



**BEFORE THE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH, AT PUNE**

APPEAL NO. 01 OF 2023

Hevona Fernandes

...Appellant

Versus

GCZMA and others

... Respondent

ADDITIONAL AFFIDAVIT ON BEHALF OF THE APPELLANT

I, **Hevona Fernandes**, Wife of Manuel Fernandes, major in age, Indian National, R/o H. No. 371/A, Igrejawada, Agonda, Canacona, Salcete, Goa, the Appellant herein, do hereby respectfully state and submit as under –

1. I say that I am filing the present Affidavit to state Additional Grounds of challenge of the Impugned Order.
2. I say that in short I have set out a case before the GCZMA that my father in law Benjamin Joaquim Mariano Fernandes @ Joaquim Mariano Fernandes' and his wife Mauelina have been in occupation and possession of the Survey No. 118/8 even before 8/1/1974 when the property was purchased by Kantabai O. Naik from the Raje family. That the Respondent No. 3 has purchased Survey No. 118/8 in 2013 from Kantabai Naik family and thereafter started filing complaints before

Hevona

various authorities, which includes the instant CRZ complaint.

3. I say that in the Case of M/s Sesa Goa v. State Of Goa and ors., 2013 SCC Online NGT 27 the Hon'ble Supreme Court has held qua the manner in which the GCZMA should pass Orders, that (paragraph 47(6)), "After hearing the parties, the authority should pass a reasoned order. The order should deal, preferably with the grounds which have been raised by the affected party, as precisely as possible."

4. I say that the GCZMA order has neither dealt with any grounds raised by the Appellant before it, nor does it have even a word of reasoning. I say that the entire Order is couched in 4 sentences on internal page 6 of the Impugned Order.

DOCUMENTS SHOWING EXISTENCE OF STRUCTURE BEFORE 1991

5. I say that the following documents are on record which show that the structure existed before 1991 and referred to by the Appellant in her Replies before the GCZMA have not been considered at all. The said Documents have not been even referred to in the Impugned Order.

Description	Remarks	Reference before GCZMA	Reference in the present Appeal
General Power of Attorney dated 1-11-	This GPA shows that the Appellant's Father in-law 'Benjamin	Referred to in para 10 of the Appellant's Reply to the	GPA is at Page 127, A-14 Reply is at Page 29, A-3

HWS

1997	Joaquim Mariano Fernandes @ Joaquim Mariano Fernandes' and his wife Mauelina were in occupation of the suit property in 1977 and had given authority POA to Emiliano Borges to do all acts in the suit property	GCZMA dated 01-07-2021	
Certificate dated 4-12-1978	This Certificate issued by the Excise Inspector gave toddy tapping license to E. Borges in the suit property (Matriz 43)	Referred to in para 10 of the Appellant's Reply to the GCZMA dated 01-07-2021	Page 62, A-6
Application for Declaration as MUNDKAR of the Dwelling House in Survey No. 118/8 dated 19-6-2006	Mundkar - as per the Goa, Daman and Diu Mundkars (Protection from Eviction) Act (1975) is a "Person lawfully residing with fixed habitation in a dwelling house"	Referred to in para 15 of the Appellant's Reply to the GCZMA dated 01-07-2021	Page 43, A-4
Application for Declaration as TENANT of Survey No. 118/2 dated 19-6-2006	Tenant - as per the THE GOA, DAMAN AND DIU AGRICULTURAL TENANCY ACT, 1964 - is a person who holds land and cultivates it personally	Referred to in para 16 of the Appellant's Reply to the GCZMA dated 01-07-2021	Page 46, A-5
Judgment in Criminal Case	The Court has recorded and relied upon statements that the Appellant FIL is in possession of the suit property		Page 97, A-10

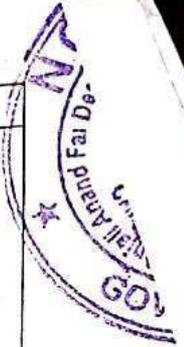


Hides

(internal pages 2 and 3 judgement)		
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ADDITIONAL DOCUMENTS SHOWING EXISTENCE OF STRUCTURE BEFORE 1991

Description	Remarks
Reply/Written Statement filed by Kantabai O. Naik, the Owners since 1974 in the Mundkar Application	The Owners accept the existence of the Appellant house in the suit property, however calls them ENCROACHERS (see para 10 of Reply)
Review Application filed by Appellant dated 6-1-2023 against Order of Mamlatdar rejecting the Mundkar Application under Section 8A	The Mundakarial Proceedings are still pending
Sale Deed dated 21-10-2013 between heirs of Kantabai O Naik AND Informant/Respondent No. 3	Recitals at internal pages 11 to 14 make special mention of the Appellant's father in law and proceedings pending between the Kantabai O. Naik and the Appellant's FIL since 1988.
Survey Plan of 118/8	Shows several structures. The Appellant is being targeted



