

IN THE HIGH COURT OF BOMBAY AT GOA

FIRST APPEAL NO. 57 OF 2011

THE LAND ACQUISITION OFFICER PWD
(CELL), ALTINHO AND ANR.,

... Appellants

Versus

EDGAR FRANCISCO DIAS VALLES
THROUGH POA AUGUSTA IRIA VALLES

... Respondent

Ms. A. Razaq, Government Advocate for the appellants.

Shri M.B. D'Costa, Senior Advocate with Ms. K. Betquecar,
Advocate for the respondent.

Coram:- NUTAN D. SARDESSAI, J.

Date:- 11th June 2018

P.C.:

Heard Ms. A. Razaq, learned Government Advocate on behalf of the appellant and Shri M.B. D'Costa, learned Senior Advocate who placed reliance on the Division Bench Judgment in the First Appeal No.56 of 2011 pursuant to which the award passed by the Principal District Judge has been upheld fixing the market value of the acquired land at Rs.1920/- per sq.mtr.

2. Shri M.B. D'Costa, learned Senior Advocate for the respondent does not press for the cross-objections.

3. Shri M.B. D'Costa, learned Senior Advocate submits that the

First Appeal No.56 of 2011 was arising out of the acquisition under Section 4 Notification which is involved in the present appeal and where the learned Division Bench of this Court upon considering the impugned judgment before it had dismissed the appeal filed by the acquiring Department as also the cross-objections raised by the respondents therein. This land was adjoining to the present acquired land. Ms. A. Razaq, learned Government Advocate on behalf of the appellants does not dispute the judgment passed by the Division Bench in First Appeal No.56/2011 and being binding on this Court and arising from the same Notification under Section 4 of the Act in respect of an adjoining land.

4. In view thereof, the appeal filed by the Acquiring Department is dismissed and the impugned judgment passed by the then learned Principal District Judge is upheld. The Cross-objection No.12 of 2011 is also dismissed with no order as to costs. The respondent would be entitled to all the statutory benefits as provided under the Act.

NUTAN D. SARDESSAI, J.