

Writ Petition No.324/2002

Shri Augusto T. Saude Noronha
House No.219, Veroda, Cuncolim,
Salcete, Goa.

..... Petitioner.

V/s.

1. Government of Goa,
through its Chief Secretary,
Secretariat, Panaji, Goa.

2. South Goa District Magistrate,
Office of South Goa District
Magistrate, Margao, Goa.

3. Director General of Police,
Goa Police Head Quarters,
Panaji, Goa.

4. Superintendent of Police,
South Goa District, Margao, Goa.

5. Police Inspector,
Cuncolim Police Station,
Cuncolim, Salcete, Goa.

..... Respondents.

Shri Mahesh Amonkar, Advocate for the petitioner.

Shri V.P. Thali, Addl. Advocate General for the
respondents.

CORAM : P.V. KAKADE &
P.V. HARDAS, JJ.

DATE : DECEMBER 17, 2002.

ORAL JUDGMENT : (Per KAKADE, J.)

Rule. Rule made returnable forthwith by
consent.

2. Heard learned Counsel for the petitioner
as well as the respondents. The petitioner's fire arm

was required to be surrendered as per the Rules and Regulations to the State Authorities in the course of election activities and it was deposited with the Police Department. However, after the election period was over, the fire arm deposited by the petitioner was not returned, as required by the Police Authorities and then finally, it has come on record that the fire arm is lost. When it is an admitted position that the property is lost at the hands of the Police Department, we thought it fit to pass interim orders dated 18.11.2002, calling upon the expert valuer to assess the value of the lost property. Accordingly, M/s. I.A. Gonsalves and Co., licensed arms dealer, at Panaji was notified and has filed his report stating that the value of the lost fire arm would be between Rs.1,00,000/- to Rs.1,20,000/-, depending upon the condition of the weapon. He has also stated that it was an imported fire arm and difficult to purchase a similar type of fire arm. The expert valuation report is taken on record and marked "X" for identification. Learned Counsel for the petitioner submits that the fire arm was valued at Rs.2,00,000/-. However, there is nothing on record to support the submission.

In our considered view, the optimum value of the said fire arm, as assessed by the licensed arm

dealer at Rs.1,20,000/-, appears to be reasonable and there is no reason as to why it should not be accepted as a true value of the lost property.

3. We, hereby, direct the respondents to deposit an amount of Rs.1,20,000/- in this Court as value of the said fire arm, which shall be paid to the petitioner for the property lost by him at the hands of the respondents. The respondents are given eight weeks' time to deposit the said amount in the Court. The petitioner shall pay the expert valuer's fees which are fixed at Rs.2,000/-. Learned Counsel for the petitioner submits that he will pay the said fees directly to the said licensed arms dealer.

The respondents are at liberty to hold an independent inquiry to fix the liability of the lost property at their hands and may take appropriate steps against the persons liable for such loss of the property, including recovery of the amount. With these directions, the petition stands disposed of. Rule made absolute. No order as to costs.

P.V. KAKADE, J.

P.V. HARDAS, J.

ssm.