

Andreza

IN THE HIGH COURT OF BOMBAY AT GOA

MISC. CIVIL APPLICATION NO. 392 OF 2022

IN

FIRST APPEAL NO. 63 OF 2006

Namu Babani Gaude (Expired) ... Petitioner

Versus

Deputy Collector and SDO & Anr. ... Respondents

Mr. A. D. Bhobe, Advocate with *Ms. S. Shaikh, Advocate for the Petitioner.*

Ms. Sulekha Kamat, Additional Government Advocate for the *Respondents.*

CORAM: G. S. KULKARNI, J.

DATED: 21 December, 2022

P.C.

1. This is an application filed by the applicants in the above First Appeal, whereby a prayer is made for withdrawal of an amount of Rs.26,80,467/–, which has been deposited by the respondent no.2– Executive Engineer, Div VIII(Roads) PWD Ponda, Goa, being the land acquisition compensation as payable to the appellants. The First Appeal has been filed by the applicants–appellants being aggrieved by the award as made by the Reference Court in Land Acquisition Case No. 75 of 2001.

2. Ms. Kamat, learned Additional Government Advocate, has placed on record a statement titled “Revised Calculation Sheet”, which sets out the calculation of compensation, interest under statutation, etc. The said calculation indicates that the amount which has been deposited in this Court is an amount of ₹ 26,80,467/-. It is however stated that there is an excess amount which has been deposited of ₹ 11,554/-, which she would submit that the appellants would not be entitled to withdraw.

3. Having heard the learned Counsel for the parties and having perused the memo of the application, in my opinion, it is in the interest of justice, the admitted amount of the compensation as payable to the appellants, be permitted to be withdrawn, however, minus the excess amount of ₹11,554/- as deposited by the respondents. The application is accordingly disposed of by the following order :

ORDER

(i) An amount of ₹ 26,68,913/- (₹ 26,80,467/- minus ₹11,554/-), be permitted to be withdrawn by the applicants to be received by them in the proportion as directed in the Land Acquisition Award in question.

(ii) Let the office do the needful on or before 13 January, 2023.

(iii) Liberty to the respondents to seek withdrawal of the excess amount of ₹ 11,554/- after 30th January, 2023, as in the meantime, if the applicants on verification of the calculation have any claim qua the said amount, the same be made to the Court. It is clarified if no such claim is made on/or before 29 January, 2023, the respondents shall be straight away entitled to withdraw the said amount.

(iv) Disposed of. No costs.

G. S. KULKARNI, J

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