

Salgaonkar

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DESHPANDE
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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.16046 OF 2024

Ratan Ukarda Bamania .. Petitioner

Versus

The Deputy Collector Diu and Ors. .. Respondents

WITH
WRIT PETITION NO.17209 OF 2024
WITH
WRIT PETITION NO.16117 OF 2024
WITH
WRIT PETITION NO.16121 OF 2024
WITH
WRIT PETITION NO.16271 OF 2024
WITH
WRIT PETITION NO.16269 OF 2024

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Mr.Aumkar Joshi for the Petitioners.

Mr.Sanjay Jain for the Respondent.

CORAM: BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ.

DATE : 10th MARCH, 2026

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P.C:-

1. We have heard the learned counsel for the Petitioners and the learned counsel representing Daman and Diu Administration.

The bone of contention between the parties is the proceedings, by which the Petitioners are evicted from the

land which they were in possession of, as it is the contention of the Petitioners that the proceedings were initiated at the instance of the Range Forest Officer on the basis that Section 6 Notification was issued under the Indian Forest Act, 1927, but there is no final Notification issued under Section 20 of the Act. In contrast, it is the contention of the learned counsel on behalf of the Administration that action is initiated by the Collector under Section 40 of the Goa, Daman and Diu Land Revenue Code, 1968, which is the power of the Collector of Summary Eviction of a person unauthorisedly occupying the land vested in the Central Government and an attempt of the Administration is to demonstrate that the land is vested in the Central Government and, therefore, the procedure that is followed is under Section 40 of the Code.

Since the facts are not appearing before us in clarity, as it is disputed by the counsel for the Petitioners that the land is not yet declared as 'forest' under the Indian Forest Act, since Section 20 Notification is not issued and the submission on behalf of the Administration is that eviction is initiated because the land is already vested in the Central Government, We expect some clarity on the issue and we request the Administration to place on record the Notification, if any issued, under Section 20 or a Notification vesting the said land in the Central Government.

2. List on **16th March, 2026**. To be listed on Supplementary Board.

(MANJUSHA DESHPANDE, J.)

(BHARATI DANGRE, J.)