate for the Respondent Nos. 2 to 3, has taken me through the judgment of

this Court in ***Shri Pradeep K.R. Sangodker (supra)***, and through the Circular dated 16.10.2006, and submitted, whilst not admitting the grounds raised in the petition, that it is often the practice of the Revenue Courts and Authorities at the level of the Mamlatdar and Collector dealing with quasi-judicial matters under the Goa Land Revenue Code 1968 , The Goa, Daman and Diu Mundkar's (Protection from Eviction) Act, 1975, The Goa Agricultural Tenancy Act 1964, The Goa, Daman and Diu Mamlatdar's Court Act, 1966 to issue Certified Copies of their judgments without specifying the date on which they were applied for, the date when the Certified Copy was completed, the date when the Certified Copy was actually delivered, and without notifying the party in writing, of the date for collection of the Certified Copy. He submitted, that without prejudice to the Respondent's contention on the passing of the impugned order, on their merit, it would be advantageous if this Court clarifies, and issues necessary directions in the interest of all the litigants before those Courts, to streamline the procedure for issuing the Certified Copies of their records.

15. When the matter came up for hearing before this Court after notice was served to the Respondents, an order of 07.03.2024 came to be passed directing the Deputy Collector, Pernem to remain personally present in the Court on 13.03.2024 to explain his conduct of recording one order in the Proceeding Sheet dated 16.12.2023 and thereafter supplementing the reasons by subsequent order, which was predated to 16.12.2023.

The matter was heard on 29.08.2024, when it was submitted on behalf of Respondent No.1, the Deputy Collector, as explanation, that he was under the impression that since the application for certified copy of the order dated 16.12.2023 had been filed, he had furnished only the order contained in the proceeding sheet. It was further submitted on behalf of the Deputy Collector that the copy of the detailed judgment was furnished later on when the officer realised that the Administrative Tribunal had granted stay of his order. On further submissions made by the Petitioner, this Court, by an order of 29.08.2024 was of the opinion that the circumstances under which the copy of the reasoned judgment came to be

furnished at a later date required inquiry and accordingly directed the Collector to conduct an enquiry into the circumstances under which the order was passed in the following terms:

.....

10. In this matter an application for urgent certified copy was filed by the petitioner on 16.12.2023 which was disposed of by handing over the certified copy of the roznama dated 16.12.2023. Thus, there is no question of handing over another copy of the detailed order dated 16.12.2023 to the petitioner.

11. It appears that a detailed order which is now furnished to the petitioner dated 16.12.2023 was not at all available, ready at the time when the order allegedly pronounced in the roznama. It further shows that even as on 2.1.2024 such order was not available or ready which is clear from handing over of roznama copy to the petitioner.

12. Respondent no.1 is acting as quasi judicial authority and thus judicial propriety demands that when the order is pronounced, the same should be available in the file, duly signed for the purpose of issuing certified copy to the parties. The fact that the certified copy of the roznama is issued itself shows that a detailed order was subsequently prepared and placed in the file. This is a very serious matter and amounts to manipulation of the record by the officer concerned.

13. Matter needs to be thoroughly examined, accordingly, Collector North Goa is therefore requested to look into the matter by conducting an inquiry and report compliance. Such inquiry should be conducted preferably within a period of one month so as to consider the same further. Copy of this order be furnished to the Collector North Goa for the purpose of doing the needful.

14. The Collector shall file a report after conducting the inquiry within a period of one month. Till the time of receipt of the report from the Collector, the impugned judgment dated 16.12.2023 shall be stayed.

16. A Report dated 15.10.2024 was ultimately placed on record by the Collector of North Goa on 04.12.2024. The Report of the Collector is extremely sketchy and does not state with clarity whether the copy of the judgment and order dated 16.12.2023 containing reasons was actually passed on 16.12.2023 and was in the concerned file on the same date.

