

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 1066 OF 2018.**

1. Shri. Santosh Y. Dicholkar,
son of Yeshwant Bicholkar,
aged 61 years, occupation retired
Government Servant,
residing at House no.89, Gaonkarwada,
Bicholim, Goa.
2. Indirabai Somnath Dicholkar,
widow of late Somnath Dicholkar
alias Soma Madval,
aged 72 years, occupation housewife,
residing at House no.150, Naik Nagar,
Bicholim, Goa, through her duly
constituted – Attorney Shri. Anant
Raghunath Dicholkar. Petitioners/Applicants

V/s.

1. State of Goa,
through its Chief Secretary,
having his Office at Secretariat,
Porvorim, Goa.
2. The Land Acquisition Officer
(PWD) Cell, Altinho,
Panaji – Goa. Respondents

Mr. Shashikant Narayan Joshi, Advocate for the Petitioners.

Mr. D. Pangam, learned Advocate General with Mr. Deep Shirodkar,

Additional Government Advocate for the Respondents no.1 and 2.

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

Date : 22nd July, 2019.

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

Heard Mr. Shashikant Joshi, the learned Advocate for the petitioners. Mr. D. Pangam, the learned Advocate General on behalf of the State. Rule. Rule is made returnable forthwith at the request of and with the consent of the learned Counsel for the parties.

2. The petitioners have pleaded that their property admeasuring 2750 sq. mts. has been acquired by the respondents for construction of a public road from Dhatwado to Bhagwado at Pilgao. It is their case that they are entitled to be paid compensation under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-Settlement Act, 2013, (New Act). They contend that this compensation has not been paid to them and therefore, they seek a declaration that the Notification issued under Section 4 of the Land Acquisition Act, 1984 (Old Act) be declared as lapsed and directions be issued to the respondents to initiate fresh proceedings for acquisition under the New Act.

3. Mr. D.J. Pangam, the learned Advocate General for the State of Goa on the basis of instruction states that State is agreeable to pay to the petitioners compensation under the New Act. He, however, points out that in the Award the area of the petitioners acquired land is stated to be as 2710 sq. mts. He further points out that apart from the petitioners, there might be other claimants entitled to claim the compensation. He therefore states that the respondents will pay the compensation in terms of the New Act, but by depositing the same before the District Court (Reference Court) in terms of Section 30 of the Old Act. Thereafter, it will be for the Reference Court to apportion the compensation amongst the claimants, if any.

4. Mr. Shashikant Joshi, the learned Counsel for the petitioner on the instructions states that the petitioners are agreeable for the arrangements as proposed. He, however requested that some time frame be fixed for the Reference Court to dispose off the aforesaid proceedings.

5. Accordingly, the respondents to deposit the compensation determined in terms of the New Act, before the Reference Court within a period of six weeks from today. The Reference Court thereafter to initiate the proceedings for

apportionment, by issuance of notices to the persons interested, as indicated in the Order making reference as also, such other persons as may be interested in the issue of compensation. The petitioners to also disclose the names of the potential claimants, if any, to the respondents within two weeks from today. Thereafter all such claimants be issued notices and heard in the apportionment proceedings which are to be disposed off by the Reference Court as expeditiously as possible and in any case within a period of six months from the date of receipt of Reference Order, accompanied by deposit of compensation amount. The compensation amount shall be invested by the Reference Court with a Nationalized Bank so that the parties are able to earn some interest thereon.

6. The petition is disposed of on the above said terms. There shall be no order as to costs.

7. Parties to act on the basis of an authenticated copy of this Order.

NUTAN D. SARDESSAI, J. M. S. SONAK, J.

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