

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 1046 OF 2019

PATCY COUTINHO.,

... Petitioner

Versus

THE STATE OF GOA, THR. THE CHIEF
SECRETARY AND 2 ORS.,

... Respondents

Mr. Balkrishna Sardessai, Advocate for the Petitioner.
Mr. Prashil Arolkar, Additional Government Advocate for the
Respondents.

Coram:- M. S. SONAK &
C. V. BHADANG, JJ.

Date:- 5th December, 2019

P.C.

Heard Mr. Sardessai, the learned Counsel for the petitioner and Mr. Arolkar, the learned Additional Government Advocate for the respondents.

2. At the outset, Mr. Sardessai, learned Counsel for the petitioner, makes it clear that this petition is more in the nature of mercy petition by which the petitioner seeks some reasonable time to vacate the structure which is in the process of being demolished. He states that if two months time is granted, the petitioner will voluntarily vacate the structure so that the same can be demolished.

3. In this case, we find that the structure is located on the property which is already been acquired by the Government in terms of the Award made way back in the year 2016. Clearly, therefore, from 2016 onwards, there is no right or authority for the petitioner to continue in the said structure.

4. The learned Additional Government Advocate for the respondents points out that it is not as if the petitioner is really residing in the structure but the rooms in the structure have been let out to tenants. He further pointed out that the demolition process has already commenced at the site and the tenants have already vacated the structure.

5. Mr. Sardesai, now points out, that the petitioner resides in one room of the said structure. This was not the averment in the petition. The petitioner virtually attempted to make out a case that the petitioner resides in the entire structure along with her son. The petitioner has pleaded that she is a lonely lady who resides with her son in the premises for shelter and survival. These averments really do not represent the accurate picture at the site.

6. For all these reasons, we are afraid that we are not in a position to accede to the request made on behalf of the petitioner. It is necessary to note that the entire machinery for demolition is

at the site and grant of time would require remobilisation of this machinery. The acquisition is for the purpose of setting up a National Institute of Technology Goa(NITG) and Mr. Arolkar, the learned Additional Government Advocate, pointed out that the construction of the (NITG)has to commence at the earliest.

7. For all the aforesaid reasons, we dismiss this petition.

8. There shall be no order as to costs.

C. V. BHADANG, J.

M. S. SONAK, J.

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