



Jose

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.248 OF 2024

UDAY KAMAT

... Petitioner

Versus

STATE OF GOA THR THE
CHIEF SECRETARY AND ANR.

... Respondents

Mr Chaitanya Padgaonkar with Ms Vaishali Mahato, Advocates
for the Petitioner.

Mr Deep Shirodkar, Additional Government Advocate for the
Respondent-State.

**CORAM: M.S. KARNIK &
VALMIKI MENEZES, JJ.**

DATED: 25th September, 2024

P.C.:

1. Heard learned Counsel for the Petitioner.
2. Learned Counsel for the Petitioner submitted that he would restrict his prayers to a direction to refer the subject application under Section 18 dated 11.06.2015 to the District Court.
3. The brief facts are that on 21.08.2008, the Government issued a Notification under Section 4 of the Land Acquisition Act, 1894 for construction of Assanora bypass. Declaration under Section 6 of the Land Acquisition Act was made on 15.09.2009. The Petitioners are owners in possession of land surveyed under No.78/6 of village Assanora in Bardez taluka. An area admeasuring 2650 sq. mts.

forming part of the same property was sought to be acquired. Vide letter dated 27.08.2008, the predecessor in title had submitted objections for the proposed acquisition, inter alia on the ground that along the stretch where the proposed road enters Survey No.78/6, on account of the alignment nearly about 90 to 100 trees of various species such as rosewood, teakwood, besides other local forest trees would be required to be cut. It was further pointed out that if the central line of the proposed alignment was deviated by 15 mts., the trees would not be required to be cut and no one would be affected. After the said deviation in the alignment, the road would then pass through open space and as such, the cutting of the trees would be unnecessary and avoidable.

4. The award came to be passed on 23.11.2011 under Section 11 of the Land Acquisition Act, 1894. The possession of the land was taken on 10.06.2015 as per the certificate issued by the Land Acquisition Officer under Section 16 of the said Act.

5. After the award was passed, the Land Acquisition Officer issued a notice under Section 12(2) of the Act dated 14.05.2015 informing the predecessor-in-title of the Petitioner that an amount of Rs.5,00,621/- was payable towards the area of 2405 sq. mts. The predecessor-in-title of the Petitioner filed an application on 11.06.2015 before the Collector and the Office of the Land Acquisition Officer under Section 18 of the said Act seeking redetermination of the compensation amount. The Petitioner's predecessor expired on 24.06.2022 leaving behind the present Petitioner amongst other legal heirs. The present petition is filed on 11.01.2024.

6. Learned Additional Government Advocate appearing for the Respondents submitted that there is no other notice other than the notice issued by the Land Acquisition Officer on 14.05.2015 which was issued to the predecessor-in-title of the Petitioner. If that is so, according to us, the said application is well within limitation. The petition therefore can be allowed.

7. The petition is allowed. Respondent No.2 is directed to refer the subject application dated 11.06.2015 to the District Court/ Land Acquisition Officer for adjudication in accordance with law subject to compliance of the usual formalities.

8. Petition is disposed of. No cost.

VALMIKI MENEZES, J.

M.S. KARNIK, J.