Paragraphs of the Report reads thus:

8) Further, the Court Clerk, office of the Deputy Collector & SDO, Pernem informed that the copy of both judgement and order dated 16.12.2023 passed by the Deputy Collector & SDO, Pernem on stay application and seeking leave to file appeal in case no. DCP/MND/APL/3-9/2023 was ready in the file and the same

was issued to both the Ld. Advocate for appellant as well as Ld. Advocate for respondent No.1 on 06.01.2024 in open court.

9) Since the Dy. Collector and SDO, Pernem pronounced the order and the party sought for certified copy of the order, the Dy. Collector and SDO, Pernem ought to have provided the certified copy of Judgement/Order not later than 7 days as per circular No. 11/32006-LD/ESTT dated 16th October 2006 from Under Secretary (Estt.) (Copy enclosed). Hence there is procedural lapse on the part of the Dy. Collector and SDO, Pernem.

10) However there is no enough evidence to establish manipulation of records. Since operative part of roznama and detailed judgement and order passed by the Deputy Collector & SDO, Pernem is same, it appears that there is no intention of the Deputy Collector & SDO, Pernem to manipulate the record.

17. The Report refers to information from the Court Clerk of the office of the Deputy Collector that the reasoned judgment dated 16.12.2023 was ready and was in the file, and copies of the same were given to both the Advocates on 06.01.2024. The report does not conclude whether in fact it could be established from other contemporaneous records whether there was any entry made in the concerned file or in any

Register that the order was in fact placed on the file. The entries in the proceeding sheets do not reflect this position.

18. Taking note of this report of the Collector, this Court, by an order of 04.12.2024 rejected the report stating that there was no explanation why the copy of the reasoned order was not furnished to the Petitioner, when applied for, immediately on the same date, nor is there any explanation as to why the certified copy was not issued, instead, issued on 06.01.2024. This Court then directed the Chief Secretary of Goa to look into the matter and take appropriate action. The order of 04.12.2024 is quoted below:

1. The report of the Collector North Goa dated 15.10.2024, seems to be an attempt to save concerned officers with regards to issuance of the Judgment and Order. At one stage it is claimed that the Judgment and Order dated 16.10.2023 was passed and ready in the file, it is clear that such an order was not issued to the parties till 06.01.2024. The Roznama copy was issued to the Petitioner when he applied for the certified copy of Judgment and Order. It is clear case to show that on 16.12.2023 only the Roznama order was passed allowing the said Appeal. The reasoned order, copy of which was furnished to the Petitioner only on 06.01.2024, was not handed over when the certified copy of the Roznama was issued. There is no explanation as to why the copy of

the reasoned order was not furnished to the Applicant/Petitioner when he in fact applied for the certified copy immediately on the same day. There is no explanation as to why certified copy was issued on 06.01.2024.

2. Accordingly, the report of the Collector, North Goa cannot be accepted as compliance. Request is therefore made to the Chief Secretary to look into the matter as it is serious when the authority who passed the order has not handed over the certified copy to the parties and such orders are passed only in the Roznama but, later on reasoned orders are placed on record. Let the Chief Secretary of Goa look into the matter and take appropriate action.

19. The learned Advocate appearing for the State placed on record an order of 24.12.2024, passed by the District Collector North Goa, which has acted upon a Note dated 11.12.2024 received from the Chief Secretary of Goa and directed action against the Deputy Collector Shri Deepak Vaingankar who passed the impugned order, of issuing a stern written warning. The censure issued to the said Deputy Collector is quoted below:

.....

“NOW THEREFORE Shri Deepak Vaingankar, then Deputy Collector & SDO - Pernem is hereby strictly warned not to repeat such lapses in the future and to strictly adhere to

and comply with the direction contained in the Circular No 11/32006-LD/ESTT dated 16th October, 2006, failing which necessary disciplinary action deem fit shall be initiated against you under the CCS (Conduct) Rules, 1964 for lapses”

20. It is in the light of all the aforementioned facts that the Petitioner has pressed for a challenge in this Court to the reasoned orders, both dated 16.12.2023, mainly on the grounds that these orders were brought into existence at a later date by the Respondent No.1, only to supply reasons, for the lack of them in the order passed on 16.12.2023 in the Proceeding Sheet.

