

IN THE HIGH COURT OF BOMBAY AT GOA**FIRST APPEAL NO. 19 OF 2012**

1. Mr. Gladstone S. C. Almeida,
(Expired) (Deleted)
 2. Mr. Delano Almeida,
(Since deceased, represented by his
legal heirs)
 - 2(a) Mrs. Sandra Almeida,
 - 2(b) Mrs. Danica Almeida,
 - 2(c) Mr. Sharod Kumar,
 - 2(d) Mrs. Delicia Almeida,
 - 2(e) Mr. Edwin Vaz,
 - 2(f) Miss Darren Almeida,
 - 2(g) Mr. Darryn Almeida,All resident of Mumbai.
 3. Miss Brazelina Almeida,
 4. Miss Evita Almeida,
 5. Mr. Joseph Almeida,
All residing at 10,
Parel, House Opp KEM Hospital,
Dr. E. Borges Marg.,
Parel, Mumbai 12.
- ... Appellants

Versus

1. Spl. Land Acquisition Officer,
C/o Forest Settlement Officer,
Panaji Goa.
 2. Dy. Conservator of Forests,
Wild Life Division,
Panaji Goa.
- ... Respondents

Mr. Mahesh Amonkar and Ms. Almeida, Advocates for the Appellants.
Mr. S. Dhargalkar, Addl. Government Advocate for the Respondents.
Mr. Vikas V. Desai, Dy. Conservator of Forests, Wild Life & Eco.

Tourism, North Goa, present in the Court.

**Coram:- M. S. SONAK &
NUTAN D. SARDESSAI, JJ.**

Date:- 25th September, 2019

Oral Judgment (Per M. S. Sonak, J)

Heard Mr. Amonkar alongwith Ms. Almeida, learned counsel for the Appellants and Mr. S. Dhargalkar, learned Addl. Government Advocate for the Respondents.

2. This appeal takes exception to the award dated 30.07.2011 made by the learned District Judge, South Goa, Margao in Land Acquisition Case No.158/2000. The impugned award has determined the rate of compensation in respect of the Appellants' lands which came to be acquired at the rate of Rs.2/- per square metre. In the appeal, it was the case of the Appellants that they were entitled to the compensation at the rate of at least Rs.16/- to Rs.17/- per square metre.

3. In the course of the arguments, it was pointed out that the State in First Appeal No.294 of 2007 which also pertained to the acquisition of lands in the nearby village, had agreed to pay the compensation at the rate of Rs.13/- per square metre in the proceedings held before the Lok Adalat. Based upon this agreement, First Appeal No.294 of 2007 was disposed of.

4. Accordingly, we had adjourned this matter in order to enable the parties to consider whether even this appeal can be disposed of by enhancing the rate of Rs.13/- per square metre, in place of Rs.2/- per square metre awarded, in the impugned award.

5. Today, Mr. Amonkar, on the basis of the instructions from the Appellants, some of whom are present in the Court states that the Appellants are agreeable to accept the compensation at the rate of Rs.13/- per square metre in place of Rs.2/- per square metre. Mr. Amonkar, again, on the basis of the instructions states that if this is only modification done to the impugned award, the Appellants, will be satisfied and will have no further claims.

6. Mr. Dhargalkar, learned Addl. Government Advocate, again, on the basis of the instructions from Mr. Vikas Desai, Dy. Conservator of Forest, Wild Life and Eco Tourism, North Goa, makes a statement that the Respondents are agreeable to the payment of compensation at the rate of Rs.13/- per square metre in place of Rs.2/- per square metre awarded by the impugned award.

7. Mr. Dhargalkar points out that the decision to this effect has been taken by the Government which is evident from the notings in the file.

8. According to us, now the parties have agreed to the aforesaid modification of the impugned award by way of enhancing the compensation from Rs.2/- per square metre to Rs.13/- per square metre, this appeal can be disposed of on the said basis, with the consent of the learned counsel for the parties, which consent is no doubt, on the basis of the instructions from the respective parties.

9. Accordingly, this appeal is disposed of by modifying the impugned award and enhancing the compensation in respect of the acquired land from Rs.2/- per square metre to Rs.13/- per square metre. The differential amount will have to be paid by the Respondents within three months from today. The Respondents will also have to pay all other statutory benefits proportionate to the enhancement within a period of three months from today.

10. Save and accept the aforesaid modification, there shall be no further change in the impugned award.

11. The appeal is disposed of in the aforesaid terms. In the facts and circumstances of the present case, there shall be no order as to costs.

NUTAN D. SARDESSAI, J.

M. S. SONAK, J.

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