

IN THE HIGH COURT OF BOMBAY AT GOA
MISC.CIVIL APPLICATION NO. 768 OF 2019
IN
WRIT PETITION NO. 270 OF 2019

MARIA ROSARIO CORTEZ.,

... Applicant

Versus

**UNION OF INDIA, THR. SECRETARY,
MINISTRY OF ROAD, TRANSPORT AND
HIGHWAYS, NEW DELHI AND 6 ORS.,**

... Respondents

Mr. E. Dias, Advocate for the original Petitioner.

Mr. V. Naik for the Intervenor/Applicant

Mr. D. Pangam, Advocate General with Mr. Pravin N. Faldessai, Government
Advocate for Respondent nos.2, 4 and 5.

**Coram:- PRADEEP NANDRAJOG, CJ &
M. S. SONAK, J.**

Date:- 10th October, 2019.

Oral Order :

This is an application for intervention.

2. The writ petitioner claims that house bearing No. 172 of Village Mercurim which is recorded in the name of his late mother has been inherited by him. He challenges the acquisition of the land for the purpose of a National Highway on the plea that the public hearing envisaged by law was a farce.

3. As recorded in the order dated 12/4/2019 the petitioner consented to the land being acquired and compensation has been deemed to have been received. The writ petition could not be disposed off on account of the above captioned application been filed. The applicant claims to be the owner of House No. 172 i.e. to the house to which the petitioner claims a title to. The reply filed by the writ petitioner to the application, shows that the house of the applicant is 172/2.

4. Suffice it to state that a writ court cannot decide disputed questions of fact, which in the facts of the present case would be the distinction between House No. 172 and 172/2.

5. The application is dismissed clarifying that the applicant would be entitled to a remedy before the forum where evidence can be recorded and issue resolved between the applicant and the petitioner.

M. S. SONAK, J.

THE CHIEF JUSTICE, J.

ap/-