6. I say that the said 3 Documents were not before the GCZMA, the third ought to have been produced by the Respondent No. 3 since he was in possession thereof. The said documents require to be placed on record.
7. I say that if the Suit House is demolished, all proceedings before the Mamlatdar and Civil Court under the beneficial

HHS

Legislations, viz., the Goa, Daman and Diu Mundkars (Protection from Eviction) Act (1975) and the The Goa, Daman and Diu Agricultural Tenancy Act, 1964 will become infructuous and that is the sole purpose the Informant is seeking to achieve. I say that the Informant is misusing the CRZ Notification for ulterior motives.



8. I say that whatever has been stated above is based my own knowledge which I believe to be true and parts thereof are based on records available with me and which I believe to be correct.

Solemnly affirmed at Goa

On this 18th day of January, 2023.



Hites
DEPONENT

Solemnly affirmed before me by
Shri/Smt. *Umaria Fernandes*
who is identified to me by
Shri/Smt. *Adit Umaria Fernandes*
To whom I personally known on
this *18th* day of *January 2023*
Reg. No. *117/2023*

Anand 18/1/2023
Smt. Anjali Anand Fat Desai alias
Kavyanjali Kishor Nalk Gaunkar
NOTARY
CANACONA-GOA

IN THE COURT OF THE MAMLATDAR OF CANACONA
AT CANACONA GOA

Case No.MUND/JT.MAM-II/AGD/1/2007

Smt. Hevona Fernandes ... Applicant

V/s

Smt. Sunderabai Vithal Agondekar,
(deceased) rep by L'rs

(a) Shri. Suhas K. Shirsagar ... Opponents

WRITTEN STATEMENT OF THE OPPONENTS

PRELIMINARY OBJECTIONS:

A) These Opponents submit that the application for declaration as mundkar filed by the applicant is not maintainable under section 8-A of the Mundkar Act, since in the civil court the claim of the applicant and her father in law as owner of the property has been already rejected.

B) As per the law of Estoppel, the applicant is restrained from claiming mundkarship under the Mundkar Act since the claim of the applicant as owner has been already negative by the civil court.

C) The applicant has suppressed material facts from this Hon'ble court and therefore the application filed by the applicant is liable to be rejected forth with.

D) The applicant did not specify in the survey plan the area of the purported mundkarial house and on this count also the application is liable to be dismissed.

E) The applicant though claimed that the structure was constructed by her father in law, the applicant did not give the names of other family members who are claiming to be residing in the said structure and therefore the present application is liable to be dismissed for non-joinder of necessary parties.

Without prejudice to the above objections, the opponents submits as under:

1. These opponents submit that by a deed of sale dated 8/1/1974 Smt. Kantabai O. Naik had purchased plot No.51 of the landed property known as RAJIBAGAETA situated at Agonda, registered under Registration No.4182 of Book B-13 which area has been surveyed under survey No.118/1 (part) of village Agonda, Taluka Canacona-Goa.
2. The Opponents submits that in the year 1982, it was noticed that the parent in laws of the applicants taking advantage of the absence of the attorney fenced substantial portion of the property purchased by Smt. Kantabai O. Naik and therefore a civil suit was filed by

Smt. Kantabai. O. Naik against the parent in laws of the applicant for the relief's claimed in the suit.

3. The opponents submit that in the said suit, the parent in laws of the applicant claimed that the property under survey No.118/1 is part of the property belonging to them, which is enrolled under matriz No.43 consisting of plantation raised by the parents in laws of the applicant and prayed for dismissal of the suit. The Opponents submit that through out the said litigation the parent in laws of the applicant claimed to be owners of the property under survey No.118/1 of village Agonda.
4. The opponents submit that in the said suit, the civil court was pleased to frame issues after hearing both the parties. The said suit being suit No.28/1984 (old)79/88 (New) was dismissed. The opponents submit that Smt. Kantabai. O. Naik filed an appeal to the District court being Regular Civil Appeal No.138/2001. The Opponents submit that by judgment, Order and Decree dated 10/2/2004 the Hon'ble District court has allowed the appeal and passed the following order which is as under:

ORDER

Appeal is partly allowed.

