



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

1. The Mamlatdar, Diu. ... .. Appellants

V/S

1. Smt. Bhanuben.  
2. Shri Inayash Shah &  
Shri Bhikha Shah.  
3. Shri Gopal Velji Shayar.  
4. Shri Ayub Shah Jumeshah Tapali.  
5. Shri Ayub Shah Jumeshah.  
Near New Fish Market, Diu. ... .. Respondent

**ORDER**

1. **WHEREAS**, the Mamlatdar, Diu vide his letter no. 4-LND-ENC-12/2015-16/4175, dated 29/02/2013 reported that the following persons had illegally erected huts by encroaching on Government land bearing Survey No.44/1(part) situated at behind New Fish Market, Diu:

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.
01	44/1(Part)	--	Government	Shri Bhanuben	Hut	50
02	44/1(Part)	--	-do-	Shri Inayash Shah & Shri Bhikha Shah	Hut	30
03	44/1(Part)	--	-do-	Shri Gopal Velji Shayar	Hut	20
04	44/1(Part)	--	-do-	Shri Ayub Shah Jumeshah Tapali	Hut	50
05	44/1(Part)	--	-do-	Shri Ayub Shah Jumeshah	Hut	30

2. **AND WHEREAS**, the detailed layout plan where encroachments were made was obtained from the Enquiry Office, City Survey, Diu vide letter No.EOCS/DIU/2016-17/Govt.Land Report/161, dated 16/05/2016 with specific report stating that illegal huts are erected in the site in question;

3. **AND WHEREAS**, after scrutiny of the report of the Mamlatdar, Diu and the Enquiry Officer, City Survey, Diu, Show Case Notices were issued to the above encroachers under section 40 of Goa Daman and Diu Land Revenue Code, 1968 vide No.65-04-Illegal Encr.-2015-LND/594 to 598, dated 27/05/2016;

*Sharma*  
29/06/2017

4. **AND WHEREAS**, in their almost cyclostyled replies dated 01/06/2016 vide inward entry no. 2131 to 2134 (Shri Gopal Velji Shayar, Smt Bhanuben Velji Shayar, Shri Inayash Shah and Bhikhu Shah, Shri Ayub Shah Jumeshah Tapali), the respondents stated that they are very poor labourers/Lari persons and homeless, and that they are staying in these huts since last 10 years and due to their poor condition, they are unable to reside in Diu area as the rent is high in Diu district and that at the beginning of construction of the New Fish and Vegetable Market by Diu

Municipal Council, Government had removed their huts from the site where the New Fish and Vegetable Market is coming up and they have shifted their huts on the above mentioned lands;

5. **AND WHEREAS**, the respondents were given personal hearing in the Court of Dy. Collector, Diu;

6. **AND WHEREAS**, hearings were held on 29/06/2016 at 16:00 hours, 15/07/2016 at 16:00 hours and 27/07/2016 at 16:00 hours;

7. **AND WHEREAS**, all remained present on 27/07/2016 and during the hearing they all stated that they do not want to be represented by lawyer and that a gazetted officer, namely Shri Anil Kaushik, Asst. Director, (Official Language), Diu was called to be an independent and reliable witness to the fact that the encroachers do not want to be represented by a lawyer;

8. **AND WHEREAS**, the most important and pertinent fact is that the respondents have neither stated that the land is private nor that the said huts are not encroachments on the Government land in question;

9. **NOW THEREFORE**, keeping the above facts, submissions and reasons in view, I, **Dr. Apurva Sharma, DANICS, Dy. 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 immediate eviction of the respondents from government land bearing PTS No.44/1 (Part), and direct the Mamlatdar, Diu to the needful to ensure that the above mentioned encroachments are removed immediately.

10. Given under my hand & seal of this Court on Twenty day of January, 2017.



*Dr. Apurva Sharma*  
20/01/2017  
(DR. APURVA SHARMA), DANICS  
DY. COLLECTOR, DIU

**To:-**

1. The Mamlatdar, Diu for necessary action.
2. The Block Development Officer, Diu for information.
3. The Enquiry Officer, Diu for information & necessary action
4. Smt. Bhanuben, Near New Fish Market, Diu for compliance.
5. Shri Inayash Shah, Near New Fish Market, Diu for compliance.
6. Shri Bhikha Shah, Near New Fish Market, Diu for compliance.
7. Shri Gopal Velji Shayar, Near New Fish Market, Diu for compliance.
8. Shri Ayub Shah Jumesah Tapali, Near New Fish Market, Diu for compliance.
9. ~~Shri Ayub Shah Jumesah, Near New Fish Market, Diu for compliance.~~
10. NIC, Diu to upload it on the official website.
11. Guard File.

Copy to:

The Collector, Diu for information please.

*Dr. Apurva Sharma*  
20/01/2017  
(DR. APURVA SHARMA), DANICS  
DY. COLLECTOR, DIU