

IN THE HIGH COURT OF BOMBAY AT GOA

CONTEMPT PETITION NO.44 OF 2018

IN

WRIT PETITION NO.510 OF 2017

Dumena Gomes,

Through POA Menino Colaco

... Petitioner

Versus

Dharmendra Sharma & Ors.

... Respondents

Mr. Nigel Da Costa Frias and Ms. L. Sawant, Advocates for the petitioner.

Mr. D. Lawande, Advocate General with Mr. P. Dangui, Government Advocate for the respondents.

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

Date : 27th November 2018.

P.C. :

The learned Advocate General appearing for the State informs that the sale deed between the parties has already been executed and the amount of compensation has been paid to the two claimants. It is further informed that the third claimant whose property is acquired has passed away and his legal heirs have been

informed to execute the sale deed and collect the amount of compensation. It is further informed that the amount of compensation determined in terms of the agreement has already been deposited with the Economic Development Corporation (EDC). It would be open for the legal heirs of the deceased claimant to execute the sale deed and collect the amount. In terms of the order passed on 19th September 2018, the Division Bench of this Court has restored the order of status quo which was granted on 10th July 2017 and as such, the interim order is in operation. As the State Government has already executed the sale deed and acquired the property, there shall be no impediment for permitting the State to continue with the developmental activities and there shall be no necessity to continue the interim order of status quo granted on 10th July 2017. The interim order passed on 19th September 2018 restoring the order of status quo granted earlier on 10th July 2017 stands vacated. It would be open for the claimants to take up a separate proceedings for claiming the refund of the tax deducted at source before the appropriate forum available under the law.

2. In view of the development as recorded above, the Contempt Petition does not deserve any consideration. The Contempt Petition as such stands disposed of. The notices issued earlier are

recalled.

Prithviraj K. Chavan , J.

R. M. Borde , J.

at*