

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 810 OF 2018

Francisco Antonio Rodrigues. Petitioner.

Versus

State of Goa, and another. Respondents.

Mr. Deepak Gaonkar, Advocate for the Petitioner.

Mr. Dattaprasad Lawande, Advocate General with Mr. Amogh Prabhudessai, Additional Govt. Advocate for the Respondent.

***Coram : R.M. Borde &
Prithviraj K. Chavan, JJ.***

Date : 27th November 2018.

P.C.:

In the Award declared by the Land Acquisition Officer, the name of the Petitioner/land owner was erroneously recorded and as such, the Petitioner approached the concerned Land Acquisition Officer for correction of his name. Since steps have not been taken by the concerned Land Acquisition Officer, the Petitioner has approached this Court.

2. The learned Advocate General appearing on behalf of the State informs that necessary correction would be effected by the concerned Land Acquisition Officer in the Award declared on 21 September 2005, within a period of three weeks from today. The

statement made is accepted.

3. The learned Counsel appearing for the Petitioner states that he has received the amount of compensation under protest on 18 July 2017 and an application has also been tendered for making a reference to the Civil Court for determination of the amount of compensation, on 14 August 2017, however, the concerned Land Acquisition Officer has not referred the matter to the Civil Court for determination of enhanced compensation. The concerned Land Acquisition Officer is directed to refer the reference application tendered by the Petitioner for determination of amount of compensation to the Civil Court as expeditiously as possible and preferably within a period of four weeks from today. Since the Petitioner has received the amount of compensation on 18 July 2017 and has tendered the application seeking reference to the Civil Court on 14 August 2017, in terms of the provisions of Limitation Act, the reference shall have to be treated to have been presented within the prescribed period of limitation. Instant order is passed in the peculiar facts and circumstances of this case.

4. In view of the above, the Writ Petition is disposed of.

(Prithviraj K. Chavan, J.)

(R.M. Borde, J.)