

Amrut

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 886 OF 2017

Bernardo Fernandes

.....

Petitioner

Versus

State of Goa & Ors

.....

Respondents.

Mr. Rohit Bras De Sa, Advocate for the Petitioner.

Mr. Arun Talaulikar, Addl. Government Advocate for Respondent No.1.

Mr. A. Prabhudessai, Advocate for Respondent No.3.

***Coram : N.M. Jamdar &
Nutan D. Sardessai, JJ.***

Date : 15 November 2017.

P.C.:

Heard the learned counsel for the parties.

2. The petition is filed on the apprehension that the Respondents may take recourse to forcible acquisition of the Petitioner's property without following procedure of law. It goes without saying that when the State proposes to acquire a private property it has to follow the procedure of law. It is not necessary to issue a writ to that regard as it is a basic settled position.

3. The learned Additional Government Advocate states that it is the correct position in law and the Government will have to take steps as per the law if it has to proceed to acquire the property. We do not need a concession of the learned Government Advocate for a position as basic as this. It goes without saying that the Government, whenever chooses to take action against the Petitioner or any other citizen, it always bound to follow the procedure of law.

4. In view of this basic settled position, we dispose of the petition.

Nutan D. Sardesai, J.

N.M. Jamdar, J.