

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 679 OF 2018**

Shri Chetan Desai,
R/o Casa Del Sol 117,
Next to Hotel Marriott,
Panaji, Goa.

.... Petitioner.

V e r s u s

The Managing Director,
GSIDC LTD., EDC House,
7th floor, Panaji, Goa.

..... Respondent

(The above are registered addresses of the parties)

Adv. Gaurish N. Agni with Adv. E. Uspakar for the Petitioner.
Adv. Ashwin D. Bhobe for the Respondent

Coram:- C. V. BHADANG, J.
Date:- 2nd July 2018.

Oral Judgment:

Heard. Rule, made returnable forthwith. Mr. Bhobe, the learned counsel waives service for the respondent. Heard finally by consent of parties.

2. The challenge in this petition is to the order dated 2/5/2018 passed by the Reference Court thereby rejecting the application for adjournment filed by the petitioner. The proceedings before the Reference Court are under

section 18 of the Land Acquisition Act in which the petitioner intended to examine Mr. Sitakant D. Kamat who is the surveyor. On account of the non availability of the surveyor from 30/4/2018 to 30/5/2018, the petitioner requested for time to lead his evidence, which has been rejected by the Reference Court.

3. The learned counsel for the petitioner states that now the surveyor is available and can be examined on the next date which may be fixed by the learned Reference Court. Considering the overall circumstances I find that an opportunity needs to be granted to the petitioner to examine the surveyor, as his evidence would be relevant for deciding the reference under section 18 of the Land Acquisition Act. In such circumstances the petition is allowed. The impugned order is hereby set aside. The petitioner shall be permitted to examine the surveyor on the next date of hearing or on any other date that may be fixed by the Reference Court. The learned counsel for the petitioner undertakes to secure the presence of the surveyor on the next date or on any other date which may be fixed by the Reference Court. Rule is made absolute in the aforesaid terms with no order as to costs.

C. V. BHADANG, J.

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