21. The allegations made in this petition, that the impugned orders were placed on the file of the Deputy Collector much later, are not an isolated incident, but judicial notice has to be taken of several petitions that have come up alleging the irregular procedure being followed by Authorities such as the Collector, Deputy Collector, Mamlatdars and Revenue Authorities in passing of orders and judgments and issuing of certified copies of such quasi-judicial orders. Often enough, such orders record that they were pronounced in open court, when there is no record that they were actually pronounced

before the parties or that the orders purportedly pronounced were actually available for perusal of the parties in the concerned file. Similarly, there appears to be no defined procedure for receiving Applications for Certified Copies of records or orders of such Authorities, nor is there such defined procedure being followed by recording the date when such an Application was made, the date when the party applied is required to collect the certified copy, the date when such certified copy is actually ready and the date when it was actually delivered. This assumes great relevance, since there should be no ambiguity in the computations of the period of limitation provided under a statute, whilst preferring proceedings before a higher forum, the limitation being reckoned after consideration of the time to be deducted for obtaining Certified Copies.

22. In the past, this Court has had occasion to take notice of this irregular procedure, one such being in Writ Petition No 281 of 2006 (***Shri Pradeep K.R. Sangodker V/s The state of Goa and Anr***), where by order dated 24.08.2006, gave certain directions. That was a case where similar

irregularities were complained of with regard to pending case before the District Consumer Dispute Redressal Forum. This Court, whilst disposing of that petition had made the following observations:

3. The learned counsel for the petitioner has brought a disturbing state of affairs to the notice of this Court and made a serious complaint that the complaint filed by the petitioner was heard on 19th June, 2005 and no final orders are passed in spite of lapse of more than 15 months. No final judgment has been declared. This disturbing fact when brought to the notice of this Court, Mr.Kantak fairly stated that the need has come to issue certain directions to all the courts, judicial and quasi-judicial authorities laying down certain guidelines. Learned Advocate General has circulated draft of the guidelines to be framed for the subordinate courts and authorities.

4. The inordinate and unexplained delay in pronouncement of the judgment or order actually negates the right of the litigants given by the Statute. Any procedure or course of action which does not ensure a reasonable quick adjudication has been termed to be unjust.

9. In my opinion, since directions sought are to be issued and guidelines are required to be framed for different courts, tribunals and quasi-judicial authorities, it would be better if this Court itself frames the same rather than leaving it to the discretion of

different authorities. Hence following guidelines and directions :-

These directions shall apply to the following judicial quasi judicial authorities/bodies exercising jurisdiction in State of Goa.

- a) All Civil Courts and Criminal Courts;*
- b) District and Sessions Courts;*
- c) Administrative Tribunal of Goa;*
- d) Industrial Tribunal;*
- e) Labour Courts;*
- f) Courts constituted under the Consumer Protection Act; viz. District Forum Commission; and State*
- g) All other judicial/ quasi-judicial authorities exercising such function under the State Local Acts.*

All the courts/ authorities are referred to as "Court" in these directions.

(i) All Courts should arrange their roaster in such a manner that they should be able to deliver judgment/ order in any matter at the soonest possible.

(ii) Where final arguments are heard in a matter, judgment should be pronounced within a period of three months from the date of conclusion of the arguments.

(iii) In Misc. Application and/or all other matters, order shall not be delayed beyond a period of two months from the date of conclusion of arguments.

(iv) Whenever the judgment/ order is reserved, the judgement/ order when delivered should bear the date on which the judgment/order was reserved and date on which it is delivered.

(v) Directions contained in clauses 4 and 5 above shall be subject to any statutory provisions, if any, providing for a different

period such as Consumer Protection Regulations, 2005; wherein Consumer Forum is required to pass the order invariably within fifteen dates of the conclusion of the arguments as per clause-7 thereof.

