

Maria S.

**IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.338 OF 2022**

Yatish Vinayak Pednekar And 3 Ors. **..Petitioners**

Versus

State of Goa thr. the Chief Secretary And 2 Ors. **...Respondents**

Mr. Mr. Ajit R. Kantak and Mr. Raunak A. Kantak,
Advocates for the Petitioners.

Ms. Maria S. J. Correia, Additional Additional Government
Advocate for the Respondents No. 1 and 2.

Mr. Shivan Desai, Advocate for the Respondents No.3.

**CORAM: M. S. SONAK &
R. N. LADDHA, JJ.**

Date: 27th July 2022

P.C.

Heard Mr. Ajit Kantak, learned counsel for the petitioners, Ms. Maria Correia, learned Additional Government Advocate for the respondents No.1 and 2 and Mr. Shivan Desai, learned counsel for the respondent No.3.

2. The petitioners complain that their private property is being used for road widening purposes. In paragraph 29 of the petition, the petitioners have averred that they have no alternate, adequate and efficacious remedy other than by way of the present petition and the reliefs prayed for herein, if granted, will be complete by themselves.

3. From the material placed on record, it is clear that respondents are undertaking a public project of widening the existing road. The issues raised by the petitioners give rise to disputed questions of fact that cannot be adjudicated by us in exercise of our summary and extraordinary jurisdiction under Article 226 of the Constitution of India. Apart from complaining that the petitioners have no alternate remedy, the petitioners have not demonstrated why it is not possible for them to resort to the ordinary remedy of instituting a suit to protect their alleged proprietary rights in the property in question.

4. The Civil Court will then be in a position to properly determine whether the petitioners are indeed the owners of the property claimed and the extent of the same. Public projects cannot be stalled by instituting such petitions which involve disputed questions of fact.

5. Therefore, we decline to entertain this petition. At the same time, the dismissal of the petition will not come in the way of the petitioners resorting to the ordinary remedies available under the law.

6. This petition is disposed of with liberty as aforesaid.

7. There shall be no order for costs.

R. N. LADDHA, J

M. S. SONAK, J