

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 10411 OF 2018**

Shri Ramesh Jiva Bamania ... Petitioner

Versus

Deputy Director (Tourism) Diu – (UT) ... Respondents

Mr. A.G. Damle, Sr., Advocate i/by Mr. Vivek Gore for the petitioner.

Mr. Shrishailya Deshmukh for the respondents.

**CORAM : SHANTANU KEMKAR &  
SARANG V. KOTWAL, JJ.**

**DATE : SEPTEMBER 17, 2018**

**P.C.:**

Feeling aggrieved by the notice dated 02/08/2018 Exh “N”, by which respondent no.1 has terminated the petitioner's lease, petitioner has filed this petition.

2. At the outset, learned counsel for the respondents on instructions submits that realizing the mistake in the impugned order, respondents have issued fresh order dated 14/09/2018 passed by the Collector, Diu and in the circumstances, this petition can be disposed of accordingly.

3. Keeping in view the fact that the order impugned in this

petition has already been substituted by a subsequent order dated 14/09/2018, we dispose of this petition by quashing the order impugned in this petition with further liberty to the petitioner to challenge the order dated 14/09/2018 before the appropriate forum in accordance with law. Needless to say that we have not commented upon the order dated 14/9/2018 and the parties are at liberty to contest the matter before appropriate forum. We also record the statement made by the learned counsel for the respondents that the order which has now been passed on 14/09/2018 shall be acted in accordance with law.

4. With the aforesaid observations , writ petition is disposed of.

**(SARANG V. KOTWAL, J.)**

**(SHANTANU KEMKAR, J.)**