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The Goa, Daman and Diu Mamlatdar's Court Act, 1966

1. **The Goa, Daman and Diu Mamlatdar's Court Act, 1966 (No. 9 of 1966) [26th October, 1966]** published in the Official Gazette, Series I No. 32 dated 10th November, 1966 and came in to force w.e.f. 21-11-1966 in Goa area, w.e.f. 2-11-1967 in Daman area & 23-1-1967 in Diu area.
2. **The Goa, Daman and Diu Mamlatdar's Court (Amendment) Act, 1972 (No. 1 of 1973) [2nd March, 1973]** published in the Official Gazette, Series I No. 50 dated 15th March, 1973 and come into force w.e.f. 16-5-1974
3. **The Goa, Daman and Diu Mamlatdar's Court (Amendment) Act, 1975 (No. 17 of 1975) [28th October, 1975]** published in the Official Gazette, Series I No. 32 dated 6th November, 1975 and came in to force at once.

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GOVERNMENT OF GOA, DAMAN AND DIU
Legislative Assembly of Goa, Daman and Diu
Legislature Department

LA/2017/66

The following Act passed by the Legislative Assembly of Goa, Daman and Diu received the assent of the President of India on the 26th October, 1966 and is hereby published for general information.

The Goa, Daman and Diu Mamlatdar's Court Act, 1966

(No. 9 of 1966) [26th October 1966]

AN

ACT

to constitute courts of Mamlatdars and to regulate their powers and procedure and matters connected therewith.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Seventeenth Year of the Republic of India as follows:

1. Short title, extent and commencement.— (1) This Act may be called the Goa, Daman and Diu Mamlatdar's Court Act, 1966.

(2) It extends to the whole of the Union Territory of Goa, Daman and Diu.

(3) It shall come into force on such date as Government may, by notification in the Official Gazette, appoint and different dates may be fixed for different areas.

2. Definitions.— In this Act, unless there is anything repugnant in the subject or context—

(a) "Agriculture" with its grammatical variations and cognate expressions, means raising of useful or valuable products which derive nutriment from the soil with the aid of human labour and skill and includes horticulture, dairy farming, poultry farming, stock breeding, grazing and pisciculture;

(b) "Government" means the Government of Goa, Daman and Diu;

(c) "Mamlatdar" means a person appointed as a Mamlatdar by Government and includes a Joint Mamlatdar;

(d) "Mundcar" shall have the same meaning as is assigned to it in the Legislative Diploma No. 1952 dated the 26th November, 1959, as in force for the time being;

(e) the words "plaintiff" and "defendant" shall include

(i) a pleader duly appointed to act on behalf of such plaintiff or defendant and

(ii) the recognized agent of a plaintiff or defendant as defined in Order III Rule 2 of the Code of Civil Procedure;

(f) "Prescribed" means prescribed by rules made under this Act;

(g) "Village Officer" means such officer as Government may, from time to time, specify by notification in the Official Gazette as being a Village Officer.

3. Appointment and Functions of Joint Mamlatdar.— (1) Government, may, by notification in the Official Gazette, appoint in any taluka a Joint Mamlatdar under this Act who shall be invested with co-extensive powers and a concurrent jurisdiction with the Mamlatdar, except that he shall dispose of such suits or proceedings only as he may receive from the Mamlatdar, or may be transferred to him by the Collector or by Government.

(2) The Mamlatdar may transfer to a Joint Mamlatdar any suit or proceeding under this Act which has been instituted in his court and re-transfer to his own file any such suit or proceeding:

Provided however that no suit or proceeding shall be transferred or re-transferred after any evidence has been recorded therein.

4. Powers of Mamlatdar's Court. — (1) Every Mamlatdar shall preside over a Court, which shall be called a Mamlatdar's Court, and which shall subject to the provisions of sections 5 and 24 have power, within such territorial limits as may, from time to time, be fixed by Government by notification in the Official Gazette—

(a) to remove or cause to be removed any impediment erected otherwise than under due authority of law, to the natural or customary flow in a defined channel or otherwise of any surface water rising in or falling on any land used for agriculture or for trees or other crops, on to any adjacent land, where such impediment causes or is likely to cause damage to the land used for such purposes or to any grazing, trees or crops thereon;

(b) to give immediate possession of any lands or premises used for agriculture or trees or crops, or fisheries, or to restore the use of water from any well, tank, reservoir, canal or water-course, whether natural or artificial used for agricultural purposes to any person who has been dispossessed or deprived thereof otherwise than under due authority of law, or who has become entitled to the possession or restoration thereof by reason of the determination of any tenancy or other right of any other person, not being a person who has been a former owner or part-owner, within a period of twelve years before the institution of the suit, of the property or use claimed, or who is the legal representative of such former owner or part-owner;

(c) to remove or cause to be removed any refuse, mining reject or other substance which has been dumped or placed otherwise than under due authority of law on any agricultural land;

(d) to give immediate possession of any dwelling house situated in any land used for purposes of agriculture to any tenant or agricultural labourer who has been dispossessed or deprived thereof otherwise than under due authority of law;

(e) to give immediate possession to a mundcar of any dwelling house held by him as such of which he has been dispossessed or deprived otherwise than under due authority of law;

(f) to restore or cause to be restored any right of way which has been obstructed or encroached upon otherwise than under due authority of law;

(g) to restore or cause to be restored any right to use or take water for purposes of irrigation or domestic use of which any person has been deprived otherwise than under due authority of law.

