



Dec 1/3/2021

IN THE COURT OF DEPUTY COLLECTOR, DIU
U.T. ADMINISTRATION OF DAMAN & DIU, COLLECTORATE, DIU.

Shri Shamji Kanji
R/o. Fudam, hereinafter
Represented by his attorney
Smt. Raxakumari Ravindrakumar,
Present attorney Lalitkumar Govind Vadher,
R/o. Vankarwada, Diu.....Appellant

V/s

1. The Enquiry Officer,
City Survey, Diu.....Respondents
2. The Mamlatdar, Diu

JUDGMENT

This is a case under section 14(3) of the Goa, Daman & Diu Land Revenue Code, 1968 and Rules made thereunder filed by the applicants Shri Shamji Kanji R/o. Fudam, hereinafter Represented by his attorney Smt. Raxakumari Ravindrakumar, R/o. Fudam, Diu regarding ownership of property bearing new city survey no.pts-139/17 admeasuring 4388 sq.mts. and pts-127/8(Part), area admeasuring 411sq.mts. Situated at masania, fudam, Diu filed in the court of Dy. Collector, Diu vide application dated 27/05/2003.

The applicant Shamji Kanji R/o. Fudam, hereinafter Represented by his attorney Smt. Raxakumari Ravindrakumar, R/o. Fudam, Diu has respectfully submitted and pray as under:-

- (a) That the applicant is local resident of Masania, Fudam, Diu. Applicant is real son of late Smt. Lakhubai Bhikha wife of late Shri Kanji Keshav.
- (b) The Applicant beg to submit that during Portuguese Regime, his mother said Smt. Lakhubai Bhikha was agriculturist and doing farming work in an agricultural land, totally admeasuring 9756 sq.mts. bearing Old Survey No. 22(part) situated at Fudam, Diu.
- (c) The Applicant beg to submit that his mother Smt. Lakhubai Bhikha cultivated said land for more than 50 years during her lifetime.
- (d) The Applicant beg to submit that originally this land was belonging to Government and said Smt. Lakhubai Bhikha was holding, using and cultivating this land.
- (e) Thereafter, said Smt. Lakhubai Bhikha applied for regularise of this land in her name and on payment of necessary fees, Government has regularised this land in the name of said Smt. Lakhubai Bhikha vide Agreement dated 06-10-1978.
- (f) The Applicant begs to submit that this agricultural land, totally admeasuring 9756 sq.mts. bearing Old Survey No. 22(part) is corresponding to New City Survey Plot No. PTS-138/3, 14,

15 & 18(part) and PTS-139/17 and PTS-127/8(part).

- (g) During the confirmation of the said entire land, after due process verifying necessary documentary evidence, the then Enquiry Officer, City Survey, Diu; has directed to pay the confirmation charges for the said entire land at the rate of Rs. 0.25 per square meter.
- (h) Accordingly said Smt. Lakhubai Bhikha paid the sum of Rs. 2439 (i.e. Rs. 0.25 X 9756) as confirmation charges.
- (i) Thenafter, the then Enquiry Officer, City Survey, Diu; handed over the confirmation order dated 17-10-1985, to his mother.
- (j) The Applicant beg to submit that his said mother Smt. Lakhubai Bhikha was illiterate and was not knowing English language. Due to illiteracy she was even not knowing to read and write Gujarati language.
- (k) Applicant beg to submit that after the death of said Smt. Lakhubai Bhikha, above mentioned all that immovable property, totally admeasuring 9756 sq.mts. bearing Old Survey No. 22 (part) is corresponding to New City Survey Plot No. PTS-138/3, 14, 15 & 18(part) and PTS-139/17 and 127/8(part) situated at Masania, Fudam, Diu; devolved upon him, as son and legal heirs.
- (l) The Applicant beg to submit that recently on dated 24/07/2002, he approached the Enquiry Office, City Survey, Diu regarding confirmation/mutation of the said entire property in his name and at that time he came to know that the property bearing New City Survey Plot No. PTS-127/8(Part) and PTS-139/17 are confirmed in the name of Government.
- (m) The Applicant beg to submit that as the property was granted by the Government and since last more than 50 years Applicant and his family members are in exclusive possession of the said property, Applicant applied before the Enquiry Office, City Survey, Diu vide his application dated 24-07-2002 for mutation of the said property bearing New City Survey Plot No. PTS-127/8(part) and PTS-139/17 situated at Masania, Fudam, Diu in his own name.
- (n) The Applicant beg to submit that on dated 09-05-2003, Hon'ble Enquiry Officer, City Survey, Diu has informed the applicant to approach appropriate Court for further action.
- (o) The Applicant beg to submit that once Government has granted this property to the mother of the applicant and applicant has derived the title of the said land by way of heir ship and applicant is in exclusive possession of the said property and looking to these facts, the Hon'ble Enquiry Officer, City Survey, Diu ought to have confirmed/mutate this land in the name of applicant.
- (p) The Applicant beg to submit that as the Hon'ble Enquiry Officer, City Survey, Diu has already confirmed all that immovable property totally admeasuring 5007 sq.mts. bearing New City Survey Plot No. PTS-138/3, 14, 15 & 18-A(part) and which are corresponding to Old Survey No. 22(part), situated at Masania, Fudam, Diu in the name of Applicant and by over-sight or omission remaining area of 4749 bearing New City Survey Plot No. PTS-139/17 & PTS-

