

Santosh

***IN THE HIGH COURT OF BOMBAY AT GOA
MISC. CIVIL APPLICATION NO.907 OF 2018
IN /WITH
STAMP NUMBER (APPLN.) NO.3622 OF 2018
IN
WRIT PETITION NO. 1119 OF 2017***

Ruby Fernandes. Applicant.

Versus

The State of Goa and Ors. Respondents

Mr. Vivek Rodrigues and Mr. Vithal Naik, Advocates for the Applicants.

Mr. Amogh Prabhudessai, Additional Govt. Advocate for the Respondents No.1 to 3.

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

Date : 29 October 2018.

P.C.:

These applications are for condonation of delay and for review of the order dated 3 April 2018.

2. The Applicant-original Petitioner has annexed the order dated 3 April 2018 to the Review Application. The order itself shows that series of opportunities were given to the Petitioner. Thereafter, the matter was adjourned from time to time and

ultimately, the Petitioner had made a statement that the portion of the structure would be removed and had sought time till 1 May 2018 in view of the school and college examinations. It is upon this statement, though we were not inclined to interfere in the writ jurisdiction, by indulgence to give some breathing time, the action of demolition was directed to be commenced after 1 May 2018. The Petitioner did not adhere to the commitment. The Petitioner challenged the order by way of a Special Leave Petition. The SLP was simpliciter withdrawn by the Petitioner. The order dated 17 May 2018 passed by the Apex Court is placed on record. Thereafter on 25 October 2018, the application is filed seeking condonation of delay of 167 days.

3. The applications are strongly opposed by the learned Additional Government Advocate stating that the entire road widening is held up because of non-cooperation by the Applicant and when the demolition was slated, it was informed that the application for review is filed.

4. The conduct of the Petitioner has to be strongly deprecated. The Petitioner had called upon this Court to extend equity jurisdiction and had sought time for deferring the process of road widening. In fact, considering this request, we had directed the

State to find out whether the Petitioner's property would only be the property holding up the road widening and this fact was confirmed. Therefore, what we see is nothing but an attempt to some how hold on the premises when the challenge stands concluded long time back. The acquisition proceedings have reached to their logical conclusion. No further indulgence can be granted to the Applicant. There is no purpose in condoning the delay in filing the review, as review itself is an abuse of process of law.

5. Both the Applications stand rejected. It is only out of indulgence, that we have not imposed exemplary costs.

Prithviraj K. Chavan, J.

N.M. Jamdar, J.