(2) The said Court shall also, have power within the said limits, where any impediment referred to in clause (a) of sub-section (1) is erected, or an attempt has been made to erect it, or when any refuse, mining reject or other substance is placed or sought to be placed, otherwise than by due authority of law on any agricultural land, or when any person, is otherwise than under due authority of law disturbed or obstructed, or when an attempt has been made so to disturb or obstruct any person in the possession of any lands or premises used for agriculture or trees, or crops or fisheries, or in the use of water from any well, tank, reservoir, canal or water-course, whether natural or artificial, used for agricultural or domestic purposes, or any such dwelling house as is referred to in clause (d) of sub-

section (1), or in the use of roads or a right of way thereto, to issue an injunction to the person erecting or who has attempted to erect such impediment, or causing, or who has attempted to cause, such 'disturbance or obstruction requiring him to refrain from erecting or attempting to erect any such impediment or from causing or attempting to cause any further such disturbance or obstruction.

(3) No suit shall be entertained by a Mamlatdar's Court unless it is brought within one year from the date on which the cause of action arose:

Provided however that a suit in respect of which the cause of action arose before the commencement of this Act may, if it is otherwise not barred by any law for the time being in force, be entertained within one year of such commencement.

(4) The cause of action shall be deemed to have arisen on the date on which the impediment to the natural or customary flow of surface water or the dispossession, deprivation, obstruction, encroachment or determination of tenancy or other right or the unauthorised dumping occurred, or the attempted impediment or disturbance or dispossession or obstruction or encroachment or dumping or deprivation first commences.

Explanation:— The exercise by a joint owner of any right which he has over the joint property is not a dispossession, or disturbance of possession of the other joint owner or owners within the meaning of this section.

5. Power of Collector to transfer suit.— (1) The Collector may, upon the application of a party, after due notice to the other parties, for reasons to be recorded, by order in writing, transfer any suit or proceeding at any stage from any Mamlatdar's Court in his district to any other Mamlatdar's Court in his district and the Mamlatdar's Court to which the case is so transferred shall thereupon exercise jurisdiction in such suit, but any order issued to village officers under section 20 shall be issued by the Mamlatdar to whom such village officers are subordinate.

(2) The Collector may also similarly transfer a suit or proceeding from a Mamlatdar to a Joint Mamlatdar and from a Joint Mamlatdar to a Mamlatdar.

6. Suits commenced by plaintiff Contents of plaintiff.— All suits under this Act shall be commenced by a plaintiff which shall be presented to the Mamlatdar in open Court or to any person authorised by him, by the plaintiff, and which shall contain the following particulars:

- (a) the name, age, profession and place of abode of the plaintiff and the defendant;
- (b) the nature and situation of the impediment erected and the situation of the lands which are adjacent to each other, and the nature of the relief sought, or
- (c) the nature and situation of the property of which possession or use is sought, or
- (d) the nature of the injunction to be granted, or
- (e) the nature and situation of the land and of the refuse or other substance which has been dumped thereon, and the circumstances of the dumping, or
- (f) the nature and situation of the right of way, which has been obstructed or encroached upon, and the nature of the obstruction or encroachment, or

- (g) the nature of the right to water of which there has been deprivation;
- (h) the date on which the cause of action arose;
- (i) the circumstances out of which the cause of action arose; and
- (j) a list of the plaintiff's documents, if any, and of his witnesses, if any, and whether such witnesses are to be summoned to attend, or whether the plaintiff will produce them on the day and at the place to be fixed under section 13.

7. Informal petitions to be treated as plaints.— Where a petition not in the form of a plaint is presented under section 6 and the subject matter thereof appears to fall within the scope of section 4, the Mamlatdar shall explain to the person presenting the petition the nature of the reliefs afforded by this Act and shall inquire whether the petitioner desires to obtain relief thereby. If the petitioner expresses a desire so to obtain relief, the Mamlatdar shall endorse the desire on the petition which shall thereupon be deemed to be a plaint presented under section 6.

8. Examination of plaintiff on oath.— Where the plaint does not contain the particulars specified in section 6 or is unnecessarily prolix, or is otherwise defective, the Mamlatdar shall examine the plaintiff upon oath and ascertain from him such of the particulars specified in section 6 as are not clearly and correctly stated in the plaint or are necessary for rectifying the defects noticed in the plaint, and shall reduce the examination to writing in the form of an endorsement on or annexure to the plaint which shall thereupon be deemed to be part of the plaint.

The record of such writing shall be read over or translated to the plaintiff in a language understood by him and his signature obtained thereon.

Where the plaintiff requires time to obtain any of the particulars specified in section 6 or to rectify the defects the Mamlatdar shall grant him such time as may under all the circumstances appear reasonable.

9. Plaint to be subscribed and verified.— When the plaint is presented, and has if necessary been treated in the manner specified in section 8, the Mamlatdar shall require the plaintiff to subscribe and verify the plaint in his presence, in open Court, in the manner following or to the like effect:—

“I, A. B. the plaintiff, do hereby declare that what is stated in this plaint is true to the best of my information, knowledge and belief”.