(vi) Any judicial officer, failing to comply with directions at Sr.Nos.4 and/or 5 above shall report to the Registrar, High Court of Bombay at Goa every such matter where there is a failure with reasons for non-delivery of such order/ judgment. The same will form part of their personal file.

(vii) In case of Government officers discharging judicial/ quasi judicial functions, such report shall be made to the Chief Secretary of Goa and the same will form part of their personal records.

(viii) The judicial officers concerned shall also be liable for disciplinary action by the High Court and the State Government, as the case may be, for their persistent failure to comply with these directions.

(ix) It is common knowledge that most of the quasi judicial authorities communicate the decision to the parties after reserving the order. This practice should be discontinued forthwith. Every judgment/ order should be pronounced in open Court after notifying the parties the date of the order.

(x) Once the judgment/ order is pronounced, the certified copy should be made available to the parties, if applied for, not later than 7 days and not later than 2 days if the copy is applied for on urgent basis.

23. Pursuant to the directions of this Court in the aforesaid judgment, the Law Department / Government of Goa, issued

the Circular No.11/3/2006-LD/ESTT dated 16.10.2006 which is reproduced herein below:

CIRCULAR

Hon'ble High Court of Bombay at Panaji, Goa in Writ Petition No 281/06, has passed an order dated 24-08-2006 by giving following directions and guideline, for different Courts, Tribunals and Quasi- Judicial Authorities, to be followed in the matter of delivering Judgments and other incidental aspects in order to avoid unreasonable delay between hearing of arguments and delivery of a Judgement -

These directions shall apply to the following judicial quasi judicial authorities/bodies exercising jurisdiction in Sate of Goa.

- (a) All Civil Courts and Criminal Courts,*
- (b) District and Sessions Courts,*
- (c) Administrative Tribunal,*
- (e) Labour Courts,*
- (f) Courts constituted under the Consumer Protection Act, viz District Forum and State Commission,*
- (g) All other judicial /quasi judicial authorities exercising such function under the State Locals Acts.*

All the Courts/Authorities are referred to as Court in these directions,

(i) All Courts should arrange their roaster in such a manner that they should be able to deliver judgment/order in any matter at the soonest possible.

(ii) Where final arguments are heard in a matter, judgment should be pronounced within a period of three months from the date of conclusion of the arguments.

(iii) In Misc. Application and/or all matters, order shall not be delayed beyond a period of two months from the date of conclusion of arguments.

(iv) Whenever judgment/order is reserved, the judgment/order when delivered should bear the date on which the judgment/order was reserved and date on which it is delivered.

(v) Directions contained in clauses 4 and 5 above shall be subject to any statutory provisions, if any, providing for a different period such as Consumer Protection Regulations, 2005 wherein Consumer Forum is required to pass the order invariably within fifteen days of the conclusion of the arguments

(v) Any judicial Officer failing to comply with directions at Sr. Nos 4 and or 5 above shall report to the Registrar High Court of Bombay at Gees, every such matter where there is a failure with reasons for non-delivery of such order/judgment. The same will form part of their personal file

(vi) In case of Government Officers discharging Judicial/quasi Judicial functions, such report shall be made to the Chief Secretary of Goa and the same will form part of their personal records

(vii) The Judicial Officers concerned shall also be liable for disciplinary action by the High Court and the State Government, as the case may be for their persistent failure to comply with these directions

(ix) It is common knowledge that most of the quasi judicial authorities communicate the decision to the parties after reserving the order This practice should be discontinued forthwith. Every judgment/order should be

pronounced in open Court after notifying the parties the date of the order

(x) Once the judgment/order is pronounced, the Certified copy should be made available to the parties, if applied for, not later than 7 days and not later than 2 days of the copy is applied for on urgent basis

The above directions are applicable to all Government Officers for discharging judicial/quasi-judicial functions under various statutes which should be scrupulously observed and followed.

*V.P. Dangui,
Under Secretary (Estt.)*

24. The aforesaid Circular mandates that certified copies of judgments and orders are required to be furnished within the prescribed time and that once an order is pronounced by a quasi-judicial authority, the same must be duly prepared, signed and kept on record so as to enable issuance of certified copies without delay and to avoid any apprehensions in the minds of the parties or general public.

