

IN THE HIGH COURT OF BOMBAY AT GOA**LD-VC-CW-105-2020**

Mr. Paul Fernandes & Anr. ... Petitioners
Versus
The State of Goa & Ors. ... Respondents

Ms. Asha Desai, Advocate for the Petitioners.

Mr. D. Pangam, Advocate General with Mr. P. Arolkar, Additional Government Advocate for the Respondents.

**Coram:- M. S. SONAK &
SMT. M. S. JAWALKAR, JJ.**

Date:-4th August, 2020

P.C.

Heard Ms. A. Desai, learned counsel for the Petitioners and Mr. D. Pangam, learned Advocate General for the Respondents.

2. Ms. Desai has made her submissions on the grounds raised in this petition. The learned Advocate General has also attempted to urge that this petition is not maintainable or in any case ought to be dismissed *inter alia* on the ground of suppression of material particulars.

3. However, in the course of the arguments it transpires that the Petitioners in lieu of the acquired portion of the Petitioners' property has been offered an alternate property in terms of allotment order at page 86 (appended to the affidavit in reply filed by

Chandrakant Shetkar, SLAO). The learned Advocate General points out that this factum of such allotment was suppressed by the Petitioners. He points out that the Petitioners have in fact approached the Human Rights Commission seeking some other plot.

4. Ms. Desai, on the basis of the instructions however states that in case the plot which is the subject matter of the order at page 86 is in fact allotted to the Petitioners, then, the Petitioners, will be satisfied and not interested in pursuing this petition any further. She however points out that the acquisition in the present case was only in respect of the area 375 square metres. She points out that the possession notice is silent and therefore she has apprehension that the possession of property in excess of 375 square metres may be taken.

5. The learned Advocate General makes it clear that the possession of only 375 square metres, which is the acquired portion, will be taken and therefore, the apprehension need not persist.

6. The learned Advocate General points out that there may be some dispute *inter se* between the Petitioners or at the Petitioners' end with some other. He therefore submits that the Petitioners prior to taking over the alternate site must give an indemnity to the Government. Ms. Desai on instructions, agrees that such indemnity will indeed be furnished.

7. The learned Advocate General states that the actual allotment/possession of plot in terms of the order at page 86 can be given to the Petitioners within a period of one week from today. He states that he will inform Ms. Desai the precise date on which this exercise can be completed.

8. In view of the aforesaid, we defer the hearing in this matter to 14th August, 2020, by which time, we expect that necessary formalities with regard to the allotment of rehabilitated plot will complete in all respects.

SMT. M. S. JAWALKAR, J.

M. S. SONAK, J.

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