

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.474 OF 2019

Martinho Antonio Sucorro Gonsalves ... Petitioner

Versus

Union of India & Ors. ... Respondents

Mr. E. Dias, Advocate for the Petitioner.

Mr. D. Pangam, Advocate General with Mr. P. Faldessai, Addl. Government Advocate for Respondent Nos.2, 4 and 5.

Mr. S. D. Lotlikar, Senior Advocate with Ms. S. Kenny, Advocate for Respondent No.6.

**Coram:- M. S. SONAK &
NUTAN D. SARDESSAI, JJ.**

Date:- 30th September, 2019

P.C.

Heard Mr. Dias, learned counsel for the Petitioner.

2. Mr. D. Pangam, learned Advocate General alongwith Mr. P. Faldessai appear for Respondent Nos.2, 4 and 5.

3. Mr. S. D. Lotlikar, learned Senior Advocate alongwith Ms. S. Kenny appear for Respondent No.6.

4. Mr. Dias, learned counsel for the Petitioner states that the grievance of the Petitioner raised in this petition stands substantially redressed by what is set out in paragraph 4 of the affidavit in reply filed

by Mr. Eduardo J. Pereira, Assistant Engineer, PWD, Government of Goa – Respondent No.5 to this petition.

5. Paragraph 4 of this affidavit reads as follows :-

“It is respectfully submitted that, the entire structure of the petitioner is not coming within the area i.e. now proposed to be acquired in addition to the prior acquisition. However, since some portion of the structure comes within the area to be acquired, the measurements of the entire structure are already done and the building section of PWD will submit the valuation of the said structure. I state that, alongwith the value of land to be acquired, the Government will pay to the Petitioner the value of the entire structure as and when the award will be passed in the land acquisition matter.”

6. Mr. Dias, on instructions, further submits that the Respondents may grant the Petitioner at least three weeks time from today to vacate the structure which is referred to in the aforesaid paragraph 4 of the affidavit filed on behalf of Respondent No.5.

7. Mr. D. Pangam, learned Advocate General states that the Petitioner can be granted three weeks time. Accordingly, we grant the Petitioner three weeks time as prayed for. We also record the statement of Mr. Dias made on instructions of the Petitioner that the Petitioner will vacate the suit structure within three weeks from today.

8. By accepting the averments in paragraph 4 of the affidavit as

also the statement of the Petitioner that the Petitioner will vacate the suit structure within three weeks from today, we dispose of this petition. Both the parties to act in accordance with their respective statements.

9. The petition is disposed of in the aforesaid terms.

NUTAN D. SARDESSAI, J.

M. S. SONAK, J.

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