It is hereby declared that plaintiff is the owner of the property admeasuring 7,500 sq. mts area from lote no.51 known as Mealdarbaga or Rajibagaeta situated at Agonda,

Canacona described as a whole in the Land Registration Office under No.4182 at Book B-13 constituting Matriz no.31, 36, 48 and 442 of Agonda village.

The Land urvey department is accordingly directed to separate lote no.51 from survey No.118/8 of Village Agonda of Canacona Taluka based on exhibit P.W.1/B i.e Sale Deed dated 8.1.1974 registered under No.5 at pages 334 to 338 of Book 1, Vol.II dated 19/01/1974 in the Office of the sub-Registrar, Canacona Goa and the plan annexed thereto and give a separate holding number.

Rest of the reliefs stands rejected.

Decree to be drawn accordingly.

Pronounced in the Open Court.

sd/-

(P.V. Kamat)

Additional district Judge,

Fast track Court-i

South Goa.

Margao

5. The opponents submit that the Ho'ble District court has also analyzed the documents produced by the parent in laws of the applicant and oral evidence and

came to the conclusion that they have failed to prove the ownership of the property under survey No.118/1.

6. The Opponents submit that once the applicant has failed to prove the ownership of the said property, the applicant being daughter in law of the defendant No.1 and 2, in the said suit, cannot claim right under the Mundkar Act.
7. The Opponents deny the contents of the application filed under section 8-A of the Mundkar Act. these opponents deny that the mundkarial house is covering an area admeasuring about 70 sq. mts. and the applicant enjoying right and other easmentary rights as required to day to day life.
8. The opponent deny contents of paras 9 and 10 being false and fabricated. These opponents specifically deny that the applicant is in possession of the area admeasuring about 675 sq.mts.
9. The opponents further deny that the applicant is residing in the dwelling house since the same was constructed by her father in law prior to commencing of the act and presently the applicant is residing with her family members. The opponents further deny that the applicant carries out the seasonal repairs as and when required at the costs and consequences.
10. The opponents submits that the applicant is encroacher in the suit property and the said encroachment by the parent in laws has been already decided by the civil court.

11. The opponents submit that this Hon'ble Court has no jurisdiction to entertain the present application under section 8-A and therefore liable to be dismissed.
12. The opponents submit that there was no relationship between the opponents and parents in laws of the applicant as Mundkar and landlord and on this count also the applicant is liable to be dismissed.
13. The opponents submits that opponents or Smt. Kantabai. O Naik did not permit the parent in laws of the applicant or to the applicant to construct any structure in their property and therefore the claim of the applicant as mundkar is not maintainable.

The opponents therefore submits that the application filed by the applicant be dismissed with cost.

Place:- Canacona

Date:- 18/12/2007

Shri. Narshiv Zulpo Naik.

Attorney of the opponents.

VERIFICATION

I, Shri. Narshiv Zulpo Naik, Son of Zulpo Naik, Mjaor in age, R/o, Dessaiwada, Agonda, Canacona-Goa; the attorney of the opponents do hereby state on oath and solemnly affirm that the contents of the foregoing paras are true to my own knowledge and belief.

Solemnly affirmed on this 18th day of December, 2007 at Canacona-Goa.

Identified by:

DEPONENT

(Advocate)

IN THE COURT OF THE JOINT MAMLATDAR -I OF
CANACONA TALUKA.

Civil Miscellaneous Application No. /2023

In

Case No. MUND/JT-MAM II/AGD/1/2007/646.

Smt. Hevona Fernandes,
R/o H.NO. 371/A, Igerziwada,
Agonda, Canacona, Goa
403702

.....Petitioner

V/S

Smt. Sundarabai Vithai Agondekar (Deceased)

Represented by her heirs: -

- a) Shri. Suhas K. Shirsagar,
Married, and his wife
- b) Smt. Anjani Suhas Shirsagar,
both resident of Dubhas Lane,
V.P. Road, Mumbai 400 004
- c) Smt. Shermila Rajanikant Shirsagar,
widow of shri Rajanikant K. Shirsagar,
r/o 2nd Floor, Bharat Nagar,
Sitaladevi Road, Mahem, Mumbai 16.
- d) Shri. Sriram K. shirsagar,
Major, married, and his wife

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e) Smt. Sheetal Shriram Shirsagar,
both R/o A-2, Todkar Residency,
Flat no. 403, Bidewadi, Pune, Maharashtra State.