127/8(Part) (totally admeasuring 4338 & 411 sq.mts. respectively) and which are corresponding to Old Survey No. 22(part) situated at Masania, Fudam, Diu has been missed out.

- (q) The Applicant beg to submit that he is still in possession and cultivating the property bearing PTS-139/17 & PTS-127/8(Part) and which is part of entire property bearing Old Survey No. 22 which is granted to his mother.
- (r) There is a dispute ownership over said land bearing New City Survey Plot No. PTS-139/17 & PTS-127/8(Part) (totally admeasuring 4338 & 411 sq.mts. respectively) situated at Masania, Fudam, Diu between Applicant and Government and hence the applicant therefore files this application u/s. 14(3) of GDDLRC and prays Honour to decide the Ownership in favour of the applicant in interest of justice.

Notice was issued on dated 05/06/2003 under section 14(3) to applicant Shri Shamji Kanji R/o. Fudam, hereinafter Represented by his attorney Smt. Raxakumari Ravindrakumar, R/o. Fudam, Diu (Applicant) V/s (1) The Enquiry Officer, City Survey, Diu& (2) The Mamlatdar, Diu (Opponents) for deciding ownership of the property bearing Survey No. PTS-139/17 & PTS-127/8(part) area admeasuring 9756 sq.mts. situated at Fudam, Diu to face legal proceedings in the Court of Collector, Diu under Section 14(3) of Goa, Daman and Diu Land Revenue Code, 1968 and rules made thereunder.

Hearing in the Court of Collector, Diu was fixed on 24.06.2003 at 11:00 hours., on 29.07.2003 at 11.00 hours, on 30.09.2003 at 11.00 hours, on 28.10.2003 at 11.00 hours, on 25.11.2003 at 11.00 hours, on 30.12.2003 at 11.00 hours, on 24.01.2004 at 11.00 hours, on 04.03.2004 at 11.00 hours, on 27.07.2004 at 11.00 hours, on 07.12.2004 at 11.00 hours, on 21.12.2004 at 11.00 hours, on 18.01.2005 at 15.00 hours, on 30.03.2005 at 11.00 hours, on 28.06.2005 at 11.00 hours, on 28.07.2005 at 11.00 hours, on 08.09.2005 at 11.00 hours, on 26.10.2005 at 11.00 hours.

Meantime the powers of 14(3) were re-delegated to Dy. Collector, Diu vide Order No. 65-4-64/LND/326 dated 30/04/2007.

