



Andreza

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO. 758 OF 2024

Rita Fernandes alias Ritina Fernandes ... Petitioner

V e r s u s

Union of India, Ministry of Home Affairs & 3 ... Respondents
Ors.

Mr. John A. Lobo, Advocate for the Petitioner.

Mr. Pravin Faldessai, Deputy Solicitor General of India, for the Respondents.

**CORAM: M. S. KARNIK &
NIVEDITA P. MEHTA, JJ.**

DATE: 25th November, 2024

ORDER

1. We have heard learned Counsel Shri Lobo for the petitioner and Shri Faldessai, learned Deputy Solicitor General of India, for the respondents.

2. Having gone through the materials and the impugned order, we are satisfied that the present petition can be disposed of in the same terms as paragraph 45 of the Order of this Court in **Shane Francisco Dias vs. Union of India, through Ministry of Home Affairs & Ors.**¹ Paragraph 45 reads thus :

¹ 2019 SCC OnLine Bom 4922

“45. We, therefore, have no hesitation in declaring the impugned Order dated 8th October, 2010 as a nullity, or in any case, quashing and setting aside the same. We, however, clarify that this will not preclude Respondents No.1 and 2 from initiating fresh proceedings in terms of the provisions of the E.P. Act and the E.P. Rules, 2015 if they are satisfied that there exists any material or grounds for doing so. If any decision is taken to initiate fresh proceedings in relation to the property which is subject matter of this petition, then, needless to observe, that the Respondents will have to abide by the detailed procedure prescribed under the E.P. Rules, 2015, including, in particular, the procedure prescribed in Rules 3 and 4 of the E.P. Rules, 2015.”

3. The facts and issues that arise in the present petition are in no manner different than the one that arose in **Shane Francisco Dias vs. Union of India, through Ministry of Home Affairs & Ors.** (supra). Accordingly, the present petition is disposed of in the following terms:

(a) The impugned order at Exhibit P-8 dated 05.02.2021 is quashed and set aside.

(b) We direct the respondents to restore the names of Rita Colaco and Quiteria Colaco in the survey records relating to the property which is subject matter of the present petition.

(c) We grant liberty to the respondents to take fresh steps in relation to the property which is subject matter of the present petition in terms of E.P. Act, 1968 and E. P. Rules 2015 and, in the opinion of the respondents, there exist grounds for taking such steps.

4. No costs.

NIVEDITA MEHTA, J.

M. S. KARNIK, J.