1. Smt. Kantabai Onwal Naik (Since Deceased)
represented by Legal heirs
2. Shri. Milind Naik
S/o Late Smt. Kanttabia Onwal Naik,
Major in age, and his wife.
3. Mrs. Seema alias Manashi Milind Naik
major in age,
both resident of Block No. E/206, second floor,
Bharat Nagar, Grant Road, Mumbai- 400 007.
4. Mrs. Smita Sachin Partagalkar
D/o Late Kantabai Onwal Naik,
major in age, and her husband.
5. Mr. Sachin Partagalkar
major in age,
both of them resident of 205,
pleasint Park, Padder Road,
Mumbai 400 026.
6. Shri. Kundan Naik
Son of late Kantabai Onwal Naik,
major in age, and his wife,

-3.

7. Mrs. Bharati alias Ketaki Kundan Naik
major in age,
both resident of E1/403,
Bharat Nagar, Grant Road,
Mumbai- 400 007

8. Shri. Dharshan Pissolo Naik Gaonkar,
S/o Pissolo Naik Gaonkar,
major in age, Business,
R/o Sheller, Canacona, Goa. Respondents

**APPLICATION FOR REVIEW OF ORDER
DATD 03-11-2023 UNDER SECTION 114 OF
CIVIL PROCEDURE CODE READ WITH
SECTION 114 OF GOA, DAMAN AND DIU
MUNDKARS (PROTECTION FROM
EVICTION) RULE 1977**

MAY IT PLEASE YOUR HONOUR: -

The Petitioner by way of states and submits as under,

1. That Petitioner had filed the Application for Declaration of Mundkar under section 8(A) of the Goa, Daman and Diu Mundkars (Protection from Eviction) Act, 1975.

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2. That above case was fixed for filing reply on application for production additional documents on record filed by opponents dated 03/01/ 2023.
3. That the Honorable court has also Suo moto sought clarification on the point of maintainability Proceedings of Application for Declaration of Mundkar, when survey is not promulgated.
4. That the Petitioner had led the evidence and in her evidence the Petitioner was allowed by the predecessor of this Hon'ble Court to exhibit form III of survey number 118/8 of Village Agonda was exhibited in evidence as AW1/B, which is the suit property.
5. The Petitioner submits that however the Hon'ble Court vide its order dated 03-01-2023 was pleased to dispose off the case. Hereto annexed and marked as exhibit "A" the Copy of the order which sought to be reviewed.
6. Being aggrieved and dissatisfied by the order dated 03-01-2023, the petitioner herein has filed this petition on the following amongst other grounds which are without prejudice to and in the alternative to one another.
7. The Petitioner further submits that, had the grounds, set out herein below, been pointed out to the Hon'ble Court, the Hon'ble Court would have certainly allowed the intervention of the Petitioner

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Grounds:

- a. That this Hon'ble Court has not raided any quarry on maintainability at the time of registration of the present application on the ground of Promulgation.
- b. That there is no preliminary objection raised by the Respondent on Maintainability on the ground of Promulgation.
- c. That the Petitioner had led the evidence and in her evidence the Petitioner was allowed by the predecessor of this Hon'ble Court to exhibit form III of survey number 118/8 of Village Agonda was exhibited in evidence as AW1/B, which is the suit property.
- d. That neither this Hon'ble Court raised any query Suo moto on maintainability of present proceeding on the point of promulgation of survey record nor the Respondents objected to exhibit form III of survey number 118/8 of Village Agonda in evidence.
- e. That under rule 14 of the Goa, Daman and Diu Mundkars (Protection from Eviction) Act, 1977 is clear that any application filed for declaration shall be disposed off on conducting inquiry.
- f. In the instance case the stage of the case is at disposing the application filed by the Respondents which was not

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disposed and thereafter for evidence/inquiry which is not completed as such review is necessary and required in the instant case do decide the case on merits.

8. The Petitioner states that in light of the aforesaid facts and circumstances and upon the ground stated hereinabove, it is just and reasonable, and it would be in the interest of justice that the said Order be reviewed.
9. The Petitioner states that except this no other petition, appeal application or review of the said Order is failed or pending either in this Hon'ble High Court or in the Hon'ble Supreme Court Of India.

PRAAYER:

Therefore, it is very humbly and respectfully that this Hon'ble Court may graciously be pleased to:

1. Review the Oder dated 03-01-2023 and further be pleased to modify it to the extent of setting aside the order passed on 03-01-2023.
2. Grant such other and further relief as this Hon'ble Court may deem fit and proper in the circumstances of the present case be granted.