Hearing in the Court of Dy. Collector, Diu was fixed 19.07.2007 at 11.00 hours, on 23.08.2007 at 11.00 hours, on 26.09.2007 at 11.00 hours, on 24.10.2007 , on 26.12.2007. on 09.01.2008, on 26.02.2008, on 20.03.2008, on 26.06.2008 at 11.00 hours, on 28.08.2008at 11.00 hours, on 04.09.2008, on 18.09.2008, on 21.11.2008, on 15.02.2011 at 16.00 hours, on 24.06.2016 at 16.00 hours, on 26.07.2016 at 16.00 hours, on 23.08.2016 at 16.00 hours, on 28.12.2016 at 16.00 hours, on 09.02.2017 at 16.00 hours, on 09.03.2017 at 16.00 hours, on 12.04.2017 at 16.00 hours, on 17.05.2017 at 16.00 hours, on 07.06.2017 at 16.00 hours, and on 12.07.2017 at 16.00 hours, on 21.02.2019 at 16.00 hours, on 27.03.2019 at 16.00 hours, on 25.04.2019 at 16.00 hour, on 03.05.2019 at 16.00 hours, on 09.05.2019 at 16.00 hours, on 06.06.2019 at 17.30 hour, on 20.06.2019 at 16.00 hours.



The Enquiry Officer, City Survey, Diu (Opponent) has filed written statement dated 18/06/2003 as under:-

- i) The properties bearing New City Survey Plot No. PTS-127/8(part) and 139/17 admeasuring 411 sq.mts. & 4338 sq.mts. respectively situated at Masania, Fudam of Diu District. The said properties were confirmed by the then Enquiry Officer, City Survey, Diu in the name of Government.
- ii) The said properties were regularised by the Collector, Diu as per the Government Policy decision to Smt. Lakhuben Bhikha the mother of the applicant, the mother of applicant has already paid the occupancy price of Rs. 2439/- in respect of the area admeasuring 9756 sq.mts. of Old Survey No. 22(part). The said Old Survey No. corresponding to New City Survey plots bearing No. PTS-127/8(part) & PTS No. 139/17.
- iii) This office has confirmed the following properties of the applicant. The parents of the applicant have been expired.

Sr.No.	Plot No/ Survey No.	Area	Name of the person in whose name property confirmed
1.	PTS-138/3	3764.0 sq.mts.	Smt. Lakhuben Bhikha
2.	PTS-138/14	36.0 sq.mts.	Shri Shamji Kanji
3.	PTS-138/15	35.0 sq.mts.	-do-
4.	PTS-138/18-A	1172 sq.mts.	-do-

Total Area:- 5007.0 Sq.Mts.

Remaining Area:- 4749.0 Sq.Mts.

Grand Total:- 9756.0 sq.mts.

- iv) During the time of confirmation of these properties bearing New City Survey Plots No. 127/8(part) & 139/17, the party might have not come forward for the said confirmation. The zerox copies of the judgment & orders are submitted.
- v) In reply to para No. 8 regarding receipt of payment shown as Annexure-III, it is submitted that this office has recovered the full amount of Rs. 2439/- in respect of area admeasuring 9756 sq.mts. but at the time of issue of confirmation order some omission might have been occurred.
- vi) Since the above two properties bearing New City Survey No. PTS-127/8(part) and PTS-139/17 already been confirmed in the name of Government. There is a dispute between Government and party, the undersigned is unable to confirm that remaining area. Therefore, the party was directed to approach to the competent court in the matter.

The Enquiry Officer, City Survey, Diu (Opponent) has further filed written statement dated 19/03/2005 as under:-

- i) The property bearing New City Survey plots NO. 127/8(P) and 139/17 situated at Masania, Fudam of Diu District area admeasuring 411 sq.mts. and 4338 sq.mts. In the old record the said property was registered in the name of the Govt. by the Enquiry Officer, City Survey, Diu.



- ii) The land was regularized by the Collector/Govt. to Smt. Lakhubai Bhikha for agriculture purpose an area of 9756 sq.mts. vide agreement/sanad dated 6-10-1979 under Form NO. XIV of Rule 14(a)(iv) as per the copy of agreement submitted by the applicant.
- iii) The Enquiry Officer has confirm an area of 5007 sq.mts. instead of 9756 sq.mts. The remaining area 4749 sq.mts. is required to be confirm.
- iv) The record for regularisation of the land is available in the Land Section of Collectorate, Diu hence the same may please got perused from that section.
- v) Since the Govt. has regularised the land in the name of private party, application may please be considered.