It is also a matter of record that the Collector, North Goa, vide Memorandum dated 14.10.2024, circulated the said Circular to all departments with a specific direction to strictly adhere to the guidelines contained therein.

25. Section 74 of the Indian Evidence Act, 1872 (Section 74(1) of the BSA) defines a “public document”, to be a document forming the Act or record of the Act of a sovereign authority, official body, tribunal, public officer, legislative, judicial or executive officer. The records of the various authorities passing quasi-judicial orders, which are referred to above are all public documents, and certified copies issued by such authorities, are essentially issued by the public officer having custody of such documents, in term of section 76 of the Evidence Act (Section 75 of the BSA) . The mode of issuing a certified copy of such public document is specified in Section 76 of the Evidence Act and once issued, such certified copy of a public document itself is to be considered as proof of the contents of the document as set out in Section 76 of the Act. Under Section 79 of the Evidence Act, (Section 79 of the BSA), Court shall presume to be genuine, every certified copy of such public document which is admissible as evidence of any particular fact.

26. Where quasi-judicial orders passed by such authorities, which include orders under the Goa Land Revenue Code 1968,

The Goa, Daman and Diu Mundkar's (Protection from Eviction) Act, 1975, The Goa Agricultural Tenancy Act 1964, The Goa, Daman and Diu Mamlatdar's Court Act, 1966, there are remedies provided to assail such orders, which may be of appeal or revision, or as provided by the particular enactment, which may specify periods of limitation for presentation of such proceedings to higher forum; obviously the period of limitation has to be reckoned from the date of the pronouncement of the order or when the Certified Copies were actually supplied to the parties and would have to factor in such deduction of period of time taken for the processing of the certified copy and its actual delivery by the Authorities. Unless there is a prescribed or set mechanism and procedure by which these Authorities endorse in their record the date when such Applications for Certified Copies are made, the date by which the Authority would communicate the certified copy, the date when such copy was actually ready for collection by the Applicant, and the date when it was actually collected, the presentation of the proceeding in a higher forum, where limitation is prescribed would experience certain difficulties.

27. In the present case, the certified copy of the judgment impugned before this Court does not contain any stamp or certification as to when the party applied for the certified copy, the date on which the authority communicated to the party, the certified copy was to be collected, the period taken by the authority to prepare the certified copy, the date when the copy was actually completed and ready and the date when the same was collected by the party. The period of limitation laid down in the Mundkar Act for filing a revision against the order, being sixty days, there is no manner in which the revisional authority could process, calculate or reckon whether the revision was presented within the period of limitation. In the Mundkar Act, Section 25 provides for a remedy of revision to the Administrative Tribunal, which shall be preferred, within the period of limitation prescribed under Section 28 of that Act which is sixty days from the date of the communication of the order of the Mamlatdar.

Section 28 makes the provision of Section 4, 5 12 and 14 of the Limitation Act, 1963 applicable to filing such appeals and revision applications.

28. Section 12 of the Limitation Act specifies which period of time, in a legal proceeding is required to be excluded whilst computing the period of limitation; it prescribes that the day on which the judgment is pronounced, and the time requisite for obtaining a copy of the judgment or order sought to be appealed or revised is to be excluded. In addition, the time requisite for obtaining a certified copy of the judgment is also to be excluded. Thus, in all such quasi-judicial proceedings, specially where a period of limitation is prescribed, and the provisions for exclusion of time such as the one contained in Section 12 of the Limitation Act are to be applied, it would be incumbent on the Authority or Court issuing certified copies of such orders which are public record, to specify all the relevant dates which would have to be taken into consideration for computing the period of limitation and for granting for exclusion of time as provided under these enactments.