Place: - Canacona-Goa

Date: - 06/01/2023

The Petitioner

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VERIFICATION

I Smt. Hevona Fernandes, age 61, married, household, resident of house no. 371/A, Igerziwada, Agonda, Canacona, Goa abovenamed Petitioner do hereby state verify and states that contents of para 1, 2 and 4 of the foregoing are true and correct to the best of my own knowledge and belief contents of para 3 and 5 to 9 are my submissions based on the legal advice which I believe to be true.

Solemnly Verified on this day of January 2023 at Canacona
Goa.

The Petitioner

AFFIDAVIT

I, SMT. HEVONA FERNANDES, wife of Manuel Fernandes, major in age 61 years, married housewife, resident of house No. 371 /A, Igerziwada, Agonda, Canacona. Goa, do hereby state on oath and solemnly affirm as under

1. I say that am Petitioner in the above case.
2. I say that I have filed the application for review.
3. I say that the contents as mentioned in the said Application be specified embodied and herein and the same is not done to avoid repetition.
4. I say that the contents of the above paras are true to the best of my personal knowledge it conceals nothing and no part of it is false.

Solemnly affirmed on this 05th day of January 2023 at Canacona
Goa.

Identified based on,

Deponant



गोंय गोंय GOA

Date: 31/1/14 St. No. 105 05AA 423061

Value of Stamp Paper Rs. 20

Vendor's Name: Hevona Fernandes

Place of Vendor's Domicile: Canacona

Name of the Purchaser: Hevona Fernandes

Residence: Agenda

Name of Father: M. Fernandes

Transacting Parties: Hevona Fernandes

Sign of Stamp Vendor

Sign of Purchaser



OFFICE OF THE CIVIL REGISTRAR - CUM- SUB REGISTRAR
CANACONA - GOA.

Certified that this is the Xerox true copy of Deed of Sale.

P.T.O.

- 2 -

registered in this office under No. 386, at pages 369 to 396 of

Book No. I, Volume No. 275, dated 21/10/2013.

Receipt No. 21/12

Copy applied on 3/1/2014

Copy ready on 8/1/2014

Copy delivered on 8/1/2014

to Hevono Fernandes, s/o H.No - 371/A, Igarjewade
Agonda Canacona Goa

Canacona, dated :- 8/1/2014




(Premarand K. Dessai)
Subst. Civil Registrar-Cum-Sub Registrar
Canacona Goa
SUB-REGISTRAR
CANACONA

386

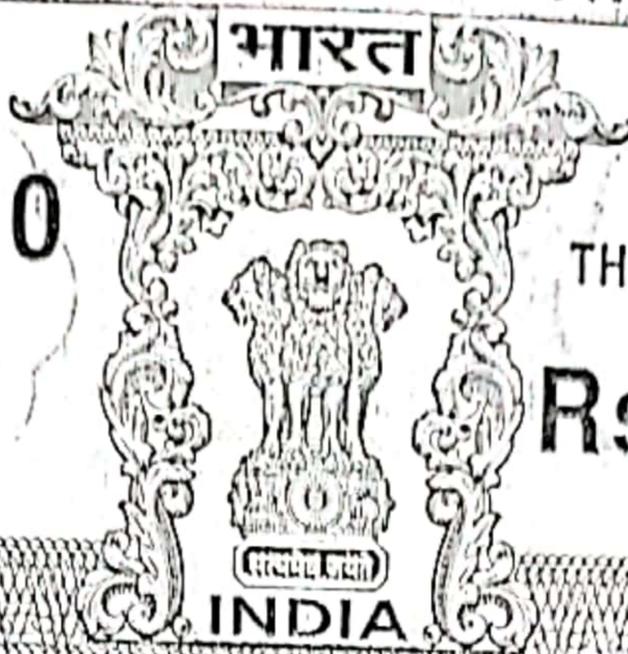
भारतीय गैर न्यायिक INDIA NON JUDICIAL

रु. 20,000

बीस हजार रुपये

TWENTY THOUSAND RUPEES

Rs. 20000



गोवा SOA



Serial No. 367 Place of Value S.T. O. Canacona 0272
Date of issue 04-10-13 Value of Paper 20000/-
Name of Purchaser Darshan P. Maiti, Guankha
S/o Pissolo residing Kindler, Canacona, Goa

Signature of the
Ex-Officio/Vendor

Signature of Purchaser
SUB-REGISTRAR
CANACONA

369

Copy of document No. 387 / 2013
of Book No. 1 contains 24 sheets

Serial No. 387 / 2013
Presented at the Office of
Sub-Registrar of Canacona
between the hours of 12.05 PM
and 12.25 PM on 17/10/2013

