

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
WRIT PETITION NO. 12772 OF 2024

Upendrakumar Mohanlal

.... Petitioner

Versus

The Enquiry Officer, City Survey, Diu Respondents
and Ors.

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Adv. S. R. Nargolkar i/b Adv. Aumkar Joshi, Advocate for the
Petitioner.

Adv. Manoj M. Sabale a/w Adv. Samisha Salvi h/f Adv. H. S.
Venegaonkar, Advocates for Respondents- UT – DD & DNH.

CORAM : R. M. JOSHI, J.

DATE : 6th SEPTEMBER, 2024.

P.C. :

1. Heard.

2. Learned counsel for the Petitioner submits that the District
Collector, Diu in utter transgression of the jurisdiction has passed
impugned order dated 2nd September, 2024 and 4th September, 2024.
It is his submissions that the case of the Petitioner before the said
authority was that the Petitioner is the adopted son of the original

owner of the subject properties. To support the said submissions, he had placed before the authority the deed of adoption executed by the owner. In spite of this fact on record and though the authority had no jurisdiction to decide the issue of the correctness of adoption deed, it is held that in the impugned order that the original owner died intestate and property has vested in the Government.

3. This court finds *prim facie* substance in the contention of the learned counsel for the Petitioner in this regard. Since arguable case is made out, there would be stay to the impugned order 2nd September, 2024 and 4th September, 2024 till next date of hearing.

4. Issue notice to the Respondents, returnable on 1st October, 2024.

5. Adv. Manoj M. Sabale waives service on behalf of Respondents.

(R. M. JOSHI, J.)