

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Writ Petition NO. 6481 OF 2018

Mrs. Givibai Natu And Ors

...Petitioners

Versus

The Union Territory Of Daman And Diu And Ors ...Respondents

Mr.Mihir Desai, Senior Advocate with Mr.Vinamra Kopariha, for the
Petitioners.

Mr.S.S.Deshmukh, for Respondent Nos.1 to 4.

**CORAM: NARESH H.PATIL AND
G.S.KULKARNI, JJ**

DATED: 25th June, 2018

P.C.:

1. The learned Counsel for the petitioners submits that the petitioners are served with certain show cause notices and the notices of hearing by the Deputy Collector, Diu in respect of their alleged occupation of forest land. The learned Counsel for the petitioners apprehends that in case of an adverse order, the petitioners would be evicted from their respective immovable properties. They claim to be possessing the forest land since last more than thirty years. The learned Counsel for the petitioners undertakes that statement of claim on behalf of the petitioners

alongwith the relevant documents under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Rights) Act,2006, would be filed within one week from today. The statement is accepted.

2. The learned Counsel for the Administration has disputed all the claims raised by the petitioners, as according to the learned Counsel, the same are the subject matter of consideration by the Collector at Diu.

3. The limited grievance of the learned Counsel for the petitioners is that in case of adverse orders, it is likely that the petitioners may be evicted without giving any further time to approach the higher forum, appellate forum or the tribunal designated for the said purpose. The learned Counsel submits that some protection be granted so that the petitioners can approach an appropriate forum.

4. Perused the record and the reply filed by the respondents.

5. Without expressing any opinion on merits of the claim of the petitioners, we direct that in case any adverse order is passed by the

respondent-authorities against the petitioners in respect of the subject notices, then, the same shall not take effect for a period of three weeks from the date of service of the orders on the petitioners.

6. With these observations, the petition is disposed of.

Parties to act on the authenticated copy of this order.

(G.S.KULKARNI, J.)

(NARESH H. PATIL, J.)