Stamp duty	80	00	=	00
Registration	90	00	=	00
Stamping (Folios)	50	00	=	00
Stamping endorsement	10	00	=	00
Postage			=	00
Total Rs	80	750	=	00

S/- Darshan Pissolo

नाते गणकर
अज्ञेय

Subst S/- P. K. Dessai
SUB-REGISTRAR
CANACONA

Subst S/- P. K. Dessai
SUB-REGISTRAR
CANACONA

DEED OF SALE

Signature of Vendor: Pissolo
Signature of Purchaser: Kindler

Darshan Pissolo Naate gankar Kindler

Read by
Compared by

भारतीय गैर न्यायिक INDIA NON JUDICIAL

रु. 20000

बीस हजार रुपये

TWENTY THOUSAND RUPEES

Rs. 20000



गोवा GOA

Serial No. 368 Place of Issue S.T.O. Canacona 027262
Date of Issue 04-10-13 Value of Paper 20,000/-
Name of Purchaser Darshan P. Naik Guopkar
to Piseolo residing Khodker, Canacona, Goa

Signature of the
Official/Vendor

Signature of Purchaser

Copy of document No. 387 of 12/10/13
Book No. 1 contains 24 pages

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REGISTRAR
CANACONA



--2--

THIS DEED OF SALE, is made on this 17th day of October, 2013 at Canacona-Goa.

Darshan Naik Guopkar Naik

Darshan Piseolo Naik Guopkar Naik

Read by [Signature]
Compared by [Signature]

भारतीय गैर न्यायिक INDIA NON JUDICIAL

₹. 20000

बीस हजार रुपये

TWENTY THOUSAND RUPEES

Rs. 20000



गोवा GOA

Serial No. 369 Place of Issue S.T.O. Canacona 02726:
Date of Issue 04-10-13 Value of Paper 20,000/-
Name of Purchaser Darshan P. Naik
S/o Pissolo residing Kinchelera Canacona, Goa

Signature of the
Ex-Officio/Vendor

[Signature]
Signature of Purchaser

SUB-REGISTRAR
CANACONA

Copy of document No. 387 of 2013
of Book No. 24 contains 24 sheets

371

[Signature]
SUB-REGISTRAR
CANACONA



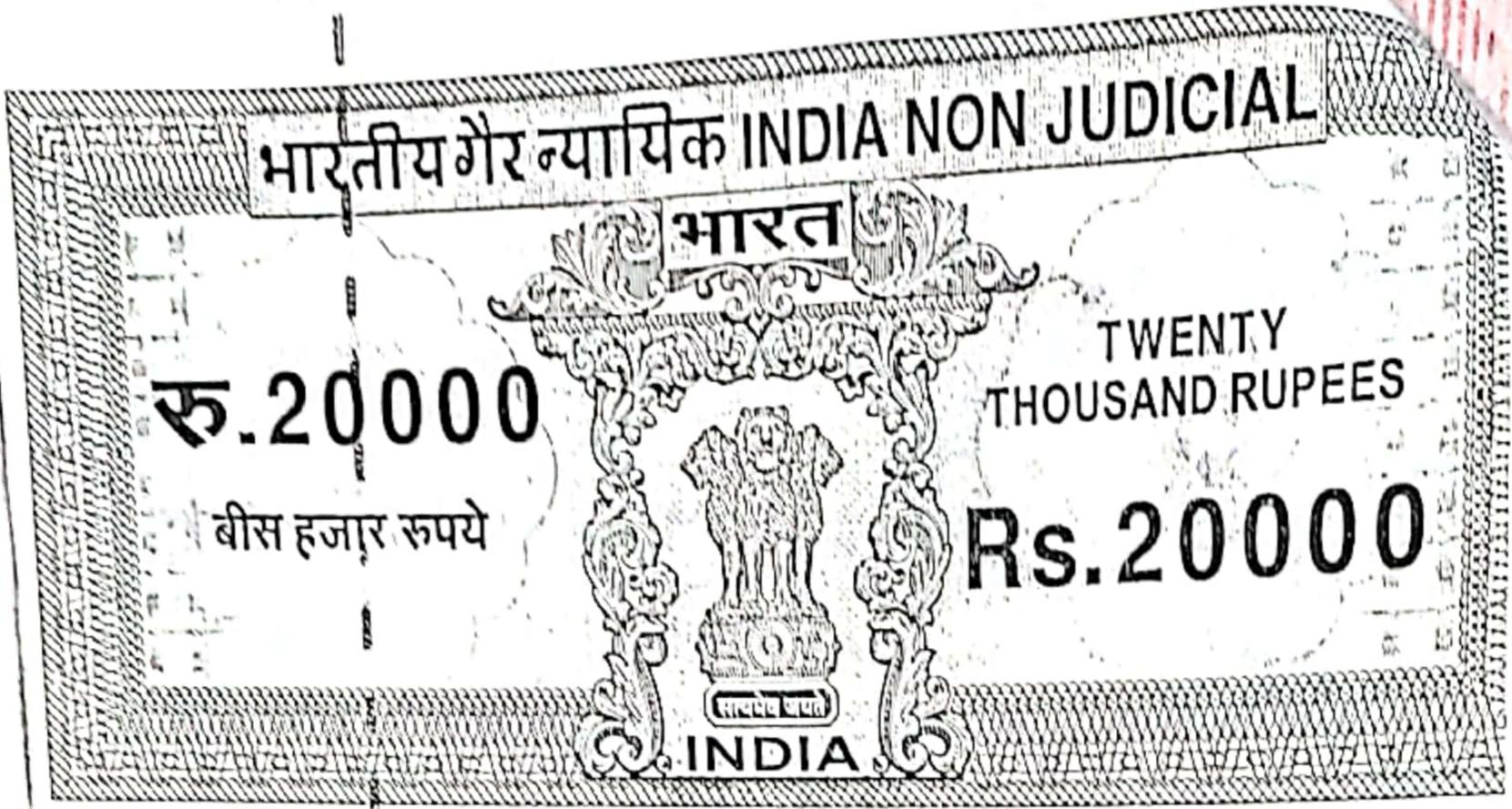
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B E T W E E N