On dated 09/05/2019, the Advocate Shri M. D. Khunti of Applicant(original applicant) alongwith Power of Attorney Holder Mr. Lalitkumar Govind Vadher, has submitted application to bring legal heirs on record as under:-

- i) The present applicants are filing the present application for bringing themselves as legal heirs of deceased original applicant on record in the aforementioned case, though their legal power of attorney holder.
- ii) The present applicant states that present case is filed for reliefs as prayed for against the opponents.
- iii) The present applicant states that original applicant Shri Shamji Kanji expired on 18.08.2013.
- iv) The present Applicants states that they both are son of the original Applicant, and the original applicant had executed a Will dated 19/03/2007, in which present applicants are bequeathed the land which is subject matter of present case bearing Old Survey No. 22 (part) and which in turn, is corresponding to New City Survey No. PTS-138/3, PTS-138/14, PTS-138/15, PTS-138/18(part), PTS-139/17 and PTS-127/8(part) totally admeasuring 9756 sq.mts. situated at Mansania, Fudam, Diu.
- v) The Legal Heirs of deceased Original Applicant thus are required to be brought on record in the present case. The applicant further states that the following are their details:
 - A. Mr. Dinesh Samji, son of Late Mr. Samgi Cangi, married, Service, aged about 43 years. Hindu, resident of 111A Shersburry Avenue, Harrow, Middlesex, HA3 9NE.
 - B. Mr. Ravindrakumar Samji, Married, Service aged about 51 years, Hindu, resident of 20 Priory Park Road, Wembley, HAO 2RY.
- vi) The applicants state that as original applicant has expired it is necessary to bring the legal heirs of the original applicant on record and carry out amendments in the present case.
- vii) The Applicants states that the Applicants are the son of deceased original applicant and they are resident of England to earn for their and their families lives. The Applicants states that due to personal difficulty and financial constraints the Applicants could not file the present Application earlier and as such if the Hon'ble Court comes to the conclusion that

there is delay/laches in filing the present Application the said delay be kindly condoned in the interest of justice.

- viii) The present applicants submits that they have a good case to succeed in the case. The present applicants further states that irreparable harm and loss may be caused to them which cannot be compensated in terms of money if legal heir of deceased original applicant are not brought on record. The present applicants further submits that no hardship or irreparable loss will be caused to the Respondents if they are brought on record as applicants.
- ix) The present applicant therefore prays that:
- i) This Hon'ble Court be pleased to condone the delay in filing the present Application and allow the Present Applicants to be brought as legal heirs of deceased original applicant on record and carry out amendment in the original case.
- ii) This Hon'ble Court be pleased to pass any such and further Orders as your Lordships may deem fit and proper in the facts and circumstances of the case.

On dated 07/06/2019, Opponent has most respectfully submit written statement as under :-

- i. The land bearing PTS No. 139/17 area admeasuring 4338 sq.mts. was provisionally entered in the name of the Government and the said land was confirmed in the name of the Government of Goa, Daman and Diu on 02/05/1986 by the then Enquiry Officer, City Survey, Diu.
- ii. The land bearing PTS No. 127/8 area admeasuring 3784 sq.mts. was provisionally entered in the name of Virji Bhima and the said land was confirmed in the name of the Government of Goa, Daman and Diu on 02/05/1986 by the then Enquiry Officer, City Survey, Diu.
- iii. The land bearing PTS No. 138/3 area admeasuring 3764 sq.mts. was provisionally entered in the name of Lakha Rama and the said land was confirmed in the name of Lakhubai Bhikha on 17/10/1985 by virtue of Agreement dated 06/10/1979 issued by the Collector, Diu.
- iv. The land bearing PTS No. 138/143 area admeasuring 364 sq.mts, PTS No. 138/15 area admeasuring 35 sq.mts. and PTS No. 138/18-A area admeasuring 1172 sq.mts. were provisionally entered as Nil and the said lands were confirmed in the name of Shamji Kanji on 10/10/2002 by virtue of Agreement dated 06/10/1979 issued by the Collector, Diu.
- v. The above mentioned all new PTS no. lands are corresponding to the Old Survey NO. 22, as per the records of Enquiry Officer, City Survey, Diu the Old Survey No. 22 is entered in the name of 'ESTADO'(Government).
- vi. It is respectfully submitted that the said land bearing Old Survey No. 22 (Part) area admeasuring 9756 sq.mts. was granted to Smt. Lakhubai Bhikha of Fudam for agriculture



