

Suchitra

IN THE HIGH COURT OF BOMBAY AT GOA

**APPEAL FROM ORDER NO.60/2019
WITH
CIVIL APPLICATION NO.202/2019**

MUKTABAI NAGUESH PRABHU
MALCARNEKAR @ MUKTABAI
NAGUESH PRABHU MALKARNEKAR
AND 2 ORS. ... APPELLANTS

Versus

STATE OF GOA, THR. ITS CHIEF
SECRETARY AND 2 ORS. ... RESPONDENTS

Mr C. A. Coutinho Almeida with Ivan Santimano, Advocates for
the Appellants.

Mr Deep Shirodkar, Additional Government Advocate for the
State.

CORAM: M. S. SONAK, J.

DATED: 5th JANUARY 2024

P.C.:

1. Heard Mr C. A. Coutinho Almeida for the appellants and
Mr Deep Shirodkar, learned Additional Government Advocate
for respondents no.1 and 2.

2. The appellants had applied for temporary injunction to
restrain the respondents from undertaking any road widening
works through the property which the appellants claim belongs to
them. This injunction was declined mainly on the ground that

the same could not be granted given the provisions of Section 20A of the Specific Relief Act, 1963.

3. Since, an injunction was already operating against the State from 2019, a statement was made on behalf of the respondents that no works would commence. On 15.12.2023 this Court also requested the State to consider whether some tentative compensation amount could be paid or deposited as a pre-condition for commencement of the road widening works.

4. Mr Shirodkar, learned AGA places on record the extract of the minutes of the 192nd Board meeting of the Board of Directors of GSIDC held on 23.06.2022 and communication dated 16.05.2022 addressed by GSIDC to the third respondent in connection with the road widening works, which are, inter alia, the subject matter of the present dispute.

5. Mr Shirodkar submitted that as of now the GSIDC has decided to foreclose the contract with the third respondent and therefore, for the present at least, there is no proposal to continue with the road widening works. This statement is accepted. Based on this statement, it is clear that there is at least no present possibility of road widening works being undertaken by any of the respondents. Accordingly, by recording this statement, this appeal is disposed of. However, it is clarified that the issue of legality of the impugned order is kept open. Further, if there is any apprehension of any of the respondents undertaking the road widening works, the appellants will have the liberty to file the appropriate application seeking appropriate reliefs from the Civil

Court in the pending Suit. If such an application is made the same should be decided on its own merits and in accordance with law.

6. The appeal is disposed of in above terms. There shall be no order for costs.

7. All concerned to act on an authenticated copy of this order.

8. Civil application does not survive the disposal of this appeal and the same is also disposed of.

M. S. SONAK, J.

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