

IN THE HIGH COURT OF BOMBAY AT GOA

APPEAL FROM ORDER NO. 18 OF 2017

MR. AVELIN RODRIGUES AND 9 ORS., ... Appellants
Versus
MR. DINESH NAMDEV KALOJI AND 7
ORS., ... Respondents

Shri Nitin Sardessai, Senior Advocate with Shri Vibhav Rajiv Amonkar, Advocate for the Appellants.
Shri G. Shirodkar, Advocate for the Respondents no.1 & 2.
Shri Arun A. S. Talaulikar, Additional Government Advocate for the Respondents No.3,4,5 & 7.
Shri A.D. Bhobe, Advocate for the Respondent No.6.

Coram:- NUTAN D. SARDESSAI, J.

Date:- 12th June, 2017

ORAL ORDER :

During the course of the arguments and when query was raised about usage of the road, it was fairly conceded by Shri G. Shirodkar, learned Advocate for the respondents no.1 & 2 that they have not obstructed the public from using the said road existing in the suit property.

2. Shri Nitin Sardessai, learned Senior Counsel for the appellants undertakes that in the meantime the appellants would not carry out any construction activity or otherwise interfere with the suit property except for using it as a motorable access.

3. Shri Shirodkar, learned Advocate further submits that the

members of the public have been freely using the suit access till date. The respondents no.3 to 5 & 7 shall not lay the high tension wires passing through the suit property on the said access.

4. In view of these submissions, the impugned order is modified inasmuch as the respondents no.3 to 5 and 7 shall not lay the high tension wires on the suit access or lay the tar road, while at the same time emphasizing that public at large including the appellants herein will be entitled to have a motorable access over the suit access without prejudice to the rights and contentions of the parties. In view thereof the Appeal From Order stands disposed off.

NUTAN D. SARDESSAI, J.

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