

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

WRIT PETITION NO.2384 OF 2025

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Narsinha Bhavgvana	.. Petitioner
Vs.	
The Deputy Collector, Diu	.. Respondent

Mr. Tejas D. Deshmukh with Mr. Manoj Badgujar and Mr. Ronak Utagikar,
Advocates for the Petitioner.

None for the Respondents.

**CORAM : A.S. CHANDURKAR &
M.M. SATHAYE, JJ**

DATE : 18TH FEBRUARY 2025.

PC. :

1. Heard learned counsel for the petitioner who states that the respondent has already been served. The petitioner undertakes to file affidavit-of-service.
2. The challenge raised in this petition is to the order dated 14th February 2025 passed by the Deputy Collector, Diu under Section 40 of the Goa, Daman & Diu Land Revenue Code. By the said impugned order, the petitioner is given ninety-six hours notice for removal of alleged encroachment from the alleged Government land and restoration of the same.
3. It is contended by learned counsel for the petition that the subject land is a private land in support of which, necessary documents were already supplied to the Concerned Authority. The order passed by this Court in *Shaukar Anwar Mitani Vs. The Member Secretary, Planning &*

Development Authority and Ors., (Civil Writ Petition No.11126 of 2023 along with connected writ petition Order dated 31st October 2023) is relied upon to contend that in such situation, notice not less than ninety-six hours is necessary and ideally it should provide for staying the hands for a period of seven days. It is further submitted that the statutory authority to which appeal is provided, is not available currently in this week.

4. In the aforesaid facts and circumstances, in our view, the following order would meet the ends of justice :

- (i) The effect of the impugned order dated 14th February 2025 passed by the Deputy Collector, Diu is stayed for a period of two weeks from today.
- (ii) It will be open for the petitioner to adopt appropriate remedy to challenge the impugned order, as provided under the law.
- (iii) If such remedy is adopted, the Concerned Authority is directed to decide the interim stay application within a period of one week from the date of filing of the stay application.
- (iv) It is further directed that if the final or interim order passed by the the Concerned Authority is adverse to the petitioner, it will consider extending the protection in accordance with law.
- (v) The present order is passed without prejudice to the rights and contentions of either parties.

5. Writ petition is disposed of in above terms with no order as to costs.

6. All concerned to act on duly authenticated or digitally signed copy of this order.

[M.M. SATHAYE, J.]

[A.S. CHANDURKAR, J.]