



IN THE COURT OF DEPUTY COLLECTOR, DIU

U.T. ADMINISTRATION OF DAMAN & DIU, COLLECTORATE, DIU.

The Mamlatdar, Diu. Appellant

V/S

Shri Lalji Vira
R/o Patelwadi,
Bhucharwada, Diu Respondent

ORDER

1. **WHEREAS**, this office has received a letter No. B.V.P./F.37/2016- 2017/334 dated 25-05-2016 from the Sarpanch, Village Panchayat Bhucharwada as well as letter dated 26-05-2016 From the President Cum Chief Counselor, District Panchayat, Diu concerning to remove the encroachment on Government land for road widening from Sitlamata Temple to Kalikamata Temple, Bucharwada Stating that Bhucharwada Panchayat has proposed for road widening from Sitlamata Temple to Kalikamata Temple, Bhucharwada;

2. **AND WHEREAS**, the said road is declared as Village Road vide Notification No. PWD/SE/DMN/TB/F.30-B/390 dated 29-05-1997 from the Assistant Secretary (Revenue), Secretariat, Daman;

3. **AND WHEREAS**, it was further alleged in the above letters that some persons have encroached Government land and have constructed shed, store room and residential structures on Govt. land, because of which road widening from Shitlamata Temple to Kalikamata Temple, Bhucharwada is held up, where during marriage ceremony Hindu people of entire Diu district come to Kalikamata Temple, Bhucharwada to pray and hence, bus, bullock carts and four wheels cannot pass easily from the said road, because of which they have requested to remove the said encroachment from Shitlamata Temple to Kalikamata temple, Bhucharwada so that the work of road widening can be started by the Bhucharwada Panchayat;

4. **AND WHEREAS**, this office issued letter No.65-01-illegal Encr.2016-LND/1131, dated 30/06/2016 to Mamlatdar, Diu requesting to submit

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field report of the encroachment on Government land from Sitlamata Temple to Kalika Mata Temple, Bucharwada-Diu;

5. **AND WHEREAS**, in response to this office letter Mamlatdar, Diu vide letter No.MAM/DIU/LND/2016-17/2480 dated 12/07/2016 has informed that some villagers of Patelwadi Village have made encroachment in road widening area on the land bearing survey no. 320/1 situated at Patelwadi, Bhucharwada, Diu, the details of which are as under:-

Sr. No.	PTS No.	Total Area in Sq.mts.	Name of the present Occupant	Name of Encroacher with address	Nature of Encroachment	Approximate area in sq.mts.
1	2	3	4	5	6	7
1.	320/1(P)	--	Govt.	Shri Nanji Bhgwan	Parking Shed	46
2.	do	--	-do-	Shri Lalji Vira	Pucca Hut	18
3.	do	--	-do-	Shri Amratlal Ramji	Garage	14.5

3. **AND WHEREAS**, in pursuance of the above, a notice No.65-01-ILLEGAL ENCR.2016-LND/1883 dated 23/08/2016 under section 40 of GDDLRC was issued to **Shri Lalji Vira R/o Patelwadi, Bhucharwada, Diu** who has encroached upon Government land bearing Survey No.320/1 (Part) area admeasuring 18 sq.mts. by constructing Pucca Hut, to show cause within 07 days of receipt of the Notice as to why proceeding under Section 40 of Goa, Daman & Diu Land Revenue Code, 1968 and rules made there under at his cost and consequences should not be initiate against him;

4. **AND WHEREAS**, as per direction given by Dy. Collector, Diu during the court proceeding, a joint inspection was carried out by the Mamlatdar, Diu, with survey team to ascertain the encroachment on 24/09/2016 at 1100 hours;

5. **AND WHEREAS**, the report of the joint inspection carried out as mentioned above from the Mamlatdar vide No. MAM/LND/2016-17/4940 dated 15/11/2016 confirming the above is indeed illegal and an encroachment on government land was received by this court;

6. **AND WHEREAS**, in the interest of justice, a fresh notice No. 03/2016/3891 dated 24/01/2017 was issued to the encroacher along with a copy of the report of the Mamlatdar, Diu;

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26/4/2017

7. **AND WHEREAS**, hearing in the Court of Dy. Collector, Diu was fixed on 21/09/2016 at 15:00 hours, on 28/09/2016 at 15:00 hours, on 29/12/2016 at 15:00 hours, on 24/01/2017 at 15:00 hours, on 07/02/2017 at 15:00 hours, and on 16/02/2017 at 15:00 hours;

8. **AND WHEREAS**, the respondent neither personally nor through his duly authorize advocate was remained present during hearing;

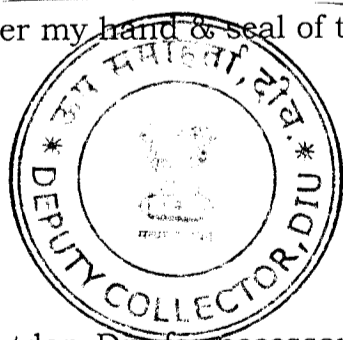
9. **AND WHEREAS**, the final notice No. 02/2016/4333 was issued on 09/03/2017 and was delivered through speed post as is evident from the delivery report placed opposite (Consignment No.EG9625834487IN);

10. **AND WHEREAS**, that the notice was duly served is evident from the report of the Speed Post as mentioned in point no. 9 above;

11. **AND WHEREAS**, the absence of the respondent even after duly serving the notice is therefore a just ground for passing an order ex-parte;

12. **NOW THEREFORE**, keeping the above facts, and reasons in view, I, **Dr. Apurva Sharma, DANICS, Deputy Collector, Diu** in exercise of the powers conferred to me under section 40 of Goa, Daman and Diu, Land Revenue Code, 1968 do hereby order the eviction of the respondent & removal of the encroachment from Government Land bearing PTS No.320/1(p), situated at **Patelwadi, Bhucharwada, Diu** and also order that the cost of removal of the encroachment from the said Government Land and restoration of the Government Land shall be recovered from the respondent in the form of arrears of land revenue, and direct the Mamlatdar, Diu to do the needful immediately.

Given under my hand & seal of this Court on twenty sixth day of **April, 2017.**



Sharma
26/4/2017
**(DR. APURVA SHARMA), DANICS
DY. COLLECTOR, DIU**

To:-

1. The Mamlatdar, Diu for necessary action.
2. **Shri Lalji Vira R/o Patelwadi, Bhucharwada, Diu** for compliance.
- ✓ 3. NIC, Diu to upload it on the official website.
4. Guard File.

Copy to:

The Collector, Diu for information, please.

Sharma
26/4/2017
**(DR. APURVA SHARMA), DANICS
DY. COLLECTOR, DIU**