

Suchitra

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.418 OF 2021

ROHAN MANOHAR SAWANT

... Petitioner

Versus

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

...Respondents

**CORAM: SMT. SADHANA S. JADHAV &
REVATI MOHITE DERE, JJ.**

DATED: 23rd December, 2021

Mr. Ajit Kantak, Advocate for the Petitioner.

Ms. Maria Correia, Additional Government Advocate for the State.

Mr. Shivan Desai, Advocate for Respondent No.3.

P.C:

1. Heard learned counsel for the parties.
2. The grievance of the petitioner in the aforesaid petition is that the respondent no.3 i.e. the Goa Tourism Development Corporation is trespassing in the petitioner's property with heavy machinery under the guise of road widening without due procedure of law.
3. On the last date, learned counsel for the respondent no.3 had sought time to take instructions. Today, learned counsel for the

respondent no.3 has tendered an affidavit in reply of the said respondent. The same is taken on record.

4. Paragraph 4 of the said affidavit in reply reads thus:

“4. I say that the property of the Petitioner bearing Chalta No.1/26 of P.T. Sheet 171 of Mapusa City is abutting the existing road. I say that the Respondent No.3 shall not carry out any works in the said property without the consent of the Petitioner and/or without initiating appropriate proceedings in terms of law.”

5. Considering the aforesaid i.e. that the respondent no.3 will not carry out any works in the said property without the consent of the petitioner and without initiating appropriate proceedings in terms of law, nothing survives for further consideration in the petition.

6. In view of what is stated in paragraph 4 of the affidavit in reply, learned counsel for the petitioner states that the petitioner will withdraw the civil suit filed by the petitioner with respect to the subject matter in this petition.

7. The petition stands disposed of accordingly.

REVATI MOHITE DERE, J. SMT. SADHANA S. JADHAV, J.