

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

WRIT PETITION NO. 11384 OF 2024

Shree Machhi Mahajan,

.. Petitioner

Versus

The Collector, Daman

.. Respondent

Adv. Manoj Badgujar for the Petitioner.

Adv. Hiten Venegavkar for the Respondent.

**CORAM: B. P. COLABAWALLA &
 SOMASEKHAR SUNDARESAN, JJ.**

DATE: AUGUST 14, 2024

P. C.

1. The above Writ Petition is filed seeking an order to quash and set aside the impugned order dated 8th August, 2024 passed by the Respondent.

2. It is the case of the Petitioners that the impugned order directs that the name of the Petitioners is to be deleted from the other rights column in respect of Survey No.6/2 of Village Kathiria and they should hand over peaceful possession of the said property within seven days from the date of receipt of the said order. The Mamlatdar, Daman has also been directed to carry out the mutation accordingly.

3. The grievance in the Petition is in a very narrow compass. It is the case of the Petitioners that the impugned order has been passed without serving them any show cause notice or without giving them any hearing. This is in complete breach of the principles of natural justice. The submission, therefore is that the impugned order cannot stand and ought to be quashed and set aside.

4. Mr. Venegavkar, the learned Counsel appearing for the Respondent, submitted that the Respondent has been served with these papers and proceedings only today morning and therefore requires time to take instructions and file an affidavit in reply to the above Petition.

5. Acceding to his request, we direct that the Respondent shall file his affidavit in reply on or before 4th September, 2024 and serve a copy of the same on the Advocates for the Petitioners.

6. If the Petitioners want to file any affidavit in rejoinder, they may do so, by filing the same on or before 11th September, 2024, and serve a copy of the same on the Advocates for the Respondent.

7. We place the above matter on board for ad-interim reliefs on 18th September, 2024. We put the parties to notice that we may dispose of the above Writ Petition at that stage itself, time permitting.

8. In the meanwhile, and without prejudice to the rights and contentions of the parties, and until 20th September, 2024, the impugned order dated 8th August, 2024 shall not be acted upon and shall be kept in abeyance.

9. Stand over to 18th September, 2024.

10. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[SOMASEKHAR SUNDARESAN, J.]

[B. P. COLABAWALLA, J.]