

IN THE COURT OF THE DEPUTY COLLECTOR & S.D.O.,  
PANAJI - GOA

Case No.LRC/Dycl/Mut/APPL/5/2006

The Executive Engineer,  
WD I, PWD,  
Panaji - Goa.

V/S

The Registrar,  
Goa University,  
Bambolim, Goa.



..... Appellant

..... Respondent

JUDGEMENT

This Order shall dispose of an appeal filed by the appellant against the Order of the Mamlatdar and Certifying Officer of Tiswadi in Case No.14230.

2. The case of the appellant is that the Government had acquired the land under the Case No.1-8-85-AC/Part II and the possession of the said property was handed over to the P.W.D. by the Land Acquisition Officer under two Possession Certificates dated 15/10/1985 and 01/12/1986. The list of the property is as enclosed to the appeal memo. The appellant further submitted that on 17/06/2006 when he had attended the meeting convened by the Development Commissioner, he came to know that the said property is mutated in favour of Goa University. He further submitted that the property was acquired by the Government of Goa through P.W.D. for Institutional purpose and the Land Acquisition Officer has rightly handed over the said property to the P.W.D., WD-I. The Mamlatdar and the Certifying Officer without giving an opportunity to the P.W.D., WD-I included the name of the Goa University in the Occupants' Column of Form I & XIV. He prayed to delete the name of Goa University and include the name of the P.W.D., WD-I Government of Goa, in the Occupants' Column of I & XIV Form.

3. The notices were issued to both the parties. The same were duly served. The Ld. Adv. Miss Ashwini Agni on behalf of the Respondent and Smt. S. Patil, Junior Engineer, on behalf of the appellant, appeared before this Court.

4. The Respondent filed the reply submitting that the Certifying Officer has

Contd.....2/-

passed an Order on 14/11/2005 and the present appeal is time barred. The appellant has not filed the application for condonation of delay and the appellant may be advised to file the same. She also contended that the possession of the property was handed over to the Goa University and on the basis of the Possession Certificates, the mutation was carried out. However, in the evening on 29/06/2006, the Respondent has filed another reply submitting that as per the Government Order of Revenue Department bearing No.14-8-2005/RD dated 26/06/2006, the Respondent has no objection to part with 50 acres of land as required by the Government.

5. The appellant has also filed an application for amendmend of the main appeal. In the amendmend application, the appellant submitted that the name of the P.W.D., WD-I may be included in the Occupants' Column of the properties mentioned in the list appended to amend application dated 29/06/2006 and the list enclosed to the appeal memo may please be treated as withdrawn.

6. The main contention of the respondent is that the Order was passed on 14/11/2005 and the present appeal was filed after the lapse of time and the appeal is time barred. On the other hand, the appellant in the appeal memo has clearly spelt out that he came to know about the impugned Order on 17/06/2006 and the appeal is filed on 26/06/2006, which is within the stipulated time. It is also settled principle of law that the limitation period runs from the date of knowledge of an Order. Under these circumstance, the appeal is within the time. Moreover, in the present case, the respondent has filed the reply giving the no objection and as such, it is need not necessary to stress on the said issue.

7. I have perused the appeal memorandum, the application for amendment and the reply filed by the Respondent, so also, the Award and Possession Certificates. It is a fact that the Government has acquired the land under the Award No.1-8-85-AC dated 15/10/1985 and No.1-8-85-AC/Part II dated 01/12/1986. The said property was acquired for Institutional purpose. The possession of the said property was handed over to the P.W.D., WD-I by the Land Acquisition Officer. The appellant in this case, though filed an appeal to reverse the entry in the entire Survey number, however, subsequently moved an application to amend the said appeal and restricted their claims in respect of the properties

mentioned in Schedule – I below and as such, this appeal is confined to the properties mentioned in the said Schedule.

8. The respondent has submitted his reply stating that the Respondent has no objection to part with the properties mentioned in the Schedule as per the letter of the Government bearing No.14-8-2005/RD dated 26/06/2006. It is mentioned in the said letter that the Government in principle approved to allot the Government land at Dona Paula for Convention Centre and Tourism Department and IT SEZ to Information Technology (IT) Department. In another letter No.14-8-2005/RD dated 21/06/2006 submitted that in the meeting convened by the Development Commissioner to discuss and sort out the issue of allotment of land for IT SEZ and Convention Centre at Dona Paula, the Government has noticed that the possession of the land was illegally transferred to the Goa University by P.W.D. without obtaining the Government approval and the ownership of the said land still rests with the Government. It is further directed to reverse the mutation in favour of P.W.D., WD-I after following the due procedure of land.