10. Endorsement by Mamlatdar.— (1) The Mamlatdar shall endorse the plaint to the effect that it was duly subscribed and verified.

(2) Where the plaintiff cannot write, the verification may be written for him in open Court and he shall affix his mark to his name in token of the authenticity of the verification, and the Mamlatdar shall, in such case, record that the verification was made in his presence at the request of the plaintiff and that his mark was so affixed.

11. Rejection of plaint.— The Mamlatdar shall reject the plaint —

- (a) where the plaintiff declines to make a statement on oath under section 8, or

(b) where the plaintiff is willing to make or has made a statement on oath under section 8, but fails to furnish the particulars specified in section 6 within the time fixed under section 8 or altogether, or

(c) where it appears upon the face of the plaint —

(i) that the relief claimed is not, one of the kind specified in section 4, or

(ii) that the suit is barred under sub-section (3) of section 4, or

(d) where the plaintiff declines to subscribe or verify the plaint as required by sections 9 and 10.

12. Return of plaint.— Where it appears to the Mamlatdar that the subject of the plaint is not within his jurisdiction, he shall, after hearing the plaintiff, return the plaint to be presented to the proper Court.

13. Procedure where plaint admissible.— (1) Where a plaint is admissible, the Mamlatdar shall receive and file it and shall grant a receipt in the prescribed form. He shall as soon as may be thereafter fix a day and place for the trial of the case, and shall issue, at the expense of the plaintiff, notice in the prescribed form to the defendant. He shall then require the plaintiff to appear with his documents, if any, and witnesses if any, on the day and at the place fixed.

(2) The date to be fixed for the trial of the case shall not be later than fifteen days from the day on which the notice is issued, except for sufficient reason to be recorded in writing by the Mamlatdar with his own hand.

(3) The place to be fixed for the trial of the case may be in the Mamlatdar's office, or at or near the scene of dispute or at any other spot that the Mamlatdar considers convenient to the parties.

14. Attendance of witnesses.— (1) Where either party requires any witness to be summoned to appear on the day and at the place fixed, the Mamlatdar shall issue a summons for that purpose.

(2) The Mamlatdar may issue, after recording his reasons in writing a warrant for the arrest of any such witness if at such time he fails to appear and the summons is proved to have been duly served in time to admit of his appearing in accordance therewith and no reasonable excuse is offered for such failure.

15. Effects of default and withdrawal of suits.— (1) Where the plaintiff fails to attend, or to produce his documents, if any, or to adopt measures to procure the attendance of his witnesses, if any, on the day and at the place fixed, the Mamlatdar shall reject the plaint with costs, whether the defendant appears or not, unless the defendant admits the claim.

(2) Where the plaintiff attends as required by sub-section (1) of section 13 but the defendant fails to attend, and the Mamlatdar is satisfied from the evidence before him that the notice has been duly served on the defendant and in sufficient time to enable the defendant to appear and answer on the day fixed in the notice, he shall proceed to hear and decide the plaint ex-parte:

Provided that if either party satisfies the Mamlatdar at any time within thirty days from the date of the rejection of a plaint or decision of the case ex-parte that he was prevented by some sufficient cause from attending, or from producing his documents or from adopting measures to procure the attendance of his witnesses, as the case may be, it shall be lawful for the Mamlatdar to issue a notice in the prescribed form at the expense of the applicant, to the opposite party and, if still satisfied after hearing the opposite party that the applicant was prevented as alleged, after recording his reasons, to re-hear the case at such time and place as he may then fix:

Provided further, that nothing in the foregoing provisions shall prevent the plaintiff from withdrawing his suit on payment of the defendant's costs.

16. When proceedings may be adjourned.— (1) Where in the case mentioned in sub-section (2) of section 15 the Mamlatdar is not satisfied from the evidence before him that the notice has been duly served on the defendant, and in sufficient time to enable the defendant to appear and answer on the day fixed in the notice, he shall adjourn the trial of the case and issue a fresh notice under sub-section (1) of section 13 to the defendant.

(2) Where any witness who has been duly summoned, or for whose arrest a warrant has been issued under sub-section (2) of section 14, fails to attend on the day and at the place fixed, the Mamlatdar may, for sufficient reasons to be recorded in writing, after taking the evidence of those present, adjourn the hearing of the suit from time to time till the attendance of such witness can be enforced:

Provided however that the Mamlatdar may, if he is satisfied for reasons to be recorded in writing that the evidence of any witness is not relevant or material, or that his presence is sought only for the purposes of vexation or delay or for defeating the ends of justice, decline to adjourn the hearing as aforesaid.

(3) The Mamlatdar may, for any other sufficient reason to be recorded in writing adjourn the trial of the case for such time as he thinks fit, but not ordinarily exceeding ten days.

(4) The provisions of sections 14 and 15 shall apply in respect of any day to which the trial of the case may be adjourned under this section, as if such day were the day originally fixed for the trial.

