

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 21 OF 1999

1. Shri Sharad Ramnath
Faterpekar, son of
late Ramnath Vishnu
Faterpekar;
- a) Shri Madan S.
Fatarpekar, s/o
Shambhu V.
Fatarpekar, aged 40
years, married;
- b) Smt. Sneha M.
Fatarpekar, wife of
Madan S. Fatarpekar,
aged 32 years,
married;
- c) Shri Rajendra S.
Fatarpekar, s/o
Shambhu V.
Fatarpekar, aged 39
years, married;
- d) Smt. Vrushali R.
Fatarpekar, wife of
Rajendra S.
Fatarpekar, aged 29
years, married;
- e) Shri Ratnakar S.
Fatarpekar, son of
Shambhu V.
Fatarpekar, aged 36
years;
- f) Shri Sanjay S.
Fatarpekar, s/o
Shambhu V.
Fatarpekar, aged 32
years;
- all residents of
Bhatulem, Panaji,
Goa;
- g) Smt. Nilima Santosh
Akhadkar, d/o Shambhu
V. Fatarpekar, aged
33 years, married;
- h) Shri Santosh Eknath

Akhadkar, s/o Eknath
K. Akhadkar, aged 39
years, married;

both residents of
Ribandar, Ilhas, Goa,

all represented by their
duly constituted
Power of Attorney
Shri Ratnakar S.
Fatarpekar (3e
above);

2. Shri Shambhu Vishnu
Fatarpekar;

3. Shri Gopalkrishna
Vishnu Fatarpekar;

all residents of House
No.E/68, Near Satti
Temple, Bhatulem,
Panaji - Goa

... PETITIONERS

versus

1. State of Goa, through
the Chief Secretary,
with his office at
Secretariat,
Panaji-Goa;

2. Under Secretary
(Revenue), Government
of Goa, with her
Office at
Secretariat,
Panaji-Goa;

3. Shri Adam Ismail
Khan, son of Ismail
Khan, service,
resident of Opposite
T.B.Hospital,
Tarantula Apartments,
Post
Caranzalem, Panaji-Goa
represented by his
constituted Attorney,
Shri Nazir Khan, r/o
Caranzalem, Panaji-Goa

4. North Goa Planning
and Development
Authority, through
its
Member-Secretary, Panaji
, Goa ... RESPONDENTS.

Mr.M.S. Sonak and Mr. D.Pangam, Advocates for the
Petitioners.

Mr. A.N.S. Nadkarni, Advocate General on Notice.

Mr. H.R. Bharne, Governemnt Advocate, for
Respondents Nos. 1 and 2.

Mr. V.B. Nadkarni, Sr. Advocate, with Mr. Y.V.
Nadkarni, Advocate for the Respondent No.3.

Mr. V.P. Thali, Advocate for Respondent No.4.

**CORAM : F.I. REBELLO &
P.V. HARDAS, JJ.**

DATED : JUNE 30, 2003.

ORAL JUDGMENT (PER F.I. REBELLO, J.)

The matter was heard for some time. An
Affidavit dated 25th June 2003 has now been filed
on behalf of Respondent No.4. Paragraph 5 of the
said Affidavit reads as under:-

" I say that the
Authority now being of the
view that the acquisition of
the said strip of land in any
event would be required for
the purpose of widening of the
road as shown in the Outline
Development Plan, has now, at
its 115th meeting held on
17/6/03 resolved to request
the Government to withdraw the
impugned acquisition
Notifications and take
appropriate steps to acquire
the same for the purpose of
widening of the road, which

would incidentally also
provide access to the property
bearing Chalta No.13 of P.T.
Sheet No.125."

2. In view of this averment in the Affidavit, the Notice under challenge for acquisition of the land, on the Government taking a decision would be withdrawn and consequently, the challenges as raised in the Petition need not be gone into.

3. On behalf of the State Government, the learned Advocate General makes a statement that as soon as the proposal comes from the Authority, the Government will pass an Order within a week and thereafter publish the Notification two weeks thereafter. The statement made on behalf of the State by learned Advocate General is accepted.

4. In the light of that, the following Order:-

Affidavit on behalf of the Authority that they are applying for withdrawal of Notification accepted. The proposal to be sent within two weeks from today. On the Government receiving the same to pass the necessary Order within one week thereafter and also get the same published

thereafter within two weeks.

Rule accordingly.

There shall be no order as to costs.

P.V. HARDAS, J.

F.I. REBELLO, J.