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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11354 OF 2016

Smt.Sandra Rajanikant Shroff

..Petitioner.

V/s.

Union of India through Administrator
Secreteriat, Daman & Ors.

..Respondents.

Mr.C.G.Gavnekar with Mr.Ashutosh C.Gavnekar and Mr.Suhas
Deokar for the petitioner.

Mr.Shrihsilya S.Deshmukh for respondent Nos.1 to 3.

CORAM: NITIN W.SAMBRE, J.

DATE : JUNE 26, 2018

PC.:-

The learned counsel for the respondents, upon
instructions, makes a statement that notice dated February 17,
2012 issued to the petitioner with following details :-

*“No.2/72/ENCR-GOVT.LND/2012/4346
U.T. Administration of Daman & Diu,
Office of the Collector, Collectorate,
Moti Daman 396 220.*

Dated : 17/02/2012.

NOTICE

Whereas, during the joint site inspection by the

undersigned along with other Officials and the subsequent Survey by the revenue department, it is reported that you have encroached upon Government land (marked as Red colour) as per the details annexed herewith at Village Marwad and Devka, Nani Daman.

The encroachment is also marked with permanent color/oil paint in your premises by the Enquiry Officer, City Survey, Daman.

Therefore, this notice is issued under Section 40(2) of the Goa, Daman & Diu Land Revenue Code, 1968 directing you to remove the encroachment carried out by you on the Government land withint 07 days from the date of issue of this Notice and restore the land to its actual possession, failing which Govt. will take action to remove the encroashment at your risk and cost without any further notice.”

And consequential notice bearing No.2/ENCR/GOVT. LND/S.R.S./36-2012 is withdrawn with liberty to take fresh steps as are permissible and available in law *qua* cancellation of grant in favour of the petitioner.

2. The statement made about withdrawal of the impugned notices and action to be taken, is accepted. Liberty is

granted to the respondents to take steps as are permissible and available in law and in accordance with the provisions of Goa, Daman and Diu Land Revenue Code, 1968 for the same cause.

4. In view of the above statement, the petition stands disposed of with liberty to the petitioners to approach this Court if fresh cause arose.

(NITIN W.SAMBRE, J.)