

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.100 OF 2009

Candolim Citizens Forum

Through Authorized Signatory & Anr.

... Petitioners

Versus

State of Goa & Ors.

.... Respondents

Mr. P. A. Kamat, Advocate for the Petitioners.

Mr. P. Faldessai, Additional Government Advocate for Respondent Nos.1 to 3.

***Coram : N.M. Jamdar &
Prithviraj K. Chavan, JJ.***

Date : 5 September 2018.

P.C.:

In this writ petition, the Petitioners have challenged the decision dated 2 December 2008 taken by the State Government to return the land which was the subject matter of the petition, which was acquired to the Respondent Nos.4 and 5.

2. At the time of issuing Rule the following order was passed on 11 January 2010.

“ We have heard learned Counsel appearing for respective parties. Perused the record, replies filed. The learned Counsel for the petitioners has challenged the circular dated 27/01/1999 on the ground that it is against provisions of Land Acquisition Act, Land Revenue Code, 1968 and the views expressed by the Bombay High Court and the Supreme Court.

2. The learned Counsel appearing for respondents no. 4 & 5 submits that he disputes that they are utilising the piece of plot which was acquired by the State Government for running the restaurant.

3. For the present, we are inclined to admit the petition and grant interim relief at this stage in respect of the decision taken by the State in its meeting of the Council of the Ministers held on 2/12/2008, for returning the land back to the original land owner.

4. Rule. Interim relief in terms of prayer clause 'b'. Respondents waive service of rule.”

3. Thereafter, when the petition came up on board for hearing on 31 August 2018, the following order was passed.

“The learned counsel for the Petitioners states that the reliefs prayed for in this petition, from the cabinet note and the news paper report appear to have been redressed. The learned Additional Government Advocate states that this position will be confirmed on the next date. Place the petition on board under the caption "For Directions" on 5 September 2018.”

4. The learned Additional Government Advocate places on record an extract of the decision taken in the Cabinet Meeting of the Ministers on 20 April 2012, wherein the following decision was taken.

“Approved, the decision is to revert/revoke the decision to return the acquired land to the legal heirs of the original owner taken in the XXIIInd meeting of the Cabinet held on 2 December 2008.”

5. The learned Additional Government Advocate states that the impugned decision in view of the resolution dated 20 April 2012 stands revoked. The learned counsel for the Petitioners also agrees.

6. In view of the fact that the decision which is impugned in this writ petition was stayed and subsequently withdrawn, it is not necessary to proceed this petition further. The Petitioners have also raised challenge to the Circulars dated 22 February 1999 and 27 January 1999, however, this challenge in the facts of the present case is now academic. Keeping the challenge open in the appropriate case, we dispose of the petition.

Prithviraj K. Chavan, J.

N.M. Jamdar, J.