

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA
PUBLIC INTEREST LITIGATION
(SUO MOTU) NO.1/2015
WITH
MISC. CIVIL APPLICATION NO. 589 OF 2018

--- Petitioner.

Versus

State Government and others. Respondents.

Mr. Kaif Noorani, Amicus Curiae.

Mr. D.J. Pangam, Advocate General with Mr. Deep Shirodkar, Addl. Govt. Advocate for Respondents No.1, 2 and 3.

Mr. Parag Rao, Advocate for Respondent No.4.

Mr. Nikhil Pai, Advocate for Respondent No.5.

Mr. Minino Pereira, Advocate for Respondent No.6.

Coram : S.C. Gupte &
Nutan D. Sardesai, JJ.

Date : 5th July, 2019.

P.C.:-

Learned Counsel appearing on behalf of Respondent No.5- Ministry of Road Transport & Highways, Union of India, tenders an affidavit dated 15.5.2019 on behalf of the Union Government.

2. Learned Advocate General informs the Court that after the

last order passed, i.e. order dated 18th June, 2019, the State Government has decided, in principle, to accept the compromise formula suggested in the joint meeting convened between the State and Union Governments. According to this formula, out of the total cost of ₹ 166 crores, for the particular stretch of Margao Western By-pass, identified as between km 31/900 to 34/650 – 2.750 km., ₹ 126 crores shall be shared by the State Government and about ₹ 40 crores shall be paid by the Central Government; that the scope of the work and detailed design for it would be finalised by the State Government; and that this arrangement would be similar to the arrangement adopted for the new Mandovi bridge, according to which the State shall request the Ministry of Road Transport and Highways to reimburse the costs of Rs.126 crores, initially to be borne by the State, as the work is being done of a National Highway. The Ministry of Road Transport and Highways, Union of India has already affirmed this arrangement by filing an affidavit (Affidavit of Shri Anshumali Srivastava, Chief Engineer, Ministry of Road Transport & Highways dated 15.5.2019). Learned Advocate General submits that the matter now rests with the Finance Department for its approval. With these developments, the issue of Margao Western By-pass appears to have been adequately and satisfactorily addressed.

3. The other issue arising in the matter concerns construction of a ring road around Margao city. Learned Advocate General

presents a site plan showing stretch-wise details of the ring road. He submits that the original plan of the road, which is placed on record in the present matter, shows connection to NH-17 through a portion (now indicated by red colour on the site plan produced before the Court with caption 'Hindrance -3') which involves an obstruction of about 79 houses. Learned Advocate General submits that considering the expense and inconvenience involved in removal of this obstruction, the State now proposes a slight diversion in the route. The diversion is indicated in green as 'proposed alternate route' on the site plan produced today. It is submitted that this alternative has only one obstruction, namely, a single residential house. Learned Advocate General states that the State Government shall remove this obstruction within a reasonable period and in any event, within a period of two months from today and thereafter, will complete the unfinished portion of the ring road, so as to finally connect it to the National Highway (NH-17). These statements, which are noted and accepted, should take care of the issue of balance construction of the ring road around Margao city.

4. The site plans showing stretch-wise details of the ring road today produced before this Court (i) according to the original position and (ii) as per the new proposal involving alternative route, are kept on record, respectively, marked as 'X-1' and 'X-2' .

5. Since these are the only outstanding issues in the Suo Motu PIL Petition, the Petition can be conveniently disposed of by accepting the statements of both, Union Government through the Ministry of Road Transport & Highways, and the State Government, represented by Respondents No.1 & 2.

6. The Petition is disposed of accordingly. It will, however, come up on board for noting compliance as regards the Western Bypass, on 15th July, 2019. The State Government may file its affidavit placing on record up-to-date status, including what was communicated to the Court at today's hearing, on that day.

7. Before concluding this order, we must record our appreciation for the efforts put in by learned Amicus Curiae in the matter, which is of vital importance to the State of Goa. As a token of appreciation, the Respondent-State is directed to pay remuneration of Rs.75,000/- to the learned Amicus Curiae.

8. In view of the disposal of the Petition, Misc. Civil Application No.589/2018 does not survive and the same is disposed of.

Nutan D. Sardesai, J.

S.C. Gupte, J.