

**IN THE NATIONAL GREEN TRIBUNAL, WESTERN
ZONE BENCH, PUNE
APPEAL NO. 65 OF 2025**

IN THE MATTER OF:

MR. CYRIL PHILIP MENDONCA
THROUGH POA MR. DOMNIC ALFONSO.

...APPELLANT

VERSUS

GOA COASTAL ZONE MANAGEMENT
AUTHORITY & ANR

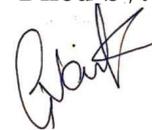
... RESPONDENTS

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Filed on 11.11.2025

Filed by:



GURUPRASAD NAIK

Advocate for the Appellant

B-11, LGF, Pamposh Enclave,

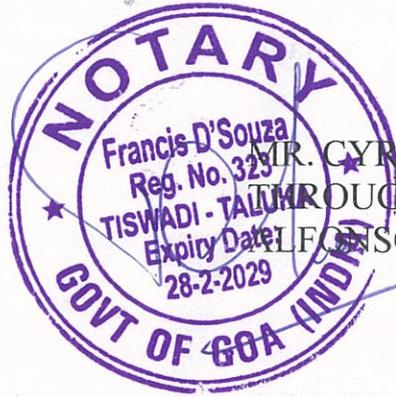
Greater Kailash -I, New Delhi 110048.

Mob. No.: +91 7350753873

Email: guruprasad.naik@chambers.net.in

IN THE NATIONAL GREEN TRIBUNAL, WESTERN
ZONE BENCH, PUNE

APPEAL No. _____ of 2025



MR. CYRIL PHILIP MENDONCA
THROUGH POA MR. DOMNIC
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... APPELLANT

VERSUS

GOA COASTAL ZONE MANAGEMENT
AUTHORITY & ORS.

....RESPONDENTS

ADDITIONAL AFFIDAVIT ON BEHALF OF THE APPELLANT

I, Cyril Philip Mendonca, Major Of Age, Married, Business, R/o. H. No. 121, St. Roque Wado, Colvale, Bardez Goa Through Poa Mr. Domnic Alfonso, Aged 47, R/O Girkarwada, Arambol, Pernem, Goa Above Named, do hereby on solemn affirmation state and submit as under:

1. I say that I am filling the present Affidavit to place on record certain subsequent development/ additional documents *i.e* Judgment and Order dated 09.07.2025 passed by Court of the Additional Director if Panchayats-I, at Panaji Goa in Case bearing No. ADP-I/Arambol/P.A.247/2024, qua the subject matter structures, wherein the Appellate Authority under the provisions of the Goa Panchayat Raj Act, has upheld the legality of the stature interalia holding that structure is in existence as per panchayat record since the year

Alfonso

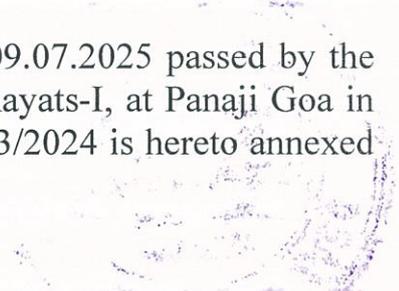
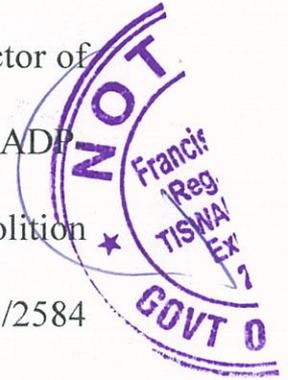
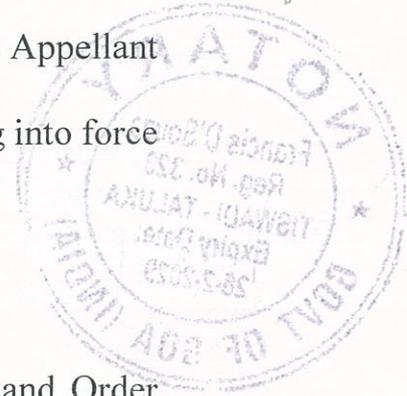
1981. This finding of the Authority fortifies the contention of the Appellant that structure which is subject matter of the Appellant are existence prior to the year 1991, i.e prior to coming into force of the CRZ Notification.