17. Parties to suits.— (1) A minor may sue or be sued, if he is represented by a natural or duly appointed guardian.

(2) The Mamlatdar may, at any stage of the proceedings order that the name of any person to whom possession or enjoyment of the property or use claimed, or of any part thereof, may have been transferred, or the addition of whom as a party appears necessary in order to enable the Court effectually and completely to adjudicate upon the issues, be added as a plaintiff or defendant, as the circumstances of the case may require:

Provided that no person shall be added as a plaintiff without his consent:

Provided further that in respect of any person so added not being a transferee pending the suit, the suit shall for the purposes of sub-section (3) of section 4, be deemed to have been instituted on the day when his name was so added.

(3) In case of the death of any party while the suit is pending;

(i) if application is made within one month of such death, the Mamlatdar shall determine summarily who is the legal representative of the deceased party and shall enter on the record the name of such representative;

(ii) if no such application is made, the suit shall abate.

(4) Where the Mamlatdar orders the name of any person to be added as a defendant or enters on the record the name of any person as the legal representative of a deceased defendant the Mamlatdar shall issue to such person a notice as provided in section 13, and the trial shall proceed on the date fixed in such notice.

18. Procedure and powers of Mamlatdar's Court.— (1) On the day fixed or on any day to which the proceedings may have been adjourned, the Mamlatdar shall, subject to the provisions of section 15 proceed to hear all the evidence that is then and there before him, and to try the following issues, namely:—

(a) If the plaintiff avers that the natural flow of surface water from his land has been impeded by any erection raised by the defendant causing damage or likelihood of damage to the plaintiffs land or to any grazing, trees or crops thereon—

(i) whether surface water flowed in a defined channel or otherwise, naturally or customarily from plaintiff's land on to the defendant's land;

(ii) whether the defendant erected any impediment to such flow, otherwise than under due authority of law;

(iii) whether the suit was filed within the time allowed by sub-section (3) of section 4;

(iv) whether such impediment has caused or is likely to cause damage to plaintiff's land or to any grazing, trees or crops thereon;

(b) If the plaintiff avers that he has been unlawfully dispossessed of any property or deprived of any use —

(i) whether the plaintiff or any person on his behalf or through whom he claims was in possession or enjoyment of the property or use claimed;

(ii) whether the defendant is in possession at the time of the suit, and, if so, whether he obtained possession otherwise than by due course of law;

(iii) whether the suit was filed within the time allowed by sub-section (3) of section 4;

(c) If the plaintiff avers that he is entitled to possession of any property or restoration of, any use by reason of the determination of any tenure or other right of the defendant in respect thereof—

(i) whether the defendant is in possession of the property or in the enjoyment of the use by a right derived from the plaintiff or from any person through whom he claimed;

(ii) whether the suit was filed within the time allowed by sub-section (3) of section 4;

(iii) whether the defendant is other than a person who has been a former owner or part-owner within a period of twelve years before the institution of the suit of the property or use claimed, and other than the legal representative of such former owner or part-owner.

(d) If the plaintiff avers that he is still in possession of the property or in the enjoyment of the use, but that the defendant disturbs or obstructs, or has tempted to disturb or obstruct him in his possession or use—

(i) whether the plaintiff or any person on his behalf is actually in possession or enjoyment of the property or use claimed;

(ii) whether the defendant is disturbing or obstructing or has attempted to disturb or obstruct him in such possession or enjoyment;

(iii) whether the suit was filed within the time allowed by sub-section (3) of section 4.

(e) If the plaintiff avers that he is in possession of any agricultural land, and that the defendant has placed, or threatens to place any refuse, mining reject or other substance thereon—

(i) whether the plaintiff or any person on his behalf is actually in possession or enjoyment of the land in question;

(ii) whether the defendant has placed or is attempting to place any refuse, mining reject or other substance, without due authority of law;

(iii) whether the suit was filed within the time allowed by sub-section (3) of section 4.

(f) If the plaintiff avers that he is entitled to a right of way and that the defendant has obstructed or has encroached upon it—

(i) whether the plaintiff or any person on his behalf was in beneficial enjoyment of the right of way;

(ii) whether the defendant has obstructed or encroached upon it otherwise than under due authority of law;

(iii) whether the suit was filed within the time allowed by sub-section (3) of section 4.

(g) If the plaintiff avers that he has been deprived of any right to use or take water for purposes of irrigation or domestic use—

(i) whether the plaintiff or any person on his behalf was in enjoyment of the right to use or take water;

(ii) whether the defendant has deprived the plaintiff of such right otherwise than under due authority of law;

(iii) whether the suit was filed within the time allowed by sub-section (3) of section 4.

(2) The Mamlatdar may, after due notice to, and in the presence of the parties, summon and examine as a witness any person who has not been summoned or produced, and may call for and cause to be proved any document which has not been applied for or produced, by either of the parties, where he considers it expedient in the interests of justice so to do, and may, if he thinks fit, make a personal inspection of the property in dispute in the presence of, or after due notice to, the parties.

He shall after hearing the parties if present record on the spot without unnecessary delay a memorandum of any relevant facts observed at such inspection. The memorandum shall form part of the record of the case.

(3) The Mamlatdar shall make or cause to be made a memorandum of the substance of the evidence of each witness as the examination of the witness proceeds. The memorandum shall be signed by the Mamlatdar, read over or explained to the witness and his signature obtained thereon.

