

Meena

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.166 OF 2023

THE COMUNIDADE OF MURDA THR. ITS ... Petitioner
ATTORNEY MARIA TEREZINHA J. MONTEIRO

VS

THE STATE OF GOA THR. CHIEF SECRETARY ...Respondents
AND 2 ORS

Mr Nigel Da Costa Frias with Ms Barbara Andrade, Advocates *for the Petitioner.*

Mr Devidas Pangam, Advocate General with Ms Maria Correia, Additional Government Advocate *for the respondent Nos.1 and 2.*

Mr Raviraj Chodankar, Central Government Standing Counsel Advocate *for respondent No.3.*

**CORAM: M.S. SONAK &
BHARAT P. DESHPANDE,JJ.**

DATE: 11th JULY,2023

P.C.:

1. Heard Mr Nigel Da Costa Frias with Ms Barbara Andrade, learned Counsel for the petitioner, Mr Devidas Pangam, learned Advocate General with Ms Maria Correia, learned Additional Government Advocate for the respondent Nos.1 and 2 and Mr Raviraj Chodankar, learned Central Government Standing Counsel Advocate for respondent No.3.

2. This petition was instituted to seek recovery of compensation of an amount of ₹3,43,10,899.74 (Three Crore Forty Three Lakhs Ten Thousand

Eight Hundred and Ninety Nine Rupees Seventy Four Paisa) towards the acquisition of the petitioner's land for construction/expansion of the national highway.

3. The respondent No.2, who was appointed as the Special Land Acquisition Officer (National Highways) has filed an affidavit before us stating that till now loans of Rs.1,45,32,337/- and Rs.1,36,81,026/- have already been paid to the petitioner. Only a balance of Rs.8,51,311/- remains to be paid.

4. Paragraph 8 of the affidavit concerns this balance amount and reads as follows:

"8. I say that, in so far as the payment of Rs.8,51,311/- (Eight Lakhs Fifty-One Thousand Three Hundred and Eleven) which is due to the Petitioner Comunidade in respect of survey nos.72/3 of village Murdu, the same is under process with the Respondent No.3. I say that the amount so due as mentioned herein shall be credited to the account of the Petitioner Comunidade no sooner the funds are received from the Respondents No.3."

5. Accordingly, more than a substantial portion of the compensation is already paid to the petitioner and insofar as the balance of Rs.8,51,311/- is concerned there is a statement that the same is being processed and no sooner funds are received from respondent No.2, the same will be paid to the petitioner. This statement is accepted.

6. Now that the petitioner's lands have been acquired, it is only appropriate that the respondent No.3 gives the necessary funds to the

respondent Nos.1 and 2 at the earliest so that this balance amount of Rs.8,51,311/- is paid to the petitioner. Accordingly, we direct the respondent No.3 to make available these funds to the respondent No.2 as expeditiously as possible and in any case within a maximum of two months from today. Upon such funds being available, the respondent No.2 must disburse the same to the petitioner within a month from the receipt. If there are any further disputes about interest etc. it is open to the petitioner to take steps as are available under the law.

7. The petition is disposed of in the above terms without any order for costs.

BHARAT P. DESHPANDE,J.

M. S. SONAK, J.