

Amrut

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.260 OF 2021

Gopalkrishna Prabhu Gaonkar

... Petitioner

Versus

The State of Goa & Ors.

... Respondents

Mr. Sudesh M. Usgaonkar with Ms. R. Pereira, Advocates for the petitioner.

Mr. D. Pangam, Advocate General with Ms. Maria Correia, Additional Government Advocate for the Respondents.

**CORAM: SUNIL P. DESHMUKH &
M. S. SONAK, JJ**

DATED: 23rd August 2021

P.C.

1. After hearing the learned counsel for the parties, it emerges that the petitioner's land has been acquired pursuant to the provisions of the National Highways Act, 1956 and the competent authority has determined amount payable towards compensation.

2. Aggrieved by the same, the petitioner had purportedly invoked provisions of Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and sent application under Section 64 to Respondent No.3. The learned counsel for the petitioner submits that in the given situation when the land is

acquired under the National Highways Act, the application at Exhibit-C sent by the petitioner for enhancement of compensation can be given treatment as being under Section 3G(5) of the National Highways Act.

3. The learned Advocate General points out that coincidentally it is the Collector who is the arbitrator under Section 3G(5) and as such the application sent by the petitioner giving treatment under the provisions of the National Highways Act can be considered.

4. In view of the aforesaid, the Collector/Arbitrator to proceed with the application moved by the petitioner pursuant to the provisions of the National Highways Act as expeditiously as possible and preferably within a year from the date of receipt of writ of this order.

5. The petition is accordingly disposed of.

M. S. SONAK, J

SUNIL P. DESHMUKH , J

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