(4) Where the Mamlatdar's finding upon the issues for which he shall briefly record his reasons, is in favour of the plaintiff, he shall make such order, as the circumstances of the case appear to him to require, and where his finding is in favour of the defendant, he shall dismiss the suit. In either case the costs of the suit including the costs of execution shall follow the decision except in special circumstances for reasons to be recorded in writing by the Mamlatdar.

19. Mamlatdar's order to be endorsed on plaint and read out in open Court.—

Every order of the Mamlatdar, whether for rejecting or returning a plaint or whether for allowing or disallowing a claim shall be endorsed by the Mamlatdar on the plaint and shall be read out by him in open court, either at once or on some future day of which due notice shall be given to the parties or their pleaders, and brief reasons for the order shall be placed by him on record.

20. Mamlatdar's decision how executed.— (1) Where the Mamlatdar's decision is for removal of an impediment or unauthorisedly dumped refuse or an encroachment or for awarding possession or restoring a use, he shall give effect thereto forthwith by issuing such orders to the village-officers, or to any subordinate under his control or otherwise, as he thinks fit or in such other manner as may be prescribed and may use or cause to be used such force as may be reasonably necessary for that purpose. The cost of removing such impediment, refuse or encroachment by the Mamlatdar shall be recoverable from the defendant as arrears of land revenue:

Provided that notwithstanding anything contained in this Act, where at the time when a decision is recorded by the Mamlatdar for award of possession of any land, there is a crop on such land which has been sown by or at the expense of the defendant, and the Mamlatdar is satisfied that it has been so sown in good faith, the Mamlatdar may, and if the defendant makes an application for the purpose and furnishes sufficient security, or

deposits in Court a sufficient sum for the payment of the costs of the suit, shall pass an order staying delivery of possession of such land to the plaintiff seeking possession thereof, either—

(a) until the plaintiff agrees to take the crop at a valuation to be made under the orders of the Mamlatdar according to the value of the crop at such time, including any instalments of the Government assessment which the defendant may have paid for the current year; or

(b) where the plaintiff is unwilling to take the crop at such valuation until after the expiration of sufficient time for the crop to be gathered by the defendant.

The amount of any valuation made under clause (a) of the proviso to this sub-section shall be paid to the defendant through the Mamlatdar, and shall be recoverable from the plaintiff as an arrear of land revenue.

(2) Where the Mamlatdar's decision is for granting an injunction, he shall cause the same to be prepared in the prescribed form and shall deliver or tender the same then and there to the defendant, if present or if the defendant is not present, shall send it to the village-officers, or to any subordinate under his control to be served upon the defendant.

(3) Where the Mamlatdar awards costs, such costs, together with the costs of execution shall be recoverable from the party ordered to pay them as an arrear of land revenue.

(4) Any person disobeying an injunction granted under sub-section (2) shall be punishable under section 188 of the Indian Penal Code.

21. Possession to be given without prejudice to rights of parties.— Subject to the provisions of sub-section (2) of section 22 the party in favour of whom the Mamlatdar issues an order for removal of an impediment or refuse or the party to whom the Mamlatdar gives possession or restores a use, or in whose favour an injunction is granted, shall continue to have the surface water upon his land flow unimpeded on to adjacent land or continue in possession or use, of the land, dwelling house, right of way or right to water, as the case may be, until otherwise decreed or ordered, or until ousted, by a competent Civil Court:

Provided, that nothing in this section shall prevent the party against whom the Mamlatdar's decision is passed from recovering by a suit in a competent Civil Court mesne profits for the time he has been kept out of possession of any property or out of enjoyment of any use or the cost of removing the impediment, refuse or encroachment:

Provided, further, that in any subsequent suit or other proceeding in any Civil Court between the same parties, or other persons claiming under them the Mamlatdar's decision respecting the possession of any property or the enjoyment of any use or right or respecting the title to or valuation of any crop dealt with under the proviso to sub-section (1) of section 20, shall not be held to be conclusive.

22. Collector's powers of revision.— (1) subject to the provisions of sub-section (2) every order passed by a Mamlatdar under this Act, shall be final.

(2) The Collector may, his own motion or on an application made by the aggrieved party, or on a direction by Government call for and examine the record of any suit or

proceeding under this Act, and if he considers that any proceeding, finding or order in such suit is illegal or improper, may, after due notice to the parties, pass such order thereon, not inconsistent with this Act, as he thinks fit:

Provided that no record shall be called for after the expiry of sixty days from the date of the order, unless an application for that purpose, or a direction to that effect has been received by the Collector within the aforesaid period.

(3) Government may, by notification in the Official Gazette, authorise any officer not below the rank of a Deputy Collector to exercise all the powers of the Collector under this section.

(4) When the Collector, or any officer authorised under sub-section (3), takes any proceedings under this section he shall be deemed to be a Court under this Act.

¹[(5) While taking proceedings under this section if the Collector, or any officer authorized under sub-section (3), is of the opinion that it is necessary to take such additional evidence he may remand the case for disposal with such direction as he deems fit.].

23. Punishment for verification of false plaint.— Any plaintiff subscribing and verifying any plaint under this Act which he either knows or believes to be false, or does not believe to be true, in any material point, shall be deemed to have committed an offence punishable under section 193 of the Indian Penal Code.

