

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 277 OF 2016

IN

FIRST APPEAL NO. 247 OF 2000

MRS. LOURDES MARIGUINHA MARTINS E
FERNANDES, THR. HER ATT. MR. FELIX
ANTONIO TEREZINHO FERNANDES.

... Applicant

Versus

DY. COLLECTOR(DEV) AND LAND
ACQUISITION OFFICER AND ANR.,

... Respondents

Shri Joseph Vaz, Advocate for the applicant.

Shri Pravin N. Faldessai, Addl. Govt. Advocate for the respondent
no.1.

Coram:- F. M. REIS &
NUTAN D. SARDESSAI, JJ.

Date:- 29th August, 2016

P.C.

This is an application inter alia to permit the applicant to withdraw the amount deposited in this Court in respect of the land which was subject matter of the acquisition as the appeals challenging the award passed by the Reference Court have been disposed off.

2. Shri Vaz, learned Counsel states that the share of the applicant is 1/3rd in the compensation awarded and that though the subject matter of the acquisition were properties bearing P. T. Sheet No.156 of chalta No. 82-A and P. T. Sheet No.156 of Chalta No.1(part) of Caranzalem, Village, the compensation payable to the applicant

towards their share in respect of the property bearing P. T. Sheet No.156 of Chalta No.1(part) has not been deposited in the First Appeal No.247/2000 filed by the applicant herein. It was further pointed out that the total compensation in respect of the property bearing P. T. Sheet No. 156 of Chalta No. 1(part) has been deposited in First Appeal No.202/2000 which was filed by the other co-owners.

3. On perusal of the order dated 27.3.2014 passed in MCA No.339/2013 in First Appeal no.202/2000, we find that as far as the share of the applicant and other co-owners who had not withdrawn the amount, the compensation deposited in this Court was remitted to the Reference Court with a direction to invest such amount in a Fixed Deposit in any Nationalised Bank to enable the concerned parties to withdraw the amount.

4. The learned Addl. Govt. Advocate does not dispute that the amount remitted to the Reference Court also includes the share of the applicant in the property bearing P. T. Sheet No. 156 of Chalta No.1(part) which was the subject matter of the said acquisition.

5. In such circumstances, the applicant is permitted to withdraw his 1/3rd share alongwith interest accrued thereon which stand now remitted to the Reference Court, pursuant to the order dated 27.3.2014 passed in MCA No. 339/2013. The Reference Court shall accordingly permit the applicant to withdraw his 1/3rd share of the amount in terms of compensation so awarded of the aforesaid directions.

6. The application stands disposed off accordingly.

NUTAN D. SARDESSAI, J.

F. M. REIS, J.

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