



Suchitra

IN THE HIGH COURT OF BOMBAY AT GOA

**WRIT PETITION NO.359/2025
WITH
MISC. CIVIL APPLICATION NO.677/2026 (F)
IN
WRIT PETITION NO.359/2025**

SHUBHADA L. KUNDAIKAR

... PETITIONER

Versus

GOA STATE INFRASTRUCTURE
DEVELOPMENT CORPORATION
LIMITED THR. THEIR MANAGING
DIRECTOR AND 2 ORS.

... RESPONDENTS

Mr Ajit Kantak, Advocate for the Petitioner.

Mr D. Pangam, Advocate General with Mr Shubham Priolkar,
Additional Government Advocate for Respondent Nos.1 and 2.

**CORAM: VALMIKI MENEZES &
AMIT S. JAMSANDEKAR, JJ.**

DATED: 29th SEPTEMBER 2026

ORAL ORDER : (Per Valmiki Menezes, J.)

1. By this Petition the reliefs sought are as follows:

“A) For a Writ of Mandamus or any other appropriate Writ, order or direction under Articles 226 and 227 of the Constitution of India directing the Respondent No. 1 to 3 not to carry out any further work in the property of the

Petitioner bearing Survey No. 17/1 of the Village of Ela in Tiswadi Taluka.

B) For settling the matter, the Petitioner is entitled to a Writ of Mandamus directing the Respondents to compensate the Petitioner only for the land utilised/occupied from the property bearing Survey No. 17/1 of Ela Village at the rate as mentioned in the Deed of sale and along with damages of Rs. 49,000/- for the demolition of the compound wall of rubble stones of the Petitioner which bounded the property of the Petitioner towards the road to the length of about 19.00 metres and which had a height of about 1.00 metre, broken open the concrete by which two gates were fixed to the rubble compound as also for the removal of two huge gates that were fixed in the compound wall along with the benefits available u/s 23(1-A), 23(2) and 28 of the Land Acquisition Act 1894.”

2. For deciding this Petition certain facts which are relevant thereto are recorded below:-

(a) The Petitioner claims that he purchased the property admeasuring 7425 sq.mtrs., surveyed under No.17/1 of Village Ella vide Sale Deed dated 07.11.2005. The Special Land Acquisition Officer (SLAO) issued a notification under Section 4 of the Land Acquisition Act, 1894 on 04.11.2006, notifying an area of 474 sq.mtrs. for acquisition, in favour of the Goa State Infrastructure

Development Corporation (GSIDC), for construction of an approach road to the Gaundali Bridge. Notification under Section 6 of the Land Acquisition Act, 1894 came to be issued on 19.06.2008.

(b) Immediately prior to this, the Petitioner completed the mutation proceedings and his name was recorded in the Survey Records on 13.11.2006. Ultimately, an Award was passed on 02.08.2010, in respect of the area of 474 sq. mtrs., in favour of the predecessor-in-title of the Petitioner i.e. Mr Stephen A. Pereira. Possession was taken of the acquired land on 21.09.2010 under a Certificate of Possession issued by the SLAO.

(c) The Petitioner claims that he became aware of the land acquisition proceedings only on 09.10.2017, after which he filed a Civil Suit on 04.12.2018 seeking therein, a decree of declaration that the process of acquiring land without notice to him was a nullity. This Suit came to be rejected on 04.02.2019, on an application under Order VII, Rule 11 of the Civil Procedure Code after which an Appeal filed against the order was also rejected by this Court on 09.03.2021. It is only thereafter that the present Petition was filed on 08.02.2022 and ultimately registered on clearing office objections in the year 2025.

3. Having considered all the aforementioned facts, and the fact that the Land Acquisition Act of 1894 was repealed in the year 2013, we have no option but to dismiss this Petition on the

grounds of delay and laches alone. The Petitioner had full knowledge of the fact that the land was acquired and vested in the State at least from the year 2017, as by then he became fully aware of the entire proceedings under which the land came to be acquired. Nevertheless, the Petitioner filed a Suit seeking a declaration without seeking any recovery of possession. The Suit was dismissed, and rightly so, considering the bar on challenge to the acquisition proceedings. The land having vested in the Government way back in the year 2010, when the award was passed, the possession had been taken and the road having been constructed in the acquired property, there is no reason why we should entertain this Petition at this stage. The Petition is therefore rejected in limine.

4. We have taken note of the statement made by the learned Advocate General on instructions that the awarded amount has been deposited with the Special Land Acquisition Officer, GSIDC, under the Award, which was passed in the favour of the predecessor in title of the Petitioner Mr Stephen A. Pereira. If the Petitioner so desires, he may file an appropriate proceedings before the SLAO, after impleading the said Mr Stephen A. Pereira or his successors; the SLAO shall, if such proceedings are filed, hear the Petitioner and the said Mr Stephen A. Pereira or his successors and take a decision on whether the Petitioner makes out a case for entitlement to the awarded amount.

5. At this stage Mr Kantak, upon instructions, submits that such proceedings would be filed within two weeks from today. In the event the proceedings are actually filed, the SLAO shall

dispose of the same after hearing all the parties preferably within a period of twelve weeks from the date of filing of the proceedings.

6. The Petition stands disposed of. All pending applications shall be treated as dismissed after waiving office objections and registering the same.

AMIT S. JAMSANDEKAR, J.

VALMIKI MENEZES, J.