

IN THE HIGH COURT OF BOMBAY AT GOA**FIRST APPEAL NOS. 102/1991 & 5/1992****FIRST APPEAL NO. 102 OF 1991**

Smt. Regina Luisa Maria, R/o Mercedes-Goa. Appellant

Versus

1. Dy. Collector, North Goa Division,
Panaji-Goa.

2. Economic Development Corporation,
EDC House, Panaji-Goa. Respondents

Mr. Mahesh Amonkar, Advocate for the Appellant.

Ms. Susan Linhares, Additional Government Advocate for the
Respondents.

FIRST APPEAL NO. 5 OF 1992

1. The State of Goa, through Dy. Collector,
Goa North Division, Panaji.

2. The Economic Development Corpn. of
Goa, Daman & Diu, Panaji. Appellants

Versus

Smt. Regina Luisa Maria, R/o Mercedes, Ilhas,
Goa. Respondent

Ms. Susan Linhares, Additional Government Advocate for the
Appellants.

Mr. Mahesh Amonkar, Advocate for the Respondent.

CORAM : C.V. BHADANG, J.

DATE : 9th August, 2019.

COMMON JUDGMENT:

Both these Appeals are between the same parties and arise out of the judgment and order dated 10.09.1991, passed by the learned District Judge at Panaji in Land Acquisition Case No. 1/1987. As such, they are being disposed off by this common judgment.

2. By a notification dated 12.08.1982, under Section 4 of the Land Acquisition Act, 1894 (Act, for short), the Government had acquired land admeasuring 600 square metres belonging to the appellant, Regina Luisa Maria, for construction of an approach road to the urban development complex at Patto, Panaji. The Land Acquisition Officer (LAO, for short) awarded compensation at the rate of Rs.35/- per square metres as against the claim of Rs.250/- per square metre made by the claimant, Regina Luisa Maria. The appellant, Regina Luisa Maria made a reference under Section 18 of the Act, which was registered as Land Acquisition Case No. 1/1987, in which, the claimant examined her Power of Attorney holder. There was no evidence led on behalf of the acquiring body, namely, the Economic Development Corporation (EDC).

3. On behalf of the claimant, reliance was placed on an award dated 21.08.1987 in Land Acquisition Case No. 82/1985, in which, the Reference Court had awarded compensation at the rate of Rs.171.50 per square metre in respect of an adjoining land. It was contended that the EDC has sold land at the rate of Rs.1,000/- per square metre, some time prior to the filing of the reference and therefore, the compensation claimed at the rate of Rs.250/- per square metre is reasonable and proper.

4. The Reference Court found that in Land Acquisition Case No. 82/1985, reliance was placed on yet another award in Land Acquisition Case No. 26/1982, wherein compensation was awarded by the Reference Court at the rate of Rs.125/- per square metre. The Reference Court in its discretion after making allowance for certain deductions towards the expenses for conversion of the land and the restrictions under the Agricultural Tenancy Act, 1964 (in as much as the land, which was a paddy field), enhanced the compensation to Rs.120/- per square metre alongwith statutory benefits. The original claimaint, feeling dissatisfied with the compensation, filed First Appeal No. 102/1991, seeking further enhancement. The State of Goa alongwith EDC has filed First Appeal No. 5/1992, seeking reduction of the compensation granted.

5. I have heard Mr. Amonkar, the learned Counsel appearing for the original claimant/appellant in First Appeal No. 102/1991 and Ms. Linhares, the learned Additional Government Advocate for the appellants in First Appeal No. 5/1992. Perused record.

6. These Appeals, in my considered view, are required to be disposed off on a short count. On 30.09.2004, it was pointed out that a group of Appeals arising from the same acquisition was decided by this Court and that was subject matter of challenge before the Hon'ble Supreme Court in S.L.P. (Civil) Nos. 16945, 16989, 16990 and 17037 of 2004. It was therefore urged that this Court should await the decision of the Hon'ble Supreme Court in the aforesaid Civil Appeals. The record discloses that from time to time the Appeals have been adjourned awaiting the decision of the Supreme Court in the aforesaid Appeals. It is now pointed out that the Hon'ble Supreme Court, by an order dated 11.07.2017, passed in Civil Appeals Nos. 7869, 7884 to 7892, 7870, 7872, 7871, 7873 to 7883, 7893, 7894 of 2009, restored the award of the Reference Court, while dismissing the Civil Appeal Nos. 7895 and 7896 of 2009. In other words, the Hon'ble Supreme Court has confirmed the compensation awarded by the Reference Court.

7. The learned Counsel for the parties submitted that this Court may dispose off the Appeals in terms of the order passed by the Hon'ble Supreme Court.

8. I have considered the circumstances and the submissions made. Having regard to the fact that the Hon'ble Supreme Court has restored the judgment and award passed by the Reference Court in matters arising out of the same acquisition, no case for interference is made out in the impugned order, granting compensation at the rate of Rs.120/- per square metre.

In that view of the matter, both the Appeals are hereby dismissed, with no order as to costs.

Decree be drawn accordingly.

C.V. BHADANG, J.

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