- purpose by virtue of the Agreement dated 06/10/1979 which issued by the Collector, Diu.
- vii. The land bearing PTS No. 138/3 area admeasuring 3764 sq.mts. was confirmed in the name of Lakhubai Bhikha mother of the applicant on 17/10/1985 by virtue of Agreement dated 06/10/1979 issued by the Collector, Diu The applicant Shamji Kanji (S/o. Lakhubai Bhikha) was appeared on 10/10/2002 for confirmation of the land bearing PTS No. 138/14 area admeasuring 36 sq.mts., PTS No.138/15 area admeasuring 35 sq.mts. and PTS No. 138/18-A area admeasuring 1172 sq.mts. and the said lands were confirmed in the name of the Shamji Kanji by virtue of Agreement dated 06/10/1979 issued by the Collector, Diu.
- viii. Now, the applicant has appeared before this Hon'ble Court for confirmation of remaining lands as per the Agreement dated 06/10/1979 viz. the land bearing PTS No. 139/17 area admeasuring 4338 sq.mts. and land bearing PTS No. 127/8(part) area admeasuring 3784 sq.mts. However, the said lands were already confirmed in the name of the Government of Goa, Daman & Diu on 02/05/1986 by the then Enquiry Officer, City Survey, Diu.
- ix. It is respectfully submitted that the applicant had need to make sure about entire area at the time of the first confirmation in the year 1985.
- x. At present the land in question, the land bearing PTS No. 139/17 area admeasuring 4338 sq.mts. and land bearing PTS No. 127/8(part) area admeasuring 3784 sq.mts. are already confirmed in the name of the Government of Goa, Daman and Diu. The said lands were confirmed in the name of the Government of Goa, Daman and Diu before 33 years.
- xi. It is respectfully submitted that as per the Section 189(a) of Goa, Daman & Diu Land Revenue Code, 1968 in that clearly mentioned that, **"in the case of first appeal, after the expiry of sixty days from the date of the order appealed against."**
- xii. If the applicant has filed an applicant/appeal against the confirmation order of the land bearing PTS No. 139/17 area admeasuring 4338 sq.mts. and land bearing PTS No. 127/8(part) area admeasuring 3784 sq.mts. which was passed by the then Enquiry Officer, City Survey, Diu. In this regard, it is respectfully submitted that as per Section 189(a) of Goa, Daman and Diu Land Revenue Code, 1968 **the appeal period has already been passed for this matter.**
- xiii. However, the applicant has filed an application/appeal under Section 14(3) of Goa, Daman & Diu Land Revenue Code, 1968.
- xiv. As per the Section 14(4) of Goa, Daman and Diu Land Revenue Code, 1968, in that clearly mentioned that, **"Any person aggrieved by an order made under sub section(3) or in appeal or revision there from may institute a civil suit to contest the order within a period of one year from the date of such order, and the decision of the civil court shall be binding on the parties."**
- xv. It is respectfully submitted that this court is not jurisdiction for filing an appeal against an order passed under Section 14(3) of Goa, Daman and Diu Land Revenue Code, 1968 and



an appeal period has also been lapsed for filing an appeal in competent court.

- xvi. So, it is humbly prayed that this application is **not tenable at this juncture after such a long period. Hence, it is likely to be rejected.**

On dated 20/06/2019, the Advocate of the applicant has most respectfully submitted written submissions that the applicants are in receipt of the undated written submissions from the opponents, in the above captioned matter. The same is in contrary to written statement submitted by the opponent dated 18/06/2003 and needs clarifications hence applicants are bound to file present written submissions which are as under:-

