

Suchitra

IN THE HIGH COURT OF BOMBAY AT GOA

FIRST APPEAL NO.99/2018

THE EXECUTIVE ENGINEER,
Work Division-II, PWD, Panaji -
Goa.

... APPELLANT

Versus

SHRI ANTONIO FILIPE
CLOVES PINTO, House no.825,
St. Agostino Ward, St. Cruz,
Calapur Village, Tiswadi, Goa.

... RESPONDENT

Ms. Amira Razaq, Government Advocate *for the Appellant.*

CORAM: M. S. SONAK, J.

DATED: 16th June 2022

ORAL JUDGMENT:

1. Heard Ms. Amira Razaq, learned Government Advocate for the appellant. The respondent, though served, is neither present nor represented.

2. The challenge in this appeal is to the Judgment and Award dated 29.11.2016 in Land Acquisition Case No.55/2014 made by

the Ad-hoc District Judge-2 (FTC), North Goa at Panaji (Reference Court).

3. The subject matter of this appeal is land admeasuring 427 sq.mtrs. surveyed under No.29/1 of Village Calapur that was acquired for construction and B/T (black topping) of left out road in Village Panchayat of St. Cruz (Phase II) in Tiswadi Taluka, (Balance area) under Section 4 Notification of the Land Acquisition Act, 1894 (said Act) dated 14.12.2005.

4. The Land Acquisition Officer (LAO), by his award dated 13.02.2009, offered compensation at the market rate of ₹100/- per sq.mtr. but by the impugned award, the Reference Court has enhanced the same to ₹800/- per sq.mtr.

5. In connected appeals bearing First Appeal No.126/2016 and First Appeal No.116/2018, market rate in respect of land acquired under the same Notification and in the almost immediate vicinity has been determined at ₹960/- per sq.mtr. Therefore, for the reasoning in the Judgment and Order dated 16.06.2022 disposing of First Appeal No.126/2016 and First Appeal No.116/2018, there is no question of interfering with the rate of ₹800/- per sq.mtr. as determined by the Reference Court.

6. In this case, the respondent had not filed any cross-objections or cross-appeal.

7. Accordingly, this appeal is liable to be dismissed and is hereby dismissed.

8. If the respondent has not withdrawn the compensation amount deposited by the State in this Court, then, the respondent will be at liberty to withdraw the same together with the accrued interest. The respondent to furnish details of his bank account so that the Registry can transfer this amount directly into his bank account.

9. The appeal is disposed of in the above terms. There shall be no order for costs.

M. S. SONAK, J.