24. Bar of certain suits.— No, suit shall lie under this Act—

(a) against Government or against any Government officer in respect of any act done or purporting to be done by any such officer in his official capacity, except where acting as a manager or guardian duly constituted under any law for the time being in force; or

(b) in respect of any removal of any impediment or refuse or of any dispossession, recovery of possession or disturbance of possession, that has been the subject of previous proceedings, to which the plaintiff or his predecessor in interest was a party, under this Act, or in a Civil Court, or under Chapter XII of the Code of Criminal Procedure, 1898 (V of 1898).

25. Authority to confer additional power.— Government may, by notification in the Official Gazette, invest a Mamlatdar with such powers of a Civil Court as may be specified, for the purposes of this Act.

26. Power to make rules.— (1) Government may, by notification in the Official Gazette, make rules generally to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for all or any of the following matters, namely:—

(a) the mode of issue and service of a summons or notice under this Act;

(b) the execution of orders and warrants issued by a Mamlatdar's Court;

¹ Inserted by the Amendment Act No. 17 of 1975.

(c) the payment of costs incurred in procuring the attendance of witnesses;

(d) the scale of costs to be awarded to the successful party;

²[]

(f) the books, registers and accounts to be maintained and the returns to be submitted by the Mamlatdar;

(g) any other matter which has to be or may be prescribed.

(3) All rules made under this Act shall be laid on the table of the Legislative Assembly after they are made and shall be subject to such modifications as the Assembly may make during the session in which they are so laid or the session immediately following.

27. Government's power to give directions.— (1) Government shall have powers to issue directions or orders to the Mamlatdar and the Collector to give effect to the provisions of this Act and the rules made thereunder.

(2) Without prejudice to the generality of the foregoing, Government may

(a) call for returns;

(b) direct the transfer at any stage of any suit or proceeding from one Mamlatdar's Court to another Mamlatdar's Court in the same district;

(c) issue such general directions and provide for regulating the practice and procedure of Mamlatdars' Courts.

28. Bar on appearance by Pleaders.— Notwithstanding anything contained in this Act or any law for the time being in force, no pleader shall be entitled to appear on behalf of any party in any proceedings under this Act before the Mamlatdar:

Provided that the Mamlatdar may, in the interests of justice and for reasons to be recorded in writing, allow the parties to be represented at their own cost by a pleader:

Provided further that pleader's fees shall not be allowed as part of the costs in any such proceedings:

Provided also that if any officer of Government is appointed or declared by a competent court or is authorised under any law for the time being in force as a guardian, administrator or manager of the property of a person who is under a legal disability or is incompetent or unable to manage or to act, such officer shall be entitled to appear through a representative authorised by him in writing in this behalf in any proceedings before the Mamlatdar.

² Deleted by the Amendment Act No. 1 of 1973.

Explanation:— For the purpose of this section the expression “pleader” includes an advocate, attorney, vakil or any other legal practitioner and does not include a representative of Farmers Organisation.

29. Power to remove difficulties.— If any difficulty arises in giving effect to the provisions of this Act, Government may, by order as occasion requires, do anything (not inconsistent with this Act) which appears to it to be necessary for removing the difficulty.

Secretariat,
Panjim,
November 7, 1966.

P. B. VENKATASUBRAMANIAN,
Secretary to the Government of Goa,
Daman and Diu.

The Goa, Daman and Diu Mamlatdar's Court Rules, 1967

Revenue Department

Notification

RD/M/ACT/RLS/66/67

In exercise of the powers conferred by Section 26 of the Goa, Daman and Diu Mamlatdar's Court Act, 1966, the Government is pleased to make the following rules:—

The Goa, Daman and Diu Mamlatdar's Court Rules, 1967

1. Short title and commencement.— (i) These Rules may be called the Goa, Daman and Diu Mamlatdar's Court Rules, 1967.

(ii) These shall come into force at once.

2. Definitions.— In these rules, unless there is anything repugnant to the subject or context:—

(a) "Act" means the Goa, Daman and Diu Mamlatdar's Court Act, 1966.

(b) "Form" means a form appended to these Rules;

(c) "Section" means a Section of the Act;

(d) Words and expressions used, but not defined, in these Rules shall have the meanings assigned to them in the Act.

3. Forms of receipt and notice under section 13.— (1) The receipt to be granted by the Mamlatdar under sub-section (1) of Section 13 shall be in Form I.

(2) The notice to be issued to the defendant under sub-section (1) of section 13 shall be in Form II.

4. Form of notice under ¹[] Section 15.— The notice to be issued by the Mamlatdar under the proviso to ²[] Section 15 shall be in Form III.

5. Mode of serving of notices.— (1) Every notice under this Act may be served either by tendering or delivering a copy thereof to the person therein named or any adult member of his family or by sending such copy by registered post acknowledgement due to the person on whom it is to be served, or his authorized agent or, if service in the manner aforesaid cannot be made, by affixing a copy thereof at his last known place of residence or at some place of public resort in the village in which the land to which the notice relates is situated. ³[]

⁴[]

¹ The words "sub-section 2 of" have been deleted by First Amendment Rules, 1971 published in the Official Gazette, Series I No. 51 dated 17-3-1972.

² The words "sub-section 2 of" have been deleted by First Amendment Rules, 1971 published in the Official Gazette, Series I No. 51 dated 17-3-1972.

