

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 333 OF 2019

DEEPAK MALWANKAR.,

... Petitioner

Versus

THE STATE OF GOA, THR. ITS CHIEF
SECRETARY AND 13 ORS.,

... Respondents

Ms. K. Pednekar, Advocate for the Petitioner.

Mr. D. Lawande, Advocate General with Mr. A. Jamadar, Addl.
Government Advocate for Respondent Nos.1 to 4.

Mr. S. Taleigaonkar, Advocate for Respondent No.5.

Mr. Vijay Palekar, Advocate for Respondent No.6.

Mr. M. Navelkar, Advocate for Respondent Nos.7 to 14.

Coram:- R. D. DHANUKA &
PRITHVIRAJ K. CHAVAN, JJ.

Date:- 30th April 2019

P.C.

The learned Advocate General for Respondent Nos.1 to 4 states that the compensation in respect of the road in question will be Rs.7,20,000/-. The Government is ready and willing to deposit 50% of the said amount, which amount can be permitted to be withdrawn by the Petitioner. The statement is accepted.

2. The learned Advocate General tenders the calculation of the compensation in respect of the land proposed for acquisition at the rate of Rs.2400/- per square metre for 300 square metres. He submitted that the said amount will be deposited within four

weeks from today in this Court.

3. Since the landlord and the other Respondents have no monetary claims in so far as the compensation is concerned and since the Petitioner claims to be the tenant, the Petitioner is allowed to withdraw the said amount upon furnishing an undertaking and in the event of the landlord succeeding in the pending appeal, the Petitioner would return the said amount to the Government. It is made clear that the Petitioner would be allowed to withdraw the said amount upon furnishing such undertaking in this Court within two weeks from the date of deposit of the amount by the Respondent Nos.1 to 4. Upon furnishing an undertaking, the office to permit the Petitioner to withdraw the said amount. A copy of such undertaking shall be furnished to the other Respondents also by the Petitioner. It is further made clear that the amount allowed to be withdrawn by the Petitioner is subject to the appeal preferred by the landlord pending before the Deputy Collector.

4. In view of the Respondent Nos.1 to 4 being agreed to deposit 50% of the compensation amount for acquisition of the land in question, it is made clear that the Respondent Nos.1 to 4 would be allowed to proceed with the construction of the road and to use it.

5. The writ petition is disposed of on the aforesaid terms.
There shall be no order as to costs.

6. Parties as well as the office to act on the authenticated
copy of this order.

PRITHVIRAJ K. CHAVAN, J.

R. D. DHANUKA, J.

at*