

JPP

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO. 1974 OF 2019

BIC Cello (India) Private Limited

... Petitioner

V/s.

The Collector, Daman (U.T.) and Anr.

... Respondents

Mr. Areez Gazdar a/w. Ms. Sanaya Contractor i/b. Veritas Legal for
the Petitioner

Mr. Harsh Dedhia h/f. H.S. Venegavkar for the Respondents

***CORAM : NITIN JAMDAR &
SHARMILA U. DESHMUKH, JJ.***

DATE : 08 SEPTEMBER 2022

P.C. :-

Heard the learned Counsel for the parties. The
Petitioner has sought following prayer in the Petition :-

“(a) That this Hon’ble Court be pleased to issue a writ of mandamus or any other appropriate writ, order or direction to direct Respondent Nos. 1 and/ or 2, acting by themselves, their servants, agents, officers and subordinates, to cease and desist from undertaking any demolition activities at the Factory premises of the Petitioner located at Plot No. 717/1,2,3 and 711 to 714, Somnath Road Dabhel, Daman – 396210.”

2. The prayer made is far too general. The learned Counsel for the Petitioner has drawn our attention to a public notice dated 21 March 2018 which refers to a drive against the encroachment upon natural waterway in the entire Daman District and it calls upon the general public to remove unauthorized structures within the area, failing which the authority will remove the same without further notice.

3. According to the learned Counsel for the Petitioner, its premises are not an encroachment and the Petitioner is given no opportunity to demonstrate the same. The learned Counsel for the Respondents states that the communication addressed by the Petitioner will be looked into and thereafter, after satisfying themselves, the Respondents will proceed by giving notice to the Petitioner.

4. In view of this statement of the Respondents, it is not necessary to pass any further order in this Petition, which is disposed of.

SHARMILA U. DESHMUKH, J.

NITIN JAMDAR, J.

JYOTI
PRAKASH
PAWAR

Digitally signed
by JYOTI
PRAKASH
PAWAR
Date: 2022.09.12
11:37:12 +0530