1. SHRI. MILIND NAIK, son of Kashinath Naik, aged about 62 years, occupation business, married, Indian National, holder of PAN card no. AABPN1330R and his wife;

[Signature]
[Signature]
Darshan Pissolo Naik *[Signature]*

Read by: *[Signature]*
Compared by: *[Signature]*



गोवा GOA

02726

Serial No. 370 Place of Value S.T.C. Canacona
 Date of Issue 04-10-13 Value of Paper 20,000/-
 Name of Purchaser Darshan P. Naik Bangalore
 So Pissolo residing Milind Nagar, Canacona, Goa.

[Signature]
 Signature of the
 Official/Vendor

[Signature]
 Signature of Purchaser

372

Copy of document No. 387/2013
 of Book No. 1 contains 24 sheets



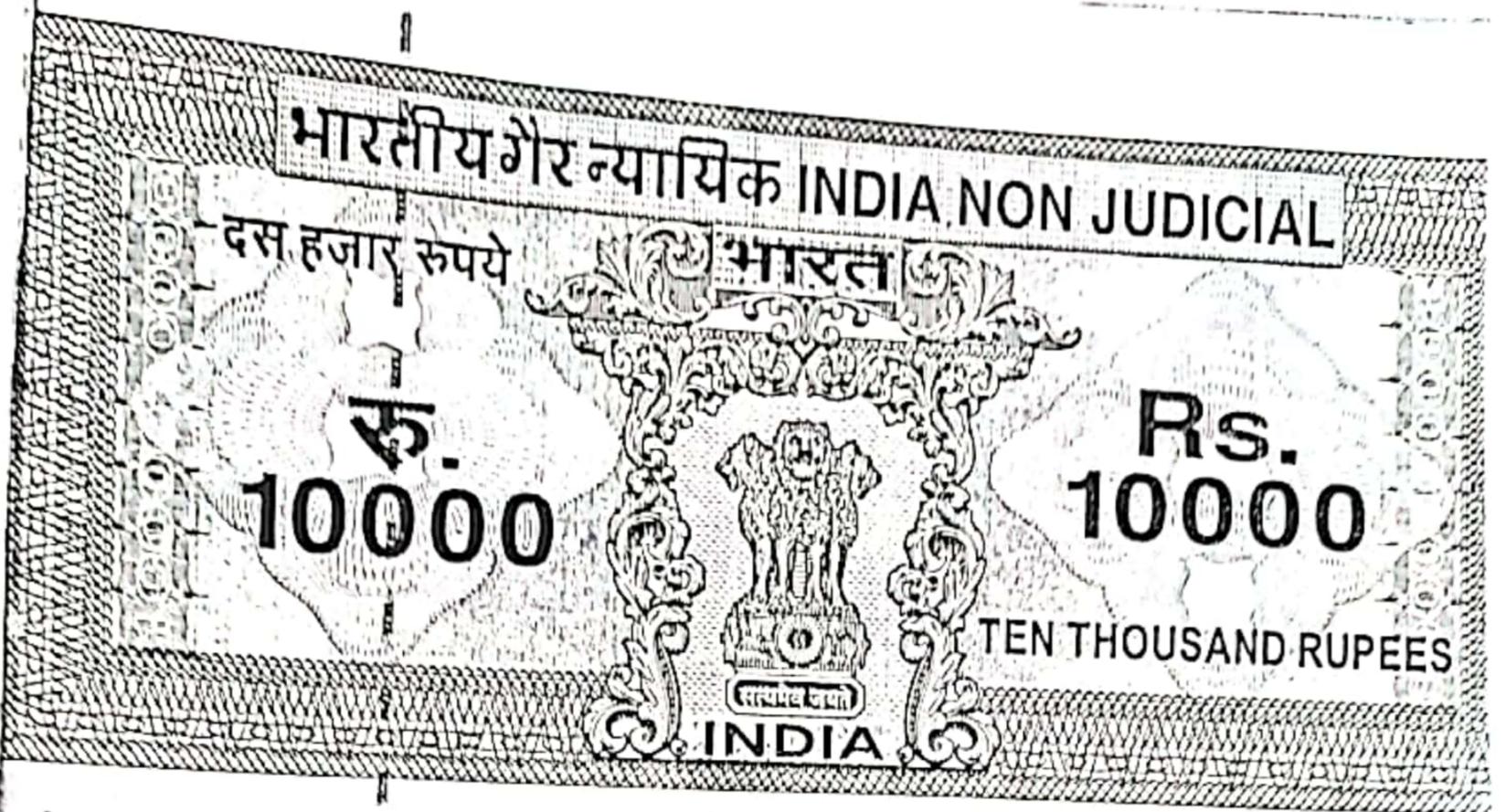
REGISTRAR
 CANACONA

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2. MRS. SEEMA MILIND NAIK, wife of Milind Naik, aged about 55 years, occupation housewife, married, Indian National, holder of PAN card no. AFFPN8995P both resident of Block No. E/2, 206, Bharat Nagar, Grant Road, Mumbai 400007.

[Signature] *[Signature]*
 Darshan Pissolo Naik gaurav *[Signature]*

read by: *[Signature]*
 Compared by: *[Signature]*



गोवा GOA Date: 6 / 12 / 2011 Sr. No. 41108 Vendor's Name & Address
 Value of Stamp Paper: 10,000 SUBHASH L. PRASHUDESAI 01856
 Vendor's Licence No. JUD/STP/11/2003 H. No. 48, Mahalebag