2. The Appellate Authority vide the aforesaid Judgment and Order dated 09.07.2025 passed by the Court of the Additional Director of Panchayats-I, at Panaji Goa in Case bearing No. ADP-I/Arambol/P.A.213/2024, quashed and set aside the Demolition order bearing Ref. No. VPA/PER/Demolition-Order/2024-25/2584 dated 01.04.2024 issued by the Village Panchayat of Arambol., issued by the Village Panchayat of Arambol.

Copy of the Judgment and Order dated 09.07.2025 passed by the Court of the Additional Director if Panchayats-I, at Panaji Goa in Case bearing No. ADP-I/Arambol/P.A.213/2024 is hereto annexed and marked as "ANNEXURE A".

3. I say that the aforesaid judgment fortifies the fact that the construction of the Appellants structure has been carried out only after obtaining all the appropriate licenses and permission and that the structure of the appellant has been standing in the said property since prior to the year 1991.

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4. I state that the contents of all the paragraphs of the affidavit for placing on record additional documents are true to my knowledge.

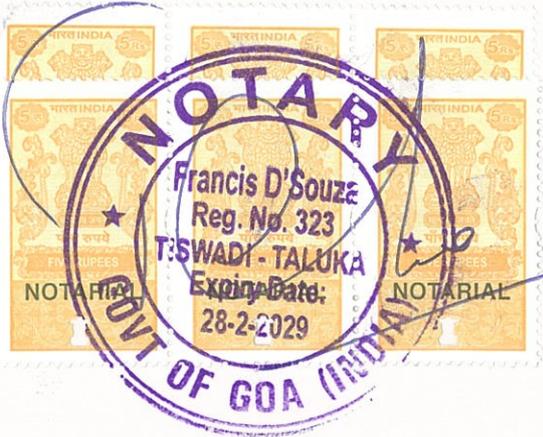
Solemnly affirmed at Panaji Goa on this 10th day of November 2025.

[Signature]
DEPONENT

Identified by me :

[Signature]
Advocate for Appellant.

[Signature]
BEFORE ME
SHRI FRANCIS D'SOUZA
NOTARY FOR TISWADI TALUKA
STATE OF GOA (INDIA)



I hereby attest the above signature of
Shri/Smt/Miss *Cyril Philip*
in accordance with the
deponent
as he is known to me
who has been identified before me
by
who is personally known to me
dated *22/11/2025*
Dated: 10.11.2025

ADV. FRANCIS D'SOUZA
NOTARY
KAMAKSHI PRASAD BLDG
THIRD FLOOR, FLAT NO. 304
PATTO, PANAJI
TISWADI GOA - 403 001
[Signature]

**BEFORE THE COURT OF ADDITIONAL DIRECTOR OF
PANCHAYATS-I AT PANAJI GOA.**

No. ADP-I/Arambol/P.A.247/2024

Mr. Cyril Mendonca,
67 years of age,
Resident of House No.121,
St. Roque Wado, Colvale, Bardez, Goa,
Through his Power of Attorney,
Domnic Alfonso,
46 years of age,
Resident of Girkarwada,
Arambol, Pernem – Goa.

.....Appellant

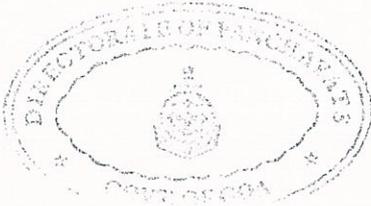
V/S

Village Panchayat of Arambol, Pernem,
Through its Secretary,
Arambol, Pernem – Goa.

.....Respondent

Appellant represented by Advocate C. Angle.

Respondent represented by Advocate P. Shahapurkar.



J U D G M E N T



By the present Judgment I shall hereby dispose off the appeal proceedings which have been filed by the Appellant under Section 66 (7) of the Goa Panchayat Raj Act, 1994 challenging the Demolition Order bearing Ref. No. VPA / PER / Demolition-Order / 2024-25 / 2584 dated 01/04/2024 issued

by the Respondent thereby directing the Appellant to demolish the construction of the House (Ground + 2), four concrete bases and 1 well used for residential purposes in the property bearing Survey No.63 sub-division 1-B of village Arambol, Pernem, Goa within a period of 30 days from the date of receipt of the demolition notice failing which the Respondent has undertaken to demolish the same and recover the amounts incurred from the Appellant as per the provisions of the Goa Panchayat Raj Act, 1994.

