

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.11735 OF 2025

BHALCHANDRA
GOPAL
DUSANE

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Date: 2025.09.08
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Jitendrakumar Parbat Baraiya

...Petitioner

Versus

Collector, Diu/Chairman, DDCZMA

...Respondents

Diu and Chairman, PDA, Diu and Ors.

Mr. S.R. Nargolkar i/by Aumkar Joshi, Advocate for Petitioner.

Mr. Sanjay Jain a/w Mr. Harsh Dedhia, Advocate for Respondent
Nos. 1 and 2.

CORAM: MADHAV J. JAMDAR, J.

DATED : 8th September 2025

P.C.:

1. Not on board. Taken on Board.

2. As the regular Bench is not available today, the matter is
moved before this Court.

3. Heard Mr. Nargolkar, learned Counsel appearing for the
Petitioner and Mr. Jain, learned Counsel appearing for the
Respondent Nos. 1 and 2.

4. The challenge in this Writ Petition is to the Order dated 3rd
September 2025 passed by the Collector, Diu/Chairman, DDCZMA
Diu and Chairman, PDA, Diu in No.65-5-illegal Construction-2025-
LND/1325.

5. At the outset, Mr. Jain, learned Counsel appearing for Respondent Nos.1 and 2 raises preliminary objection to the maintainability of the Writ Petition. He submits that there is an alternate remedy of Appeal under Sections 52 and 54 of the Dadra and Nagar Haveli and Daman and Diu Town and Country Planning Act, 1974 (hereinafter referred to as “the Said Act”).

6. In view of said objection raised by Mr. Jain, learned Counsel appearing for Respondent Nos.1 and 2, Mr. Nargolkar, learned Counsel appearing for the Petitioner, on instructions of the Petitioner, seeks withdrawal of the Writ Petition, with liberty to file statutory Appeals provided under Sections 52 and 54 of the said Act. Mr. Nargolkar, learned Counsel states that most probably he will have to file two separate Appeals.

7. To allow the Petitioner to avail remedy of filing of statutory appeals, for a period of two weeks i.e. till 22nd September 2025, no further steps be taken pursuant to the impugned Order. However, it is clarified that this Court has not considered the merits and all contentions on merits are expressly kept open.

8. Accordingly, the Writ Petition is allowed to be withdrawn with liberty as aforesaid.

(MADHAV J. JAMDAR, J.)