29. Perusing the copy of the judgments dated 16.12.2023 issued as a certified copy to the Petitioner, there is absolutely no endorsement stamp or entry made therein of all the dates which would have to be considered for excluding the time

taken by the Authority to issue the certified copy and to permit the correct computation of the period of limitation. Even the copy of the proceeding sheet contain the operative part of the order dated 16.12.2023, which was challenged in revision, does not contain any stamp or endorsement of the office of the Deputy Collector as to the date on which the same was applied for, the date given for collection, when ready and when delivered. To fully ensure that these Authorities would admit the parties seeking to challenge their orders in a higher forum, the benefit of the exclusion of time permitted in computing limitation, it would be absolutely necessary for these Authorities to endorse on the Application for the Certified Copy presented by the parties and on the Certified Copy of the order or judgment issued to the parties, the following dates:

- (a) The date on which the Application for Certified Copy was received.
- (b) The date on which the Application was processed and completed by the dealing hand, which may include the endorsement of calculation of the cost of the

Certified Copy and necessary deposit to be made by the party.

- (c) The date when the Certified Copy is to be collected by the party
- (d) The date on which the Certified Copy was actually ready for being issued to the party and
- (e) The date when the party actually collects the Certified Copy.

30. It is only if all these dates are endorsed with clarity, and preferably with a stamp format, both on the Certified Copy Application and on the Certified Copy issued by the Authority, with all these dates also endorsed on the receipt issued to the Applicant, who is put to notice, of the date for collection of the Certified Copy, that the period of limitation can be correctly computed and the period taken for issuing a Certified Copy can be excluded therefrom. This would also facilitate the Appellate / Revisional or higher forum to calculate the correct period of limitation and raise its objections, if such proceeding is filed beyond the period of limitation, such procedure if followed, would also facilitate the higher forum in considering

the applications for condonation of delay in filing proceedings with greater ease.

31. It must also be noted that though the Circular dated 16.10.2006 specifies that if an urgent Certified Copy is applied for it shall be issued not later than two days, these directions are seldom followed. In fact, if the reasoned judgment or order is on the record of the file with running pagination, there could be no valid reason why the same could not be issued immediately on being applied for, by the party, and there would be no cause for allowing two days to elapse before issuing the same. As far as possible therefore, the urgent Certified Copy of an order ought to be issued immediately on the application being received or at most within 48 hours, after endorsing on the receipt issued to the Applicant, the specific date on which he is required to collect the urgent Certified Copy.

32. On considering the above circumstances, the orders and directions given by this Court including the inquiry conducted and the subsequent action taken against the concerned officer i.e the Respondent No.1, I am of the view that challenge to

the legality of the impugned orders dated 16.12.2023 are now to be examined by the Administrative Tribunal before whom the Revisions are pending, to be considered and adjudicated on its own merits.

33. Accordingly, the Goa Administrative Tribunal, before whom the Mundkar Revision Applications are pending, shall now consider all the facts and circumstances, including the sequence of events concerning the pronouncement of the operative order in the Proceedings Sheet dated 16.12.2023, already before it and the subsequent furnishing of the detailed reasoned order dated 16.12.2023, on 06.01.2024. It would be relevant to state that the revisions preferred by the Petitioner before the Administrative Tribunal are within limitation, since they were filed on 03.01.2024, and the Proceeding Sheet orders were passed on 16.12.2023; hence the Tribunal shall take into consideration the date on which the reasoned order was made available to the parties i.e 06.01.2024, and considering that the present petition has been filed on 17.02.2024, within the period of limitation, it shall dispose of

the Revision Applications considering both sets of order to have been challenged within limitation.

ORDER

(a) Considering that Mundkar Revision Applications bearing Nos. 03/2024 and 02/2024 were filed on 03.01.2024, to challenge the orders dated 16.12.2023 passed in the proceeding sheet of Mundkar Appeal number DCP/MND/APL/3-9/2023 before the Deputy Collector, is pending before the Administrative Tribunal, the relief sought in prayer clause (a) cannot be granted; however, the Petitioner shall file in the Mundkar Revision Applications No. 03/2024 and 02/2024 before the Administrative Tribunal, the certified copies of the detailed orders, both dated 16.12.2023, challenged in this petition, and shall be permitted by the Tribunal to amend the Memo of Revision to throw a challenge to the said orders on all grounds available, including the grounds urged in this petition. A formal application stating the

amendments to be carried out with grounds of challenge, shall be placed before the Tribunal, for record, which shall be allowed, and the Petitioner be permitted to incorporate such amendment in the Revision Application. The application for amendment shall be filed within two weeks from today.

