



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

The Mamlatdar, Diu. Appellant

V/S

Smt. Divaliben Savai, Respondent
R/O Bandodkar, Colony,
Ghoghla, Diu.

ORDER

1. **WHEREAS**, on the direction of Dy. Collector, Diu this office has issued letter No.65/03/Illegal-Encr/.2017-LND/3915, dated 25/01/2017 to furnish field report of the encroachment made by the local resident on Sea side of Diu-Una road on government land situated at Bandodkar Colony at Ghoghla, Diu ;

2. **AND WHEREAS**, Mamlatdar, Diu vide his letter no. MAM/Diu/LND/2016-2017/5532 02/02/2017 reported that the following persons have illegally encroached on Government land situated at Bandodkar, Colony at Ghoghla, Diu and as shown at column No.2 in following proforma ;

Sr. No.	PTS No.	Total Area in Sq.mts.	Name of the present Occupant	Name of Encroacher with address	Nature of Encroa-chment	Approximate area in sq.mts.
1	2	3	4	5	6	7
01	25/41	--	Govt.	Shri Fullaben K. Baria	Shed used for liquor selling	70
02	25/42	--	-do-	Shri Ramji Sakar Chauhan	-do-	70
03	25/43	--	-do-	Smt. Viriben Vira Kapadia	Compound wall	70
04	25/44	--	-do-	Shri Devji Gokal Solanki	Compound wall	70
05	25/45	--	-do-	Smt. Divaliben Savai	Compound wall	70
06	25/46	--	-do-	Shri Parbat Bhikha Solanki	Compound wall	70
07	25/47	--	-do-	Smt. Laxmiben Mohan Bariya	Room and Compound wall	70
08	25/48	--	-do-	Hardas Bhim	Toilet and Compound wall	70
09	25/49	--	-do-	Shri Hira Lala Daudno	Kaccha Compound wall	70
10	25/50	--	-do-	Shri Prakash Ramji Solanki	Shed and kaccha Compound wall	70
11	25/51	--	-do-	Smt. Jethibai Hardas	Compound wall	70
12	25/52	--	-do-	Shri Jivraj Raghav	Kaccha Compound wall	70

Sharma
27/02/2017

13	25/53	--	-do-	Smt. Gulaben Lalji	Compound wall	70
14	25/54	--	-do-	Smt. Kadviben Manji	Room and Compound wall	70
15	25/55	--	-do-	Shri Nanji Nathu. Smt. Taraben Nanji	Compound wall	70
16	25/56	--	-do-	Smt. Laxmiben Lalji	Storage woods Compound wall	70
17	51/32/0	--	-do-	Shri Premji Ranchhod Solanki	Compound wall	70
18	51/32(P)	--	-do-	Shri Karsan Kanji Solanki	Shed room and Compound wall	70

3. **AND WHEREAS**, the detailed layout plan where encroachments were made was obtained from the Enquiry Officer, City Survey, Diu vide letter No.EOCS/DIU/2016-17/Govt.Land.Report/995 dated 02/05/2016 with specific report stating that illegal encroachment on Government land are erected ;

4. **AND WHEREAS**, Smt. Divaliben Savai r/o Bandodkar, Colony, Ghoghla, Diu the respondent has submitted a written reply dated 10/02/2017 wherein he has alleged that the notice of hearing is ambiguous, not valid under Goa, Daman and Diu Land Revenue Code 1968 and called it illegal and unauthorized; she has accepted that he has constructed a temporary room, kaccha compound wall and landscaped the said Government land;

5. **AND WHEREAS**, the above stated reply's is found baseless, null, & void and unacceptable since the reply is not as the provision of the section 40 of Goa Daman Diu Land Revenue Code under which the notice is issued; Further the enclosed report of the Mamlatdar, Diu is amply clear as it specifies the encroachment made and area thereof; Moreover, the very fact that the respondent has requested for regularization of the encroachment under section 38 of Goa, Daman and Diu Land Revenue Code 1968, shows that the respondent is aware and under stands that the proceedings are for eviction and removal of encroachment from Government land; and finally, the request under section 38 of Goa, Daman and Diu Land Revenue Code 1968 cannot be entertained since the powers under Section 38 are exercised by Collector, Diu and have not been delegated to Deputy Collector, Diu.

6. **AND WHEREAS**, the respondent was given personal hearing in the Court of Dy. Collector, Diu on 10/02/2017 at 16:00 hours, 13/02/2017 at 16:00 hours on 17/02/2017 at 16:00 hours;

Sharma
27/02/2017

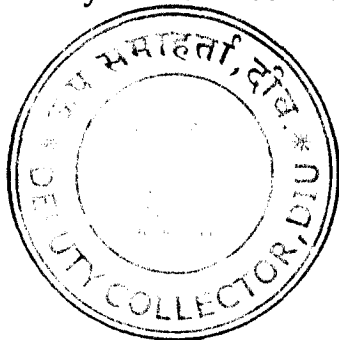
7. **AND WHEREAS**, in the respondent representative verbal undertaking dated 17/02/2017, respondent has encroached on Government Land and they have also reassured that they will remove the wall by 24/02/2017 proceeding closed the encroachment would be removed by the Mamlatdar, Diu by 24/02/2017 ;

8. **AND WHEREAS**, operative part of the order directing the respondents to remove the encroachment by **24/02/2017** was passed on 17/02/2017 in the open court ;

9. **AND WHEREAS**, it is pertinent to note that (i) the respondent was given ample opportunity on the date of hearing on 17/02/2017, where in the resident accepted the fact that they had encroached on government land and (ii) the respondents had, after moving the application dated 14/02/2017, reassured that the encroachment be removed by 24/02/2017, which nullifies the application and prayer dated 14/02/2017;

10. **NOW THEREFORE**, keeping the above facts, submissions 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 encroachment from Government Land bearing PTS No.25/45, situated at **Bandodkar, Colony at Ghoghla, 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, if the respondent fails to remove the encroachment by **24/02/2017**.

11. Given under my hand & seal of this Court on Twenty second day of February, 2017.



Sharma
27/02/2017
(DR. APURVA SHARMA), DANICS
DY. COLLECTOR, DIU

To:-

1. The Mamlatdar, Diu for necessary action.
2. **Smt. Divaliben Savai r/o** Bandodkar, Colony at Ghoghla, 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
27/02/2017
(DR. APURVA SHARMA), DANICS
DY. COLLECTOR, DIU