³ Deleted by the Amendment Rules, 1971 published in the Official Gazette, Series I No. 51 dated 17-3-1972.

⁴ Sub-rule (2) deleted.

6. Mode of serving of summons.— Every summons shall be issued in duplicate, duly signed and sealed and shall be served by delivering or tendering one copy to the person therein named or to any adult member of his family or by sending it by registered post acknowledgement due to his address or if such person cannot be found, then by affixing a copy to some conspicuous part of the place, where he ordinarily resides or carries on business and to the notice board of the Mamlatdar's office.

7. Execution of orders and warrants.— (1) Every order passed under this Act, shall be executed through the village officer or any sub-ordinate under the control of the officer passing the order or otherwise, as he thinks fit.

(2) The provisions of Section 75 to 86 of the Code of Criminal Procedure, 1898, shall apply with regard to the execution of a warrant of arrest under this Act.

⁵[7-A. The injunction to be issued by the Mamlatdar under sub-section (2) of section 20 shall be in Forms VII or VIII as the case may be.]

8. Payment of costs incurred in procuring attendance of witnesses.— (1) At any time after a suit is instituted, the parties who obtain, on application to the Court, summonses to persons whose attendance is required either to give evidence or to produce documents, shall, before the summons is granted and within a period to be fixed, pay into Court such sum of money as appears to the Court to be sufficient to defray the travelling and other expenses of the person summoned in passing to and from the Court in which he is required to attend, and for one day's attendance.

(2) Without prejudice to the generality of sub-rule (1), the expenditure on travelling and other expenses of a person so summoned and allowances for his attendance in the court shall be paid to him at the same rates at which payments are made for a witness summoned by a Magistrate in a criminal case.

9. Scale of costs to be awarded to successful party.— The Collector or the Mamlatdar, as the case may be, may give and apportion costs incurred in any case or proceeding arising under the Act in such manner and to such extent as he thinks fit.

10. Maintenance of registers and accounts etc.— (1) The registers of suits and revisions and the accounts of deposit money received by the Court of the Mamlatdar and the Collector shall be maintained in Form IV and Form V, respectively.

(2) The Mamlatdar shall send to the Collector at the close of each quarter a business return, in Form VI, and a consolidated return shall be forwarded by the Collector to the Government with his remarks. The Collector shall, similarly, communicate figures pertaining to his court, to Government in the same form alongwith the consolidated figures compiled from the data furnished to him by the Mamlatdars.

Hardyal Chaudhri, Secretary to the Government Revenue Department.

Panaji, 18th March, 1967.

⁵ Inserted by First Amendment Rules, 1971 published in the Official Gazette, Series I No. 51 dated 17-3-1972.

Form I

[Rule 3(1)]

Form of receipt of acknowledgement

Received from/on behalf of Shri/Smt. (Here enter the name of the plaintiff) herein below mentioned documents.—

1)

2) (Here give particulars of the documents presented including plaint).

3)

etc.

This day of 19 ...

Seal of the Court.

(Signed)

Mamlatdar

Form II

[Rule 3(2)]

Form of notice to be issued to the defendant under Section 13

No. of suit

In the Court of the Mamlatdar of

Plaintiff:

Defendant:

To Defendant (name, age, profession and place of abode).

Whereas (here enter the name, age profession and place of abode of the plaintiff) has instituted a suit in the Court against you (here state the particulars of the plaint);

You are hereby summoned to appear in this Court at the Village of In person or by duly authorized agent on the ... day of.... at ... o'clock, to answer the above named plaintiff; and, as the plaint will be finally disposed of on that day, you must adopt measures to produce your documents and produce the attendance of your witnesses at the hour and place above fixed; and you are hereby required to take notice that, in default of such appearance at the before mentioned time and place, the suit will be heard and determined in the absence of yourself and your agent.

Dated this ... day of ... 19

Seal of the Court.

(Signed)

Mamlatdar

Note : If you require your witnesses to be summoned by the Court you should make an application to that effect to the Court without delay, so as to allow of service of the summonses a reasonable time before the within mentioned date.

Form V

[Rule 10(1)]

Account Register for the deposit money received by the Court

Date of Receipt	No. of suit to which the amount pertains	Amount		Disbursement made			Verification (Remarks of the officer checking account)	Other remarks
		Rs.	Ps.	Date	To whom paid	Balance if, any		
1	2	3		4	5	6	7	8

Form VI

[Rule 10(2)]

Business Return under the Mamlatdar's Court Act for the quarter ending

Name of Taluka/District	Cases pending at the beginning of the quarter	Cases received during the quarter	Total of Col. 2 & 3	Cases dispose at the during the quarter	Cases pending at the end of the quarter	Remarks of the Collector on the disposal of cases by the Mamlatdar	Remarks of the Government
1	2	3	4	5	6	7	8

⁶[Form VII
(Rule 7.A)]

Form of injunction to be issued under Section 20, sub-section (2)

Seal of the Court.

No. of suit.

In the Court of the Mamlatdar of

... Plaintiff:

... Defendant:

To,

Defendant

Whereas in the suit above specified, the Court has this day found that you have impeded (or that you have attempted to impede) the natural flow of surface water naturally rising in or falling on the plaintiff's undermentioned property by (here describe the property and the impediment erected, or attempted to be erected, found proved):

You are hereby prohibited from erecting or attempting to erect any impediment (if necessary set forth the particular kind of impediment which the defendant is enjoined not to erect) to the natural flow or surface water from the said plaintiff's said property on to your property otherwise than under authority of a competent Civil Court.