9. In the present case, the Government has given the directions to reverse the entries in the name of the P.W.D., WD-I in respect of the land which is to be allotted for IT SEZ and Convention Centre at Dona Paula. The Government vide Order of the Revenue Department dated 26/06/2006, as mentioned above, has given an approval in principle for allotment of the following mentioned properties in the Schedule No. I below. The Respondent has given the no objection to part with 50 acres of the said property vide application dated 29/06/2006 as mentioned in the following Schedule.

**SCHEDULE NO. I**

Survey No.	Area acquired by the Government (in Sq. mtrs.)	Area proposed to be allotted (in Sq. mtrs.)
1	2	3
<b>For Convention Centre</b>		
215	8650	8650
216(Part)	33500	21175
217	9500	9500
218	22550	22550
219	42800	42800
<b>Total</b>		<b>104675</b>

Contd.....4



IT SEZ		
230(Part)	31000	12810
231/1	54000	54000
231/1-B		630
232	6210	6210
238	31610	24025
Total		97675

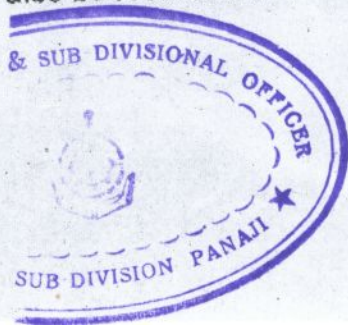
10. The Government has acquired an area from the Survey Nos.216, 230 and 238 and out of which, the part of the area mentioned in Column No.3 of the said Schedule No. I will be allotted to the Convention Centre and IT SEZ and as such, the name of P.W.D. will be included alongwith the Goa University. As far as Survey Nos.215, 217, 218, 219, 231 and 232, an area whatever acquired by the Government is decided to be allotted to the Convention Centre and IT SEZ and hence, the name of the Goa University required to be deleted and the name of P.W.D. is entitled to be recorded in place of Goa University. Admittedly, the Government has acquired the land and the possession of the said land was handed over to the P.W.D., WD-I by the Land Acquisition Officer. The notice was not issued to P.W.D. by the Certifying Officer, as such, they have no opportunity to put up their case. Moreover, the respondent has conveyed its no objection to include the name of the P.W.D., WD-I in respect of the properties mentioned in the Schedule No.I.

In view of above, I pass the following Order:-

**ORDER**

The appeal is allowed. The Order of the Certifying Officer dated 14/11/2005 is partly set aside and the name of the Goa University be deleted from the Survey Nos.215, 217, 218, 219, 231 and 232 of Village Taleigao from the Occupants Column of I & XIV Form and the name of the P.W.D., WD-I, Government of Goa, therein. Similarly, the name of P.W.D., Government of Goa, also be recorded in the Occupants' Column of Survey Nos.216, 230 and 238 of

Contd.....5/-



Village Taleigao, alongwith Goa University. The Mamlatdar of Tiswadi is directed to carry out necessary changes in the Survey Records accordingly.

Announced in the Open Court in the presence of parties on this the 6<sup>th</sup> day of July, 2006.

*A. A. J. Fernandes*

(A. A. J. Fernandes)  
Deputy Collector & S.D.O.  
Tiswadi Taluka, Panaji

**DUPLICATED COPY**

Copy applied for on... 27-7-06  
Date given to the party for taking delivery of the  
copy and extension thereof, if any.....  
Copy ready for delivery on... 31/8/06  
Copy delivered on... 31/8/06  
Typed by... *xerox copy*  
Compared by.....  
Checked by.....  
Copy cost of Rs. 25 (Rupees *Twenty*)  
*five only* credited in State Bank  
of India, *Request* under challan No. *00019/134*  
dated 31/8/06

*A. A. J. Fernandes*

Deputy Collector and  
Sub-Divisional Officer  
Panaji Sub-Division  
~~Panaji Co.~~



3. The notices were issued to both the parties. The same were duly served. The Ld. Adv. Miss Ashwini Agri on behalf of the Respondent and Smt. S. Palli Junior Engineer, on behalf of the applicant, appeared before this Court.

4. The Respondent filed the reply submitting that the Certifying Officer has