

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 69 OF 2007**

1. Smt. Gomati Tima Gaude,
2. Shri Saku Tima Gaude,
3. Shri Kashinath Tima Gaude,
4. Shri Gopinath Tima Gaude,
5. Smt. Guna Tima Gaude,
6. Tulshi Tima Gaude,
All residents of Varchawada,
Dhawali, Ponda, Goa.

... Petitioners

Versus

1. The Dy. Collector & S.D.O. Ponda,
Sub-Division, Ponda Goa.
2. The Executive Engineer,
Works Div. XVIII (R.C.)
P.W.D. Ponda, Goa.
3. Dr. Pradip Vishnu Sincro,
major, S/o. late Vishnu Caxinath Sincro.
4. Dr. Neelam Pardip Sincro,
Major, W/o. Dr. Pradip Vishnu Sincro,

Both r/o. F-1 Rahul Apts.,
Khadpabandh, Ponda-Goa.
5. Shri Ajit Vishnu, Major,
s/o. late Vishnu Caxinath Sincro
and Krishnabai Vishnu Sincro.
6. Smt. Yeshoda Ajit Sincro,
Major, married,
w/o. Ajit Vishnu Sincro.

Both residents of Kurtarkar Nagar Apts.,
Shantinagar, Ponda-Goa.

7. Smt. Meenaxi Vishnu Sincro
alias Meenaxi Prakash Kunde,
major, Daughter of late Vishnu
Caxinath Sincro
and Krishnabai Vishnu Sincro,
w/o. of Shri Guiri alias Prakash Sridhar Kunde.

8. Shri Guiri alias Prakash Sridhar Kunde,
Major, married, businessman,

Both residents of Sanvarkatta,
Cuncolim-Goa.

... Respondents

Mr. S.D. Lotlikar, Senior Advocate with Ms. A. Naik, Advocate for
the Petitioners.

Mr. D. Pangam, Advocate for Respondents No.3 & 4.

Coram:- F. M. REIS, J.

Date:- 19th June, 2015

ORAL JUDGMENT :

Heard Mr. S.D. Lotlikar, learned Senior Counsel appearing for
the petitioners and Mr. D. Pangam, learned Counsel appearing for the
respondent.

2. The short challenge in the above Writ Petition is the order dated
22/11/2006, passed by the Executing Court whereby an application
filed by the respondents no.3 to 8 to intervene in the proceedings for
execution filed by the petitioners herein, is allowed.

3. During the course of the hearing of the above petition, it was pointed out by the learned Counsel appearing for the respondents no.3 & 4 that pursuant to an order dated 21/06/2007, the petitioners have already withdrawn the amount deposited before the Executing Court upon furnishing a security. It also transpires that it is the case of the respondents no.5 to 8 that proceedings are pending before the authorities under the Agricultural Tenancy Act wherein the dispute with regard to the claiming of tenancy of the petitioners is pending. It is not disputed that ultimately the claim of the respondents no.3 to 8 would be based on the outcome of such proceedings pending before the Authorities under the Agricultural Tenancy Act.

4. As the amount has already been withdrawn, the impugned order dated 22/11/2006 would not survive. But, however, in the interest of justice the Writ Petition is disposed off by reserving the right of the respondents no.3 to 8 to claim the amount of compensation awarded in the land acquisition proceedings, if they are so entitled, based on the outcome of the said proceedings pending before the authorities under the Agricultural Tenancy Act, in terms of the provisions of Section 31 of the Land Acquisition Act, in accordance with law. Reserving the said liberty, petition stands

disposed of. Rule stands disposed of accordingly.

F. M. REIS, J.

NH/-