Notices were issued in the present matter by this Authority pursuant to which the Respondent has appeared before this Authority. On 16/06/2025, the Appellant filed his written arguments, and the Respondent has orally argued and the matter was accordingly fixed for orders.

The Appellant has filed the present appeal challenging the Demolition Order bearing Ref. No. VPA / PER / Demolition-Order / 2024-25 / 2584 dated 01/04/2024 issued by the Respondent on the grounds that the Demolition Order is illegal, unjust, arbitrary and contrary to law; that the Demolition Order is not in compliance with the mandate of the Goa Panchayat Raj Act, 1994; that the claims and contentions raised by the Appellant in the reply dated 26/03/2024 were not even considered by the Respondent while issuing the Demolition Order; that no reasons have been accorded in the Demolition Order as to why reasons had not been assigned for not considering the contentions raised by the Appellant vide the

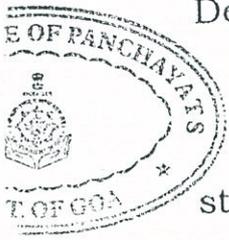


reply dated 26/03/2024 filed before the Respondent; that the Demolition Order has been issued in contravention to the principles of natural justice / audi-alteram partem and is further reminiscent of a non-speaking order; that various documents such as Construction License and Occupancy Certificate have been issued in favor of the Appellant in terms of the Goa Daman and Diu Village Panchayat (Regulation of Building) Rules, 1971; that the requisite permissions such as Construction License dated 15/07/1980 along with approved plan, Occupancy Certificate dated 12/05/1981, Conversion Sanad dated 08/05/1979, Survey Plan of the property bearing Survey No.63 sub-division 1-B of village Arambol; that the Demolition Order directs the Appellant to produce permission under Section 66 of the Goa Panchayat Raj Act, 1994 which is not permissible; that the Goa Panchayat Raj Act, 1994 has come into force and effect only as on 13/07/1994 and the corresponding requirement for the production of a Developmental Permission in terms of Section 66 of the Goa Panchayat Raj Act, 1994 would accordingly apply only qua those structures which are constructed pursuant to the said date; that the Goa Panchayat Raj Act, 1994 is a substantive law and would accordingly operate prospectively and not retrospectively; that the appeal be allowed and the Impugned Demolition Order bearing Ref. No. VPA / PER / Demolition-Order / 2024-25 / 2584 dated 01/04/2024 issued by the Respondent be quashed and set aside etc.

Respondent has filed the reply on 03/06/2025 that the



appeal is bad in law and is filed on frivolous grounds; that as per the direction of the Hon'ble High Court of Bombay at Goa the Respondent was directed to initiate action against illegal / unauthorized structures existing in Girkarwada-Arambol in Writ Petition No.724/2023 and PIL (Suo Motu) No.3/2023; that it was brought to the notice of the Respondent that the Appellant had carried out illegal construction in the Village Arambol; that the construction had been done without following procedure which requires Construction License, Occupancy certificate, Stability Certificate, Conversion Sannad etc.; that wide the resolution meeting dated 30/03/2024, it was unanimously resolved to issue demolition notice and direct the Appellant to demolish the illegal construction carried out without obtaining necessary permission from the panchayat; that the panchayat after perusing the documents has issued the Demolition Order to the Appellant etc.



The Appellant has filed a rejoinder dated 10/06/2025 stating that the Demolition Order was entirely misconceived in law and on facts; that once the statutory authorities had issued the requisite permission in terms of the Goa Daman and Diu Village Panchayat (Regulation of Building) Rules, 1971, there would be no claim of any illegality in respect of the structures of the Appellant; that the perusal of the records / Orders passed by the Hon'ble High Court of Bombay at Goa, in no manner directs for the issuance of demolition orders arbitrarily as against the Appellant; that it was specifically denied that the Appellant had carried out any alleged illegal construction as

was alleged by the Respondent; that the resolution said to have been passed by the Panchayat was without any basis or justification and in any event was contrary to the Goa Panchayat Raj Act, 1994 etc.

