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IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 182 OF 2023

THE DIRECTOR/EX-OFFICIO JOINT
SECRETARY, THR. DR. LEVINSON
JERONIMO MARTINS ... PETITIONER

Versus

NAVAL NAROTTAM KAKODKAR & 10
OTHERS ... RESPONDENTS

Ms. Sulekha Kamat, Additional Government Advocate for
the Petitioner.

Mr. P.A. Kholkar, Advocate for Respondent Nos. 1 to 7.

Mr. Neehal Vernekar, Additional Government Advocate for
Respondent Nos. 9, 10 and 11.

CORAM: BHARAT P. DESHPANDE, J.

DATED: 17th APRIL 2024

ORAL ORDER:

1. Heard the learned Additional Government Advocate Ms. Kamat for the Petitioner, learned Counsel Mr. Kholkar appearing for Respondent Nos. 1 to 7 and Mr. Vernekar for Respondent Nos. 9, 10 and 11.

2. This Petition is filed challenging the order passed by the Reference Court dated 08.02.2016. By this order, the learned

Reference Court considered that the new Act i.e. Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 is applicable and accordingly, directed the Petitioner herein to make a reference in accordance with the new Act.

3. It is admitted fact that the award was passed on 15.09.2014 i.e. after coming into force of the Act of 2013 and accordingly, any Application for reference under Section 18 of the Land Acquisition Act, 1894 could not have been referred to the Civil Court in deciding the quantum. The learned District Judge after considering the provisions of the Act of 2013 and more specifically under Sections 24 and 52 of the Act of 2013, observed that the reference under the old Act was not tenable and accordingly, returned the said reference with a direction to make reference under the new Act.

4. Mr. Kholkar now submits that the Respondents filed an Application before the District Court, South Goa, Margao vide Civil Miscellaneous Application No. 62 of 2022. This Application was filed under Section 64 of the Act of 2013 seeking directions to the Land Acquisition Officer to make reference.

5. The learned District Judge vide its order dated 04.04.2023 allowed the said Application and directed the Land Acquisition Officer to make a reference under the new Act in respect of declaration under Section 6 of the old Act issued on 21.02.2021, within a period of 30 days.

6. Admittedly, the Application filed before the District Court pertains to the same acquisition proceedings and between the same parties.

7. Mr. Vernekar appearing on behalf of the Land Acquisition Officer now submits that the said Officer shall comply with the directions issued by the District Court by making reference to the competent Authority under the new Act.

8. The award passed by the Land Acquisition Officer dated 15.09.2014 and more specifically in paragraph 13, referred to the award having been passed under the provisions of the Act of 2013. Accordingly, in view of the subsequent development and the order passed by the District Court, South Goa, Margao on 04.04.2023, which is in line with the order passed by the District Judge-3, Margao impugned herein, and the statement made by Mr. Vernekar on behalf of the Land Acquisition Officer, the Petition

could be disposed of by directing the Land Acquisition Officer to make reference as per the provisions of the new Act to the competent Authority within a period of 30 days from today.

9. With these observations, nothing survives in the present Petition and accordingly, the same stands disposed of.

BHARAT P. DESHPANDE, J.

ESHA SAINATH
VAIGANKAR

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