

Amrut

***IN THE HIGH COURT OF BOMBAY AT GOA
MISC. CIVIL APPLICATION NO.845 OF 2017
IN
WRIT PETITION NO.510 OF 2017***

Dumena Gomes and Ors Applicants.

Versus

The State of Goa & Ors Respondents.

Mr. Nigel Da Costa Frias, Advocate for the Applicants.

Mr. P. Faldessai, Addl. Government Advocate for the State.

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

Date : 29 November 2017.

P.C.:

The Civil Application is filed to recall the order dated 13 September 2017 in Writ Petition No.510 of 2017.

2. The Applicants-original petitioners had filed the Writ Petition seeking a direction to the Respondent Nos.1 and 2 to forthwith cease all constructions and development work in the paddy field specified in the petition. The writ petition was disposed of by minutes of order

on 13 September 2017, the statement of Respondent Nos. 1 and 2 that they will acquire certain sub-divisions was incorporated in the minutes of order and it was stated that the compensation at the rate of Rs.8000/- per square would be paid and certain other aspects were agreed upon.

3. The Civil Application is moved stating that there were certain other sub-divisions which ought to have been included in the minutes of order which remained to be shown. This application was adjourned from time to time to find out whether the State would acquire even those sub-divisions which according to the Applicants ought to have been included in the minutes of order.

4. Mr. P. Faldessai, the learned Addl. Government Advocate on instructions of Mr. Mahesh Rivonkar, APEO - Director of Sports and Youth Affairs, states that there appears to be some proposal but no final decision has been taken to acquire the sub-divisions proposed by the Applicants in the application. The position therefore is that, for some sub-divisions there is an agreement between the parties that those will be acquired by the State. In regard to other sub- divisions, there is no such agreement as on date. As far as those sub-divisions are concerned, either there has to be agreement between the parties or for those sub-divisions the matter will have to be heard on merits. It

is not possible for us in review jurisdiction to include certain properties in the minutes of order upon which there is no agreement. Other option is to recall the entire order and hear the matter afresh, but the learned counsel for the Applicants states and agrees that it will not enure to the benefit of the Applicants if the entire order dated 13 September 2017 is recalled.

5. In the circumstances, the Civil Application is disposed of by keeping the remedies of the Applicants open in respect of the subdivisions which are not included in the minutes of order dated 13 September 2017. The Civil Application is accordingly disposed of.

Nutan D. Sardesai, J.

N.M. Jamdar, J.