Oral arguments were heard in the present matter on 23.06.2025 and written arguments dated 16/06/2025 were also filed by the Appellant. Ld. Adv. C. Angle appeared on behalf of the Appellant and has argued that the Impugned Demolition Order dated 01/04/2024 passed by the Respondent under Section 66 (4) of the Goa Panchayat Raj Act, 1994 is without jurisdiction as the requirement of Section 66 permission would not apply to the structures of the Appellant. He has further submitted that the structures of the Appellant having been constructed under the Goa Daman and Diu Village Panchayat Regulation of Building Rules, 1971, the provisions of the Goa Panchayat Raj Act, 1994 cannot be attracted. He has submitted that the property bearing Survey No.63 sub-division 1 of village Arambol was originally owned and possessed by one Mr. Manuel Rodrigues who had sold the subject property along with the structures existing thereon in favor of the Appellant. He has submitted that the Appellant has subsequently partitioned the property into the property bearing Survey No.63 sub-division 1-B of village Arambol, Pernem Taluka. He has submitted that the said Mr. Manuel Rodrigues had undertaken construction in the subject property, which was prior to the subject property being partitioned and thus all permissions refer to the property as being the property bearing Survey No.63 sub-division 1 of



village Arambol. He has submitted that the said Mr. Manuel Rodrigues had for the purposes of undertaking the construction, procured the Permission for Erection of Building dated 15/07/1980 along with the approved plan which been issued by the Village Panchayat of Harmal, Pernem, Goa. He has submitted that the property bearing Survey No.63 sub-division 1 of village Arambol, Pernem, Goa had been converted for non-agricultural use in terms of the Conversion Sanad dated 08/05/1979 issued by the Office of the Deputy Collector & Sub-Divisional Officer. He has submitted that the Respondent Panchayat of Harmal has issued the Construction License / Permission for Erection of Building dated 15/07/1980 which was originally issued in name of Mr. Manuel Rodrigues along with the plan approved by the statutory authorities by which the erection of the structures had been authorized in the property. He has submitted that the approved plan clearly reflects the subject structures being identified therein as being approved by the statutory authorities.



He has submitted that the Respondent has also subsequently issued the Occupancy Certificate dated 12/05/1981 in favor of the said Mr. Manuel Rodrigues thereby authorizing the occupation of the subject structures. He has submitted that the Survey Plan of the subject property bearing Survey No.63 sub-division 1-B clearly reflects of the structure being shown therein as existing since the time of promulgation of Survey in the State of Goa.



He has submitted that the subject structures have all statutory permissions being accorded in terms of the Goa Daman and Diu Village Panchayat Regulation of Building Rules, 1971. He has submitted that the subject structures are thus legally constructed by the Appellant in the subject property. He has submitted that in terms of the settled law, once the structure is deemed to have been legally constructed under the Goa Daman and Diu Village Panchayat Regulation of Building Rules, 1971, there can be no claim of illegality pertaining to the said structures.

He has further submitted that the documents in the nature of statutory permissions are produced on record before this Authority which includes the Permission for Erection of Building dated 15/07/1980 issued by the Village Panchayat of Harmal, Pernem, Goa by which permission was granted to the Appellant to commence construction in the subject property. He has further submitted that approved plan of the structure has been produced on record on the basis of which the structures had been legally constructed in the property bearing Survey No.63 sub-division 1 of village Arambol, Pernem, Goa.



He has submitted that the permissions produced on record by the statutory authorities carries presumptive value in terms of the Indian Evidence Act, 1872. He has submitted that in the absence of the statutory permissions being challenged or otherwise being set aside in any manner, the permissions are to be taken on its face value as having been validly and legally

[Handwritten Signature]

granted to the Appellant. He has submitted that the Respondent has also not specifically denied of the statutory permissions not having been granted to the Appellant in the reply dated /05/2025 filed before this Authority. He has submitted that the structures having been constructed way back in the year 1980, there would be no requirement of any permissions in terms of the Goa Panchayat Raj Act, 1994.

Ld. Adv, for the Appellant has submitted that the Demolition Order is a non-speaking order which does not disclose any reasons for not considering the contentions of the Appellant raised vide the reply dated 01/04/2024. He has submitted that the judgment in **Mr. Luciano Leandro Mascarenhas v/s The State of Goa and others (Writ Petition No.832 of 2011)** would apply to the facts of the present case.

