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IN THE HIGH COURT OF BOMBAY AT GOA

MISC. CIVIL APPLICATION NO. 452 OF 2014
IN
FIRST APPEAL NO. 89 OF 2007
AND
MISC. CIVIL APPLICATION NO. 809 OF 2014
IN
MISC. CIVIL APPLICATION NO. 693 OF 2013

MISC. CIVIL APPLICATION NO. 452 OF 2014
IN
FIRST APPEAL NO. 89 OF 2007

Shankar Hari Kamat Mamai and 10 others ... Applicants

V e r s u s

Deputy Collector (Dev) and
Land Acquisition Officer and Anr. ... Respondents

Mr. Shivan Desai, Advocate for the applicants.

Mr. D. Lawande, Government Advocate for the respondents.

AND
MISC. CIVIL APPLICATION NO. 809 OF 2014
IN
MISC. CIVIL APPLICATION NO. 693 OF 2013

Shri Shrinivas P. Kamat Mhamai & Ors. ... Applicants

V e r s u s

The Deputy Collector & LAO,
Office of the Collectorate Building,
Panaji Goa and others ... Respondents

Mr. D. Pangam, Advocate for the applicants.

:2:

Mr. D. Lawande, Government Advocate for the respondents.

**Coram:- F. M. REIS &
K. L. WADANE, JJ**

Date :- 20th July, 2015

P.C.

Heard.

2. The above applications are with regard to the withdrawal of the amount deposited in this Court while granting stay of the operation of the award passed by the Reference Court. The dispute is essentially about the disbursement of the amounts to the parties. In such circumstances, an adjudication would be necessary to be carried out by the Executing Court to examine the amount to be distributed to the claimants in both the above applications and also consider whether any amount is to be refunded to the State Government. As this would entail an inquiry which cannot be done in the above M.C.A. as the First Appeal itself has already been disposed of, we find it appropriate to permit the applicants to file an Execution Application before the Reference Court to recover the amount due and the Reference Court shall proceed to adjudicate on the rival claims of the applicants as well as the State Government and decide the amount payable to the parties in accordance with law.

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3. Mr. Dessai, learned counsel appearing for the applicants in M.C.A. No. 452 of 2014 states that he would file an Execution Application before the Reference Court within 15 days from today after giving a notice to Mr. Pangam, learned counsel who appears for the applicants who seek to intervene in the above proceedings as well as the learned Government Advocate. The locus stadi of the intervention would have to be examined by the Executing Court on its own merits after hearing the parties in accordance with law. As such, we find it appropriate to direct the Registry to continue in fixed deposit the amount deposited in this Court and the disbursement of the amount shall be effected in terms of the final decision by the Executing Court in the manner stated herein above.

4. With these directions, both the applications stand disposed of. All contentions of both the parties on merits are left open. The Executing Court shall try and dispose of such Execution Application as expeditiously as possible within six months from the date of the appearance of the parties.

K. L. WADANE, J

F. M. REIS, J

at*