Dated this ... day of ...

(Signed)
Mamlatdar]

⁷[Form VIII
(Rule 7.A)]

Form of injunction to be issued under Section 20, sub-section (2)

Seal of the Court

No. of suit.

In the Court of the Mamlatdar of

.... Plaintiff:

.... Defendant :

To,

Defendant

Whereas in the suit above specified, the Court has this day found that you have disturbed or obstructed (or that you have attempted to disturb or obstruct) the said plaintiff in this possession of the undermentioned property (or enjoyment) of the undermentioned use of water or use of roads, or otherwise as the case may be) by (here describe the disturbance or obstruction or attempted disturbance or obstruction found proved);

You are hereby prohibited from making any further attempt to disturb or obstruct (if necessary set forth the particular kind of disturbance or obstruction which the defendant is enjoined not to repeat) the said plaintiff in his possession of the said property (or otherwise as the case may be) otherwise than in execution of the decree of a competent Civil Court.

Dated this ... day of ... 19 ...

(Signed)
Mamlatdar]

(Published in the Govt. Gazette, Series I No. 1 dated 6-4-1967).

⁶ Inserted by First Amendment Rules, 1971 (Official Gazette, Series I No. 51 dated 17-3-1972).

⁷ Inserted by First Amendment Rules, 1971 (Official Gazette, Series I No. 51 dated 17-3-1972).

Revenue Department

Notification

RD/M/ACT/SO/319/66

In exercise of the powers conferred by sub-section (3) of Section 1 of the Goa, Daman and Diu Mamlatdar's Court Act, 1966, Government is pleased to direct that the said Act shall come into force in the Goa area of the Union Territory of Goa, Daman and Diu, with immediate effect.

By order and in the name of the Administrator of Goa, Daman and Diu.

Hardayal Chaudry, Secretary (Revenue).

Panaj 21st November, 1966.

(Published in the Government Gazette, Series I No. 35 dated 1-12-1966).

Notification

RD/M/ACT/SO/319/67

In exercise of the powers conferred by sub-section (3) of Section 1 of the Goa, Daman and Diu Mamlatdar's Court Act, 1966, Government is pleased to direct that the said Act shall come into force in the Daman area of the Union Territory of Goa, Daman and Diu, with immediate effect.

By order and in the name of the Administrator of Goa, Daman and Diu.

Hardayal Chaudry, Secretary (Revenue).

Panaji, 2nd January, 1967.

(Published in the Government Gazette, Series I dated 23-2-1967).

Notification

RD/M/ACT/SO/319/66

In exercise of the powers conferred by sub-section (3) of Section 1 of the Goa, Daman and Diu Mamlatdar's Court Act, 1966, Government is pleased to direct that the said Act shall come into force in the Diu area in the Union Territory of Goa, Daman and Diu, with immediate effect.

By order and in the name of the Administrator of Goa, Daman and Diu.

Hardayal Chaudry, Secretary (Revenue).

Panaji, 23rd February, 1967.

(Published in the Government Gazette, Series I No. 49 dated 10-3-1967).

***Notification**

RD/M/ACT/SO/318/67

In exercise of the powers conferred by sub-section (3) of Section 22 of the Goa, Daman and Diu Mamlatdar's Court Act, 1966, Government hereby authorizes the Civil Administrator of Diu to exercise all the powers of the Collector under Section 22 within his jurisdiction of the Diu area.

By order and in the name of the Administrator of Goa, Daman and Diu.

W. G. Ranadive, Secretary to Government.

Panaji, 14th August, 1967.

(Published in the Government Gazette, Series II No. 20 dated 17-8-1967)

Notification

RD/M/ACT/319/66-74

In exercise of the powers conferred by sub-section (2) of Section 1 of the Goa, Daman and Diu Mamlatdar's Court (First Amendment) Act, 1972 (1 of 1973), the Lt. Governor of Goa, Daman and Diu hereby appoints the date of publication of this notification in the Official Gazette, as the date from which the said Act shall come into force.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

F. A. Figueiredo, Under Secretary (Revenue).

Panaji, 8th May, 1974.

(Publish in the Official Gazette, Series I No. 7 dated 16-5-1974).

Note: The above first Amendment Act, 1972 relates to deletion of clause (e) of sub-section (2) of section 26 of the Act.

Notification

RD/M/ACT/319/66-67

In exercise of the powers conferred by sub-section (3) of Section 22 of the Goa, Daman and Diu Mamlatdar's Court Act, 1966 (9 of 1966), the Government of Goa, Daman and Diu hereby authorises the Deputy Collector, Daman to exercise all the powers of the Collector under Section 22 within the jurisdiction of District of Daman.

By order and in the name of the Administrator of Goa, Daman and Diu.

Alexandre Pereira, Under Secretary (Revenue).

Panaji, 29th September, 1980.

(Published in the Official Gazette, Series II No. 28 dated 9-10-1980)

* Earlier these powers were conferred on the Civil Administrator vide Notification dated 23rd February, 1967.