Ld. Adv. for the Appellant has relied on the Judgment of **Jadav Chandra Das v/s Gauhati Municipal Corporation (1996) 1 Gauhati Law Reports 72** to submit that the statutory authority to exercise power of demolition under the relevant statute should be able to demonstrate the same having been exercised within a reasonable time. He has submitted that applying the ratio of the aforesaid judgment once the statutory authority has issued Construction License, Occupancy Certificate qua the subject structures as in the year 1980, 1981, the belated exercise of ordering demolition in the year 2024 is entirely unlawful.

Ld. Adv. for the Appellants has relied on the judgment of



Union of India v/s Indusind Bank Limited 2016 9 SCC 720, to submit that substantive laws operate prospectively unless retrospective operation has been clearly stated in the statute. He has submitted that the Goa Panchayat Raj Act, 1994 being a substantive statute, would operate prospectively and would apply to the structures which have been erected after 1994.

Ld. Adv. for the Appellants has relied on the judgment of **Gaddu Zaraunkar v/s Village Panchayat of Velim 2013 SCC Online Bom 1569**, to submit that even documents such as house tax receipts issued by the statutory authorities prior to the coming into force of the Goa Panchayat Raj Act, 1994, can be taken as conclusive proof to determine the legality of the subject structure. He has submitted that clearly statutory permissions have been issued in terms of the erstwhile Goa Daman and Diu Village Panchayat Regulation of Building Rules, 1971 prior to the coming into force of the Goa Panchayat Raj Act, 1994 which would evidence legality of the subject structures.

Ld. Adv. for the Respondent has argued orally and has also submitted that the reply dated /05/2025 filed on behalf of the Respondent may be considered as arguments of the Respondent.

I have perused the records, documents and material produced on record by the parties and I hereby proceed to dispose off the present appeal.



The present appeal has been filed by invoking Section 66 of the Goa Panchayat Raj Act, 1994 against the Demolition Order bearing Ref. No. VPA / PER / Demolition-Order / 2024-25 / 2584 dated 01/04/2024 issued by the Respondent directing for demolition of the construction of House (Ground + 2), four concrete bases and 1 well used for residential purposes in the property bearing Survey No.63 sub-division 1-B of village Arambol, Pernem, Goa within a period of 30 days from the date of receipt of the demolition notice.

The Appellant has produced on record the Permission for Erection of Building dated 15/07/1980 along with the plan approved has come to be issued at the relevant point in time by the Village Panchayat of Harmal, Pernem, Goa by which permission to construct the subject structures in the property had come to be accorded in favor of Mr. Manuel Rodrigues. The Appellant has produced the plan along with the said permission which is seen to have been approved by various authorities such as the Health Officer, Primary Health Centre, Pernem, Goa, Technical approval, Assistant Engineer, P.W.D. Pernem, Goa, Civil Engineer P.W.D and the Village Panchayat of Harmal, Pernem, Goa in the year 1978. The said permissions issued therefore show that the subject structures had been constructed by Mr. Manuel Rodrigues in the year 1980 in the property bearing Survey No.63 sub-division 1 of village Arambol, Pernem, Goa.

The Appellant has further taken me through the approved



plan of the structures in detail which also bears the approval and seal of the Village Panchayat of Harmal, Pernem, Goa. The Respondent appears to have issued the Demolition Order dated 01/04/2024 in respect of structures which appear to be the structures which had been constructed by the Appellant by conforming to the dimensions stated in the approved plan in as much as the Appellant has also produced on record the Occupancy Certificate bearing Ref. No. V.P.A. / 25 / 81 dated 12/05/1981 issued by the Village Panchayat of Harmal, Pernem, Goa certifying of the fact that construction of the structures had been carried out in terms of the approved plan and by confirming to the Goa Daman and Diu Village Panchayat Regulation of Building Rules, 1971.

The Occupancy Certificate dated 12/05/1981 is of the year 1981, and the same is issued by the Respondent Panchayat certifying of the fact that the structures are fit for occupation of the Appellant. This Court therefore has no hesitation in holding that the subject structures are legal and authorized structures which have been constructed in terms of the Permission dated 15/07/1980 issued by the Respondent.

