

**IN THE HIGH COURT OF BOMBAY AT GOA**

**WRIT PETITION NO. 461 OF 2006**

The Village Panchayat of Saligao,  
A Panchayat constituted and incorporated  
under Goa Panchayat Raj Act, 1994  
having office at Saligao, Bardez Goa,  
through its Sarpanch,  
Mrs. Mary C. Fernandes,  
major, married,  
resident of Tabravaddo,  
Aquem, Saligao, Bardez Goa.                      ...                      Petitioner

***V e r s u s***

1. State of Goa,  
through the Secretary ( Revenue ),  
Office of the Secretary ( Revenue ),  
Goa Secretariat, Alto-Porvorim, Goa.
2. Dy. Collector (LA),  
Office of the Dy. Collector (LA),  
Collectorate, North Goa District,  
Panaji Goa.
3. Arjun Mahadev Harmalkar,  
major, married, Indian National,  
resident of Salmona, Saligao,  
Bardez Goa.
4. Shri Erico Saldanha,  
major, married, Indian National,  
resident of Near Municipal Garden,  
Mapusa, Bardez Goa.
5. Dattaram Putti Salgaonkar,  
major, married, Indian National,  
resident of Saligao, Bardez Goa.
6. Victor Manuel R.Saldanha,  
major, married, Indian National,  
resident of Saligao, Bardez Goa.

:2:

7. Anton Caetan Sequeira,  
major, married, Indian National,  
resident of Sequiera Vaddo,  
Saligao, Bardez Goa.
8. Anthony Rodrigues,  
major, married, Indian National,  
resident of Salmona, Saligao,  
Bardez Goa.
9. Edmundo Santo Luis Francisco Abreu  
major, married, Indian National,  
resident of Saligao, Bardez Goa. ... Respondents

And

1. Roland D'Souza,
2. Dayanand Mandrekar,
3. Anil Parulekar,  
All Indian National,  
r/o Salmona Saligao,  
Bardez Goa. ... Intervenors

Mr. Shivan Desai, Advocate for the petitioner.

Ms. Priyanka Kamat, Addl. Government Advocate for  
respondent nos. 1 and 2.

**Coram:- F. M. REIS &  
K. L. WADANE, JJ**

**Date :- 18<sup>th</sup> February, 2015**

**ORAL JUDGMENT ( Per F. M. Reis, J)**

Heard Mr. S. Desai, learned counsel appearing for  
the petitioner and Ms. P. Kamat, learned Addl. Government

Advocate appearing for the respondent nos. 1 and 2.

2. The above Writ Petition filed by the local Panchayat inter-alia seeks to challenge the acquisition initiated by the respondents/State Government pursuant to the notification dated 29.07.2005 under Section 4 of the Land Acquisition Act, 1894 ( herein after referred to as "the said Act").

3. The main contention of the petitioner is that though the objections were raised by the petitioner under Section 5A of the said Act, such objections were not considered by the Land Acquisition Officer while submitting the report to the appropriate Government. It is not in dispute that the above Writ Petition was being heard along with another Writ Petition bearing No. 210 of 2006 filed by Arjun Harmalkar inter-alia challenging the acquisition which was the subject matter of the said notification in respect of the residential house belonging to the said Arjun Harmalkar. The said petition came to be disposed of by judgment dated 05.11.2014 inter-alia holding that the acquisition in respect of the land belonging to the said Harmalkar had lapsed and stand vitiated for the reasons recorded therein.

4. Thereafter, the above Writ Petition was fixed for hearing. It is pointed out by the learned Additional Government Advocate appearing for the respondent nos. 1 and 2 that as far as the remaining lands are concerned which are the subject matter of the said notification, the acquisitions have already attained finality. It is also pointed out that the remaining land owners have not raised any objections to such acquisitions by the respondents/State Government. In such circumstances, Mr. S. Desai, learned counsel appearing for the petitioner however, points out that the petitioner has challenged the acquisition on the ground that such acquisition was not for a public purpose and is also detrimental to the interests of the villagers and the petitioner.

5. Considering that the remaining land owners who are persons interested in terms of the said Act, have accepted the acquisition by the respondents/State Government which has attained finality as far as such lands are concerned, we find that the question of examining the correctness of the contention of the petitioner in the present Writ Petition would not at all be justified. This is also on account of the fact that the said land owners are not parties to the above Writ Petition and any orders passed herein would affect their rights or

:5:

claims in their respective properties.

6. In such circumstances, we find that the above Writ Petition has become infructuous. The petition stands accordingly dismissed as infructuous. Rule stands discharged accordingly with no order as to costs.

**K. L. WADANE, J**

**F. M. REIS, J**

**at\***