Mr. Deepak Gaonkar appearing, for the Respondents, submits that objection with respect to the limitation period will not be raised in the Tribunal. Considering that the present petition has been filed on 17.02.2024, within the period of limitation, no objection shall be raised by the contesting parties to the amendment of the Memo of Revision before the Tribunal.

(b) The Administrative Tribunal shall hear and dispose of the amended Mundkar Revision Application, preferably within three months of the passing of this order.

(c) In view of the observations made in this Judgment, as to the irregular procedure being followed by the Revenue Authorities acting in their capacity as quasi-judicial

authorities, deciding cases under the Goa Land Revenue Code 1968, The Goa, Daman and Diu Mundkar's (Protection from Eviction) Act, 1975, The Goa Agricultural Tenancy Act 1964, The Goa, Daman and Diu Mamlatdar's Court Act, 1966 and such other statutes where quasi-judicial powers are conferred on these authorities, it is deemed appropriate to issue certain directions to streamline the procedure for passing Judgments/Orders and issuing certified copies thereof to the parties.

(i) In all cases where a Judgment or Order is passed, the same shall be pronounced by the Authority in open Court, in the presence of the parties, at which time the order may be signed by the authority; an entry of the operative part of the order shall simultaneously be made in the Proceeding Sheet/Roznama, where the signature of the parties or their Advocates shall be taken.

(ii) The original of the Judgment or Order pronounced in the open Court shall be placed in the

concerned file with running pagination, such that there is no means by which the same can be placed on the file at any later date. The order or Judgment shall contain the Name/Code of the dealing hand or typist who has typed the order.

(iii) When a certified copy of the Order or Judgment is requested by the parties, in all cases, the Authority shall always issue a copy of the entire Judgment, and not just the operative part contained in the Proceeding Sheet/Roznama; in addition, if requested, certified copy of the Proceeding Sheet may also be issued in addition to the reasoned Judgment/Order.

(iv) These directions shall be in addition to the Circular No. 11/3/2006-LD/ESTT dated 16.10.2006 issued by the Under Secretary, which was issued pursuant to directions and guidelines given by this Hon'ble Court in Writ Petition No 281/06, vide order dated 24.08.2006.

(v) Application for Certified Copy shall be part of the record of the file with running paginations.

(vi) All these Authorities shall endorse a stamp on the Application for the Certified Copy presented by the parties, and also on the Certified Copy of the order or judgment issued to the parties, the following dates:

- a. The date on which the Application for Certified Copy was received.
- b. The date on which the Application was processed and completed by the dealing hand, which may include the endorsement of calculation of the cost of the Certified Copy and necessary deposit to be made by the party.
- c. The date when the Certified Copy is to be collected by the party.
- d. The date on which the Certified Copy was actually ready for being issued to the party and

e. The date when the party actually collects the Certified Copy.

(vii) The Authority shall issue to the party applying for a Certified Copy of the record, a receipt endorsing the specific date on which the party is required to collect the Certified Copy. In all cases where the Certified Copy was not completed and ready on the date of collection, the Authority shall endorse the extended date for collection, on the Certified Copy issued, the application for Certified Copy and on the receipt presented by the party when he approaches the Authority to collect the Certified Copy.

(viii) Chief Secretary/ Secretary Law is requested to circulate this order to all the Authorities discharging quasi-judicial powers under the Acts mentioned in paragraph (c) above, working under their administration in the State of Goa; if desirable, they may issue a circular to that effect, which shall be in addition to Circular No. 11/3/2006-LD/ESTT dated 16.10.2006.

34. The Writ Petition stands disposed of in the above terms.

VALMIKI MENEZES, J.