

Niti

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO.214 OF 2023

IN

CIVIL REVISION APPLICATION NO.5 OF 2022

CHIEF TOWN PLANNER

(ADMINISTRATION) TOWN AND COUNTRY

PLANNING DEPT. AND ANR

... APPLICANTS

Versus

DOMINGOS JOSE CRISANTO FERNANDES

(DEC) THR. HIS LRS.,

... RESPONDENTS

Mr Arun Talaulikar, Additional Government Advocate for the Applicants.

Mr J.A. Lobo, Advocate for the Respondents.

CORAM:- M. S. SONAK, J.

DATED :- 15th December, 2023

P.C.:

Heard Mr Arun Talaulikar, learned Counsel for the applicants and Mr Lobo for the respondents.

2. This application seeks the following relief:

(a) It is therefore prayed that this Hon'ble Court be pleased to issue necessary directions to the Ld. District Court accordingly for refund of excess amount deposited in the Court.

3. Apart from the fact that this prayer clause is incomprehensible, as

pointed out by Mr Lobo, this application is frivolous and possibly intended to harass the respondents who have been seeking to recover the compensation payable to them in the acquisition of their land.

4. In the first place, such an application should not have been made before this Court. Secondly, Mr Lobo pointed out to the order dated 02.03.2023 made by this Court in Civil Review Application No.4/2022 and 5/2022. Paragraph 4 of this order clearly records that the calculations as shown in the impugned orders which were impugned in the said revision application "are therefore final".

5. The Court, however, observed that the calculations were only up to 31.10.2017, as a result of which calculations for the further period were directed. These directions can under no circumstances be construed as a licence to disturb finality of the calculations in the orders which were impugned in the revision application. Mr Lobo points out that this is precisely the attempt now being made.

6. Accordingly, this application is dismissed.

M. S. SONAK, J.