



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

The Mamlatdar, Diu. Appellant

V/S

Shri Lakhman Bawa,
R/o Nagoa, Bhucharwada-Diu. Respondent

ORDER

1. **WHEREAS**, this office had received report from Mamlatdar, Diu vide letter no. MAM/DIU/LND-MISC/2017-18/36 dated 10/04/2017 regarding encroachment on government land bearing Survey No.171/0(Part) in rural area and reported that the some persons have constructed Pucca houses and pucca huts for residential use on the Government Land illegally;
2. **AND WHEREAS**, this office had issued Show Cause Notice No. 65-05-Illegal Encr.-2017-LND/6023 dated 27/12/2017 to Shri Lakhman Bawa, under Section 40 of Goa, Daman and Diu Land Revenue Code, 1968 and Rule made there under to show case within 7 days;
3. **AND WHEREAS**, hearing in the Court of Deputy Collector, Diu was fixed on 08/02/2018 at 16:00 hours, on 15/02/2018 at 16:00 hours, on 13/03/2018 at 16:00 hours, on 26/03/2018 at 16:00 hours, and on 12/04/2018 at 16:00 hours;
4. **AND WHEREAS**, the respondent neither personally nor through his duly authorize advocate was remained present during any of the hearings;
5. **AND WHEREAS**, the final notice No. 11/2018/10576 was issued on 26/03/2018 and was delivered through speed post as is evident from the delivery report placed opposite (Consignment No.EG913117223IN);
6. **AND WHEREAS**, that the notice was duly served is evident from the report of the Speed Post as mentioned in point no. 5 above;
7. **AND WHEREAS**, it is important to note that the land has been recorded in land records as government land;

J. Lakhman
01/6/2018.

8. **AND WHEREAS**, it is also important to note that there are no recorded tenants on the said land nor have there been any claims on the said land till date;
9. **AND WHEREAS**, it is also relevant to mention here that the respondent has got a parcel of land under Abolition of Proprietorship of Land in Diu Act, 1971 after the implementation of the said Act in the vicinity of this land, but this parcel of land was never claimed by the Respondent;
10. **AND WHEREAS**, the proceedings for eviction have been initiated simultaneously for a lot of persons in the same village who have encroached upon adjacent lands, and the hearings have been kept on same days as well, and therefore it is unfathomable that the Respondent is unaware of these proceedings;
11. **AND WHEREAS**, the absence of the respondent even after duly serving the notice and other reasons mentioned above are therefore just grounds 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, admeasuring 464 sq.mts. which is part of Survey No. 171/0(P) as per map attached, situated at Kewadi, Nagoa, 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.

13. Given under my hand & seal of this Court on first day of June, 2018.



Sharma
2/6/18
(DR. APURVA SHARMA, DANICS)
DY. COLLECTOR, DIU

To:-

1. Mamlatdar, Diu for necessary action.
2. Shri Lakhman Bawa, R/o Nagoa, Bhucharwada-Diu for compliance.
- ✓ 3. NIC, Diu to upload it on the official website.
4. Guard File.

Copy to:

Collector, Diu for information.

Sharma
2/6/18
(DR. APURVA SHARMA, DANICS)
DY. COLLECTOR, DIU