 Dt. 6th Jan. 2004 PANQUIM,
 Place of Vendor: Mahalebag, Panjim CANACONA-GOA
 Name of Purchaser: DHARSHAN P. NAIK GAONKAR
 Residence: SHELTER SALE DEED
 Name of Father/Husband: PISSOLO NAIK GAONKAR
 Transacting Parties: PISSOLO NAIK GAONKAR
 Sign of Stamp Vendor Sign of Purchaser

374

387 / 2013
 Copy of document No. 387 of 2013
 if Book No. 1 contains 24 sheets

SUB-REGISTRAR
 CANACONA

--6--

4. SHRI. SACHIN PARTAGALKAR, aged about 58 years,
 occupation service, married, Indian National, holder of
 PAN card no. ADTPP0583D, both residing at 205,
 Pleasant Park, Pedder Road, Mumbai 400 026;

Partagalkar

Subh

Darshan Pissolo Naik Gaonkar *Subh*

Read by: *Subh*
 Compared by: *Law*

भारतीय गैर न्यायिक INDIA NON JUDICIAL

रु. 20000

बीस हजार रुपये

TWENTY THOUSAND RUPEES

Rs. 20000



गोवा GOA

Serial No. 371 Place of Issue S.T.O. Canacona 027265
Date of Issue 24-10-13 Value of Paper 20,000/-
Name of Purchaser Darshan P. Naik Dnyaneshwar
S/o P. P. Naik residing Kandlana, Canacona, Goa.

Signature of the
Official/Vendor

Signature of Purchaser

SUB-REGISTRAR
CANACONA



373

387 / 2013

Copy of document No. _____ of the series _____
at Book No. 1 contains _____ sheets

SUB-REGISTRAR
CANACONA

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