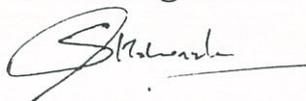
The Appellant has further produced on record the Survey Plan of the subject property bearing Survey No.63 sub-division 1-B of village Arambol, Pernem, Goa which clearly reflects the subject structures being shown therein. The permissions produced on record by the Appellant therefore clearly shows of the structures existing in the property being legal and authorized and having been constructed in terms of law.



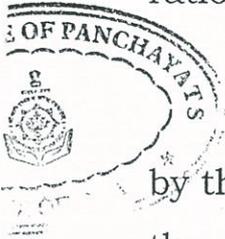
The perusal of the approved plan produced on record by the Appellant clearly shows that the structures which are ordered to be demolished by the Respondent vide the Demolition Order dated 01/04/2024, are shown reflected in the Approved Plan issued by the Village Panchayat of Harmal, Pernem, Goa. This Authority is therefore not hesitant to hold that the subject structures are entirely legal and authorized structures which have been in existence in the property bearing Survey No.63 sub-division 1-B of village Arambol, Pernem, Goa since the year 1980. The permissions produced on record by the Appellant therefore clearly shows of the structures existing in the property being legal and authorized and having been constructed in terms of law.

Also applying the ratio of the Hon'ble High Court in **Gaddu Zaraunkar (supra)**, the subject structures were in existence prior to the coming into force of the Goa Panchayat Raj Act, 1994 and thus deserved to be protected in terms of law. It is settled law that substantive statutes such as the Goa Panchayat Raj Act, 1994 operate prospectively which is in terms of the ratio laid down in **Indusind Bank Limited (supra)**.

The Demolition Order dated 01/04/2024 has been issued by the Respondent for lack of permission under Section 66 (1) of the Goa Panchayat Raj Act, 1994 and for the failure of the Appellant to produce such permission issued in terms of Section 66 (1) of the Goa Panchayat Raj Act, 1994. The Court feels that there is strength in the argument of the Appellant that



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the requirement for the production of permission under Section 66 (1) of the Goa Panchayat Raj Act, 1994 would not arise as the structures had been constructed in terms of the permissions issued by the statutory authorities under the Goa Daman and Diu Village Panchayat Regulation of Building Rules, 1971. Further the perusal of Section 66 of the Goa Panchayat Raj Act, 1994 would indicate that the same is applicable only in respect of buildings that are constructed or altered or added to and the same would not apply in respect of structures which had been constructed in terms of the Goa Daman and Diu Village Panchayat Regulation of Building Rules, 1971.

In view of the above, I am of the view that the Impugned Demolition Order bearing Ref. No. VPA / PER / Demolition-Order / 2024-25 / 2584 dated 01/04/2024 issued by the Respondent needs to be quashed and set aside and consequently the Show Cause Notice bearing Ref. No. VPA / PER / Show Cause / 2023-24 / 2681 dated 15/02/2024 would be required to be quashed and set aside.

In view of above, I am inclined to pass the following

Order:-

ORDER

The appeal is hereby allowed, the Impugned Demolition Order bearing Ref. No. VPA / PER / Demolition-Order / 2024-25 / 2584 dated 01/04/2024 issued by the Respondent is quashed and set aside and consequently the Show Cause Notice

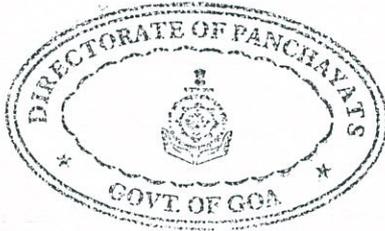




bearing Ref. No. VPA / PER / Show Cause / 2023-24 / 2681 dated 15/02/2024 issued by the Respondent is hereby quashed and set aside.

Pronounced in the open Court.

Given under my hand and seal of this Court on the 9th day of July, 2025.



Siddhi T. Halarnakar
(Siddhi T. Halarnakar)
Addl. Director of Panchayats-I
Panaji-Goa.

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Naik

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Naik
16/07/25

Ratika Naik
(Gram sevak)
By order of Addl D.O.P
Panaj - Goa