

IN THE HIGH COURT OF BOMBAY AT GOA

FIRST APPEAL NO. 71 OF 2001
WITH
CROSS OBJECTION NO, 13 OF 2001

FIRST APPEAL NO. 71 OF 2001

1. State of Goa, Rep. by
Dy. Collector (L.A.),
Land Acquisition Officer,
Panaji, Goa.
2. Director of Social Welfare,
Panaji, Goa. ... Appellants

V e r s u s

Comunidade of Murda,
Attorney Shri Bruno P. Furtado,
R/o Mercedes, Goa. ... Respondent

CROSS OBJECTION NO, 13 OF 2001

1. State of Goa, Represented by
Dy. Collector (LA),
Land Acquisition Officer,
Panaji, Goa.
2. Director of Social Welfare,
Panaji, Goa. ... Appellants

V e r s u s

Comunidade of Murda,
represented by its Attorney,
Mr. Bruno Purificacao Furtado,
R/o Mercedes, Goa. ... Respondent

Mr. Vivek Rodrigues, Addl. Government Advocate for the Appellants.

None for the Respondents.

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

Date : **5th January, 2015**

ORAL JUDGMENT (Per F. M. Reis, J.)

Heard Shri Vivek Rodrigues, learned Addl. Government Advocate appearing for the Appellant and none for the Respondents.

2. The above Appeal challenges the Judgment and Award dated 17.04.2000 enhancing the compensation of the land acquired by partly allowing the reference under Section 18 of the Land Acquisition Case, 1894, (herein after referred to as 'the said Act') to Rs.67/- per square metre.

3. During the course of the hearing of the above Appeal, it was pointed out by learned Addl. Government Advocate, that the issue of tenancy itself is under dispute and in fact the Appeal preferred by the tenant being First Appeal no. 39 of 1998 has been disposed of by this Court by Oral Judgment dated 05.01.2015, remanding the matter to the Reference Court to decide the reference afresh.

4. For the reasons stated in the said Judgment and taking note of the fact that the issue of tenancy would have a bearing in determining the compensation of the land acquired, we find it appropriate in the interest of justice to dispose of the above Appeal as well as the Cross Objections filed by the Respondents by quashing and set aside the Judgment and Award passed by the Reference Court and remanding the matter to the Reference Court to decide the

reference filed by the Respondents afresh in accordance with law. The Reference Court shall proceed to decide the reference after awaiting the final Order in the tenancy proceedings which are stated to be pending before this Court.

5. Shri Rodrigues, learned Counsel appearing for the Appellant, has pointed out that the amount as awarded by the impugned Award has already been deposited in this Court. Hence, the Registrar is directed to renew the fixed deposits of the said amount from time to time and await the final decision of the reference proceedings filed by the Respondents.

6. In view of the above, I pass the following :

ORDER

1. The impugned Award dated 17.04.2000 is quashed and set aside.
2. The Land Acquisition Case No. 20/1989 is restored to the file of the Reference Court.
3. The Reference Court is directed to decide the reference in the light of the observations made herein above after hearing the parties in accordance with law.

4. All the contentions of both the parties on merits are left open.

5. The parties are directed to appear before the Reference Court on 16.03.2015 at 10.00 a.m.

6. The Appeal and the Cross Objections are disposed of accordingly with no order as to costs.

K. L. WADANE, J.

F. M. REIS, J.

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