- i. Reply as to Para 1 of written submissions - Applicant would like to draw Hon'ble Courts attention to Annexure-B of the Written statement of the opponents – Para 3 – Line No. 5. which says the notices were ordered to be affixed on the property, one each at Bandar, jetty and Dudhful Zampa. Thus it is clear that notices were not given to the mother of the original applicant in person and hence without such information she was unable to remain present for the hearing.
- ii. Reply as to Para 2 of written submissions – Applicant hereby submits that the case of applicant is in regards to PTS No. 127/8(Part) and not 127/8. The PTS No. 127./8(part) is admeasuring 411 sq.mts. However as per the written statement of the opponent land bearing PTS No. 127/8 is admeasuring 3784 sq.mts. and thus is not related to the present case hence all the submission in relation to land bearing PTS No. 127/8 are not replied in this written submissions.
- iii. Reply as to Para 3 & 4 of the written submissions – Applicant hereby agrees to all contents of the Para 3 & 4 of written submission and do not wish to oppose the same.
- iv. Reply as to Para 5 of the written submission – The applicant hereby submits that it is true that the New PTS No. belongs to Old Survey No. 22, however, opponents have failed to submit any documents in relation to their submission that the said Survey No. is entered in the name of “ESTADO” (Government)
- v. Reply as to Para 6 and 7 of the written submission – The applicant hereby agrees to the contents of Para 6 and 7 of written submissions and would like to submit that total area admeasuring 9756 sq.mtrs. granted to Smt. Lakhubai Bhika (mother of original applicant) is sub divided as follows:-

vi.

Sr.No.	New PTS No.	Area (Sq.Mtrs.)
1	PTS-138/3	3764.0
2	PTS-138/14	36.0
3	PTS-138/15	35.0
4	PTS-138/18-A	1172.0
5	PTS-127/(part)	411.0
6	PTS-139/17	4338.0
	Total	9756.0

- vii. Reply as to Para 8, 9 & 10 of the written submission – Applicant most respectfully submits that and reiterates that Applicant has approached this Hon’ble Court for confirmation of land bearing PTS No. 127/8(part) admeasuring 411 sq.mts. and PTS-139/17 admeasuring 4338 sq.mts. total of both being 4749.0 sq.mtrs. Only. However, it is wrongly mentioned in the written submission of the opponent that applicant has approached this court for confirmation of the land bearing PTS No. 127/8 admeasuring 3784 sq.mtrs. Further it is submitted that the land bearing PTS No. 127/8(Part) admeasuring 411 sq.mtrs. and PTS-139/17 admeasuring 4338 sq.mtrs. total of both being 4749 sq.mtrs. is wrongly confirmed in the name of Government of Goa, Daman and Diu in 1985, for which only the applicant has approached this court on suggestion of opponents only in the year 2003.
- viii. Reply to Para 11,12 & 13 of written submissions – The opponents have made a grave mistake in understanding the nature of the present application. Present case pertains to the claim over the Government land, and not an appeal against any order, and hence section 189(a) is totally not applicable to present case. The same fact is accepted by the opponent in para 13 that the present application is under Section 14(3) of the Goa, Daman & Diu Land Revenue Code, 1968.
- ix. Reply to Para14 of the written submissions – Again herein the grave negligence of the opponent is reproduced, the present case is under section 14(3) of the Goa, Daman and Diu Land Revenue Code, and the same is pending for final hearing and disposal. Once the same is finally heard, the party on whom the final order/judgment is in unfavour, would be at will to approach the civil court within 1 year of such order. Herein section 14(4) of the Goa, Daman and Diu Land Revenue Code is not applicable at all.
- x. Reply to Para 15 of the written submissions – The Section 14(3) of the Goa, Daman and Diu Land Revenue Code is reproduced as below for ready reference – 14(3) Where any property or any right in or over any property is claimed by or on behalf of the 9[] Government or by any person as against the 10[] Government and the claim is disputed, such dispute shall, after due notice has been given and after holding a formal inquiry, be decided by the Collector of 11[an officer authorised by the Government in this behalf.] It is exactly the case of the applicant that, he is claiming a right over a Government property, against the government, through a executed agreement between government and the party, which has to be decided by Your Honour, thus

applicant has rightly approached this Hon'ble Court for the same.

