



IN THE COURT OF COLLECTOR, DIU
U.T. ADMINISTRATION OF DADRA & NAGAR HAVELI &
DAMAN AND DIU, OFFICE OF THE COLLECTORATE, DIU.

The Mamlatdar, Diu. Appellants

V/S

Shri Sahdev Bhikha, Takivala Xet, & others
Main Road Dagachi, Bhucharwada, Diu. Respondents

ORDER

1. **WHEREAS**, this office has received a letter 4-1-LND-III-II/2019-20/4829 dated 21/03/2020 from the Mamlatdar, Diu informing regarding illegal activity in Government land bearing Survey No. 331/0 situated at Takivala Xet, Bhucharwada Village Panchayat and stated that, the site has been inspected and reported that unknown-person has constructed compound wall and Shri Sahdev Bhikha has constructed rooms and also stored construction materials on the said Government land;

2. **AND WHEREAS**, as per form I & XIV records of rights, the land bearing Survey No. 331/0 area admeasuring 30600 sq.mts. situated at Takivala Xet of Village Bhucharwada is entered in the name of Government in which there is school, road, pond and marshy land;

3. **AND WHEREAS**, after approval from the competent authority, this office had issued Show Cause Notice No. 65-07- Illegal Encroachment-2019-20/LND/1008 on dated 29/06/2020 to Unknown person and Shri Sahdev Bhikha, Takivala Xet, Bhucharwada who have constructed compound wall and rooms and also stored construction materials on the said government land bearing Survey No. 331/ 0(Part), as to why they should not be evicted from the above mentioned land, failing which action for removal of the unauthorized encroachment on Govt. land will be taken Under Section 40 of the Goa, Daman and Diu Land Revenue Code, 1968 and Rules made thereunder at their cost and consequences;

4. **AND WHEREAS**, in turn, this office has received reply dated 05/07/2020 from Shri Sahdev Bhikha resident of Main Road, Dagachi, Bhucharwada stating that they are in possession of the said land bearing Survey No. 331/0 since their fore fathers and since Portuguese Regime. They are doing agricultural activities and have not done any construction on the said land. The said land has been granted provisionally under Occupancy Right by Office of the Mamlatdar, Diu dated 20/11/1975;

5. **AND WHEREAS**, hence, it is pertinent to submit that while going through the reply of Shri Sahdev Bhikha and Provisional Certificate of Grant, it is revealed that this provisional certificate dated 20/11/1975 had been issued by the Mamlatdar, Diu and there is no any Survey number mentioned in the Certificate, also from the record of Land Section which has been verified and found that this office has not issued any Sanad under Regularisation of Encroachment to Shri Sahdev Bhikha, and accordingly, a letter dated 31/08/2020 issued to the Mamlatdar, Diu as regard to enquire about authenticity and legality of the provisionally granted

certificate issued on 20/11/1975, the Mamlatdar, Diu vide letter No. MAM/GEN/2019-20/1592 dated 17/09/2020 informed that the concerned official has searched the record and reported that the requisite record is not traceable and hence, unable to provide the same;

6. **AND WHEREAS**, as per the reply dated 05/07/2020 of Shri Sahdev Bhikha not acceptable and denied as the report of the Mamlatdar, Diu is sufficient to prove the case in favour of Government due to the area of survey No.331/0 shows extant possession of government land is with the respondents;

7. **AND WHEREAS**, further as per statement recorded during the hearing dated 08/12/2020, the encroacher Shri Sahdev Bhikha has agreed that he will remove the encroached government land and given assurance for removing the same within two weeks;

8. **NOW THEREFORE**, keeping the above facts, submissions and reasons in view, I, **SALONI RAI, IAS, COLLECTOR, DIU** do hereby order the eviction of the respondent & removal of the encroachment from Government land totally, which is of land bearing survey No.331/0, situated at Takivala Xet, 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, if he fails to remove within two weeks and direct the Mamlatdar, Diu to do the needful immediately.

9. Given under my hand & seal of this Court on 16th day of December, 2020.



[Signature]
16/12/2020
**SALONI RAI, IAS
COLLECTOR, DIU**

To:-

1. Mamlatdar, Diu for necessary action.
2. Shri Sahdev Bhikha, Takival Xet, & other, Takivala Xet, Bhucharwada, Diu. for compliance. (Through concern Talathi, Diu..with a direction to submit report of service).
- ✓ 3. NIC, Diu to upload it on the official website.
4. Guard File.

[Signature]
16/12/2020
**SALONI RAI, IAS
COLLECTOR, DIU**