

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.1059 OF 2018

Jai Bhuvan Builders Pvt. Ltd. & Anr. ... Petitioners

Versus

Union of India & Ors. ... Respondents

Mr. Umesh Shetty, Ms. S. D'Souza, Mr. Gopal Nayak, Advocates for the Petitioners.

Mr. M. Amonkar, Central Government Standing Counsel for Respondent No.1.

Mr. D. Lawande, Advocate General with Mr. D. Shirodkar, Addl. Government Advocate for Respondent Nos.2, 4 and 5.

WITH

WRIT PETITION NO.1200 OF 2018

Ashok Miguel Filipe Dias & Ors. ... Petitioners

Versus

Union of India & Ors. ... Respondents

Mr. D. Pangam, Advocate for the Petitioners.

Mr. M. Amonkar, Central Government Standing Counsel for Respondent No.1.

Mr. D. Lawande, Advocate General with Mr. D. Shirodkar, Addl. Government Advocate for Respondent Nos.3 and 5.

***Coram : R. D. Dhanuka &
Prithviraj K. Chavan, JJ.***

Date: 13th March, 2019

P.C.

The learned Advocate General for Respondent Nos.3, 4 and 5 (Land Acquisition Officer, the Competent Authority of Land Acquisition (CALA) NH17 and the State of Goa) who are the Respondents in WP No.1200 of 2018, on instructions, states that the said Authorities hereby withdraws the report dated 17th May, 2018 bearing No. Sp.LAO/NH-17/PWD/F.6/2017-18/29 issued under Section 3C of the National Highways Act, 1956. He further states that the Petitioners in both these writ petitions would be heard by the Special Land Acquisition Officer before submitting a fresh report under Section 3C of the National Highways Act, 1956.

2. The learned counsel for the Petitioners states that since the report dated 17th May, 2018 issued by the Special Land Acquisition Officer itself is withdrawn, all the subsequent steps taken including the Notification issued by the Central Government under Sections 3-D and 3-E of the National Highways Act, 1956 would not survive. Submission of the Petitioners deserve acceptance. We therefore pass the following order :-

(i) The Special Land Acquisition Officer of National Highways (SLAO), NHS & Competent Authority of Land Acquisition, P.W.D.(Cell), Altinho, Panaji Goa, shall hear the Petitioners in person or through their authorised representatives and would issue a fresh report under Section 3-C of the National Highways Act, 1956 within the time contemplated under the said Act.

(ii) It is made clear that the report dated 17th May, 2018 issued by the Special Land Acquisition Officer stands withdrawn.

(iii) The time taken for issuing various notices under Sections 3-A to 3-D would be excluded only for the purpose of issuing fresh report under Section 3-C of the National Highways Act, 1956.

(iv) The Petitioners would be at liberty to file fresh petitions, if they are aggrieved by the order passed by the Authorities who are parties to these petitions including the right to challenge the Notification issued under Section 3A of the National Highways Act, 1956.

(v) It is made clear that this Court has not expressed any opinion on merits of these petitions.

(vi) All contentions of all parties are kept open.

(vii) The Authorities shall act on the basis of the authenticated copy of this order.

(viii) It is made clear that the Petitioners would be at liberty to file written submissions before the Special Land

Acquisition Officer.

(ix) The petitions are disposed of in the aforesaid terms.

Prithviraj K. Chavan, J

R. D. Dhanuka, J

*at**