xi. Further submissions:-

1. The applicant got to know about the confirmation of the land bearing PTS No. 127/8(part) admeasuring 411 sq.mtrs. and PTS-139/17 admeasuring 4338 sq.mtrs. total of both being 4749.0 sq.mtrs. on 09/05/2003 through a letter from opponent and the opponent only suggested to applicant to approach appropriate sort and immediately the present application for filed in this Hon'ble Court, thus there is no delay from the side of applicant and the application is not in violation of the Limitation period.
2. It is crystal clear from the agreement dated 06/10/1979 that Smt. Lakhubai Bhikha was granted Old Survey No. 22 land, which is admeasuring 9756 sq.mtrs. and she has also paid survey fees of the same, as regularisation of encroachment on Govt. land and thus it is a clear cut case that some mistake has happened by the opponent while confirming it in the name of Government in 1985.
3. The Agreement as per the format of Form VIX under rule 41(a)(iv) is duly executed for entire land area i.e 9756.0 sq.mtrs. on 06/10/1979, thus the applicant has claim over the disputed area of land bearing PTS No. 127/8(part) admeasuring 411 sq.mtrs. and PTS-139/17 admeasuring 4338 sq.mtrs. total of both being 4749.0 sq.mtrs.
4. It is the case of the applicant that mother of original applicant Smt. Lakhs Bhika was not educated and did not knew to read or write, and it is clear from above submissions that she was not given information of the hearing, and without such information the land bearing PTS No. 127/8(Part) admeasuring 411 sq.mtrs. and PTS-139/17 admeasuring 4338 sq.mts. total of both being 4749.0 sq.mtrs. were confirmed in the name of Government of Goa, Daman and Diu.
5. Further, the present case is rightly filed under section 14(3) of the Goa, Daman and Diu Land Revenue Code, 1968, as the original applicant wants to establish his right on the government land, and this court had jurisdiction to hear and finally decide the case.
6. Furthermore, the opponent has already filed their written statement on 18/06/2003 and therein the opponents have not raised any contention in regards to jurisdiction, limitation or nature of the case, which is extensively described in the present written submission filed by the opponents. which clearly attracts the possibility of afterthought by the opponents.
7. And humbly prayed to this Hon'ble Court to instruct the opponent to confirm the names of the present applicants in the land revenue records and property cards of land bearing PTS No. 127/8(Part) admeasuring 411 sq.mtrs. and PTS-139/17 admeasuring 4338 sq.mtrs. Total of both being 4749.0 sq.mtrs.

The undersigned heard both the parties' alongwith the advocate in details in the interest of natural justice.

As per the submission of Enquiry Office, City Survey, Diu in the matter, the land bearing



PTS No. 127/8, admeasuring 3784 sq.mtrs. and PTS-139/17 admeasuring 4338 sq.mtrs. are already confirmed in the name of the Government of Goa, Daman and Diu on 02/05/1986 by Enquiry Officer, City Survey, Diu as the said land belongs to Old Survey No. 22 is entered in the name of "ESTADO" (Government).

It has brought to the notice of undersigned that due procedure has been followed by the Enquiry Office, City Survey, Diu, during the confirmation of properties in the name of Government.

Therefore, there seem no ground to entertain the appeal and the same is disposed off & in view of above, I pass the following Order.

ORDER

The land bearing PTS No. 127/8, admeasuring 3784 sq.mtrs. and PTS-139/17 admeasuring 4338 sq.mtrs. is Government Land.

No order as to Cost.

Parties be informed.

Given under my hand & seal of

this Court on 01st day of September, 2021.

DIU

Dated:- 01/09/2021




(HARMINDER SINGH, DANICS)
DY. COLLECTOR, DIU

No.14 (3) Case No.06/2003/ 1359
U.T. Admn. of Daman & Diu,
Collectorate, Diu

Dated:-01/09/2021.

To,

1. Shri Shamji Kanji represented by his legal attorney Smt. Raxakumari Ravindrakumar. r/o. Fudam, present attorney Shri Lalitkumar Govind Vadher, Vankarwada, Diu
2. The Enquiry Officer, City Survey, Diu for necessary action.
3. The Mamlatdar, Diu.....for necessary action.
- ✓ 4. NIC, Diu to upload it on the official website.
5. Guard File.

Copy to: Collector, Diu for information.


(HARMINDER SINGH, DANICS)
DY. COLLECTOR, DIU