

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO.167 of 2018**

1. Mr. Paulo Agnelo Gustavo Barreto, Engineer, aged about 56 years, having Pan Card No. ACSPP1116C and Adhar Card No. 2484 5352 8392 and Telephone No. 9822100157 Resident of H. No.12, Ashwin Residency, Bacbhatt, Raia, Salcete, Goa, Indian National;
2. Mrs. Michelle Colaco E Barreto aged about 42 years, having Pan Card No.AIMPB6055E and Adhar Card No.9577 1564 9632 and Telephone No.9822048175, Indian National .. Petitioners

Vs.

1. The Special Land Acquisition Officer, Selaulim Irrigation Project, Gogol, Margao, Goa.
2. The Government of Goa Represented by its Chief Secretary, Assembly Complex, Porvorim Goa .. Respondents.

Shri M. P. Almeida, Advocate for the petitioners.

Shri P. Faldessai, Additional Government Advocate for the respondent nos.1 and 2.

CORAM :- C. V. BHADANG, J.

Date : 9th July, 2018

ORAL JUDGMENT :

Rule, made returnable forthwith. The learned

Additional Government Advocate waives service for the respondents. Heard finally by consent of parties.

2. The challenge in this petition is to the communication / order dated 14/07/2017, by which an application under Section 28A of the Land Acquisition Act, 1894 (the Act for short) filed by the petitioners has been dismissed by the Special Land Acquisition Officer on the ground that the petitioners have already filed an application under Section 18 of the Act.

3. Shri Almeida, the learned Counsel for the petitioner submits that in so far as the properties, in respect of which the application for re-determination of compensation was filed are concerned, are not the properties subject matter of the reference u/s 18 of the Act. This aspect is not disputed by the learned Additional Government Advocate. The learned Additional Government Advocate, in all fairness, submits that the Special Land Acquisition Officer has not examined whether the reference pertains to the same properties, in respect of which the re-determination of the compensation is sought for. He, therefore, submits that the Special Land Acquisition Officer shall re-examine the matter and shall pass appropriate orders in accordance with law. In such circumstances, the following order is passed :

- (i) The petition is allowed.
- (ii) The impugned order/ communication is hereby set aside.
- (iii) The application for re-determination filed by the petitioners is restored to the file of the learned Special Land Acquisition Officer for deciding it afresh in accordance with law.
- (iv) The original application is filed way back on 11/09/2007. In such circumstances, the learned Special Land Acquisition Officer is directed to decide the application as expeditiously as possible and in any event, within a period of six months from the receipt hereof.
- (v) Rule is made absolute in the aforesaid terms, with no order as to costs.

C. V. BHADANG, J.

SMA