

IN THE HIGH COURT OF BOMBAY AT GOA

PUBLIC INTEREST LITIGATION WP NO. 2 OF 2015

MR. REMEDIOS D'CUNHA AND 2 ORS., ... Petitioners
Versus
GOVERNMENT OF GOA THROUGH THE
CHIEF SECRETARY AND 3 ORS., ... Respondents

Mr. A. D. Bhobe, Advocate for the petitioners.
Mr.P. Dangui, Additional Government Advocate for the respondents.

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

Date:- 30th June, 2015

P.C.

Heard Mr. A. D. Bhobe, learned Advocate appearing for the petitioners and Mr.P. Dangui, learned Additional Government Advocate appearing for the respondents.

2. Upon hearing the learned counsel appearing for the respective parties, the main grievance of the petitioners is that the requisite permission from the respondent no.2 has not been obtained for the purpose of construing the road and that the road which has been constructed is along an existing canal which would affect the adjoining land.

3. Mr. Dangui, learned Additional Government Advocate brought to our notice paragraph 29 of the affidavit-in-reply filed by the respondent no. 3 which inter alia states that the subject land is not CADA area and as such, no such permission is required. It is also pointed out therein that NOC from Water Resources Department has

been duly obtained by the authority for the construction of the road.

4. Considering that the acquisition has not been challenged in the above petition and the main grievance is that permission from the authorities have not been obtained being a CADA Area, we find that as the averments in the affidavit have not been rebutted by the petitioners by any material on record, there is no reason to refuse to accept the averments at said paragraph 29 of the affidavit.

5. In such circumstances, the grievance of the petitioners do not survive.

6. Be that as it may, in case the petitioners are otherwise aggrieved with such activity on any other ground, the petitioners may do so in accordance with law.

7. Subject to the above, petition stands rejected.

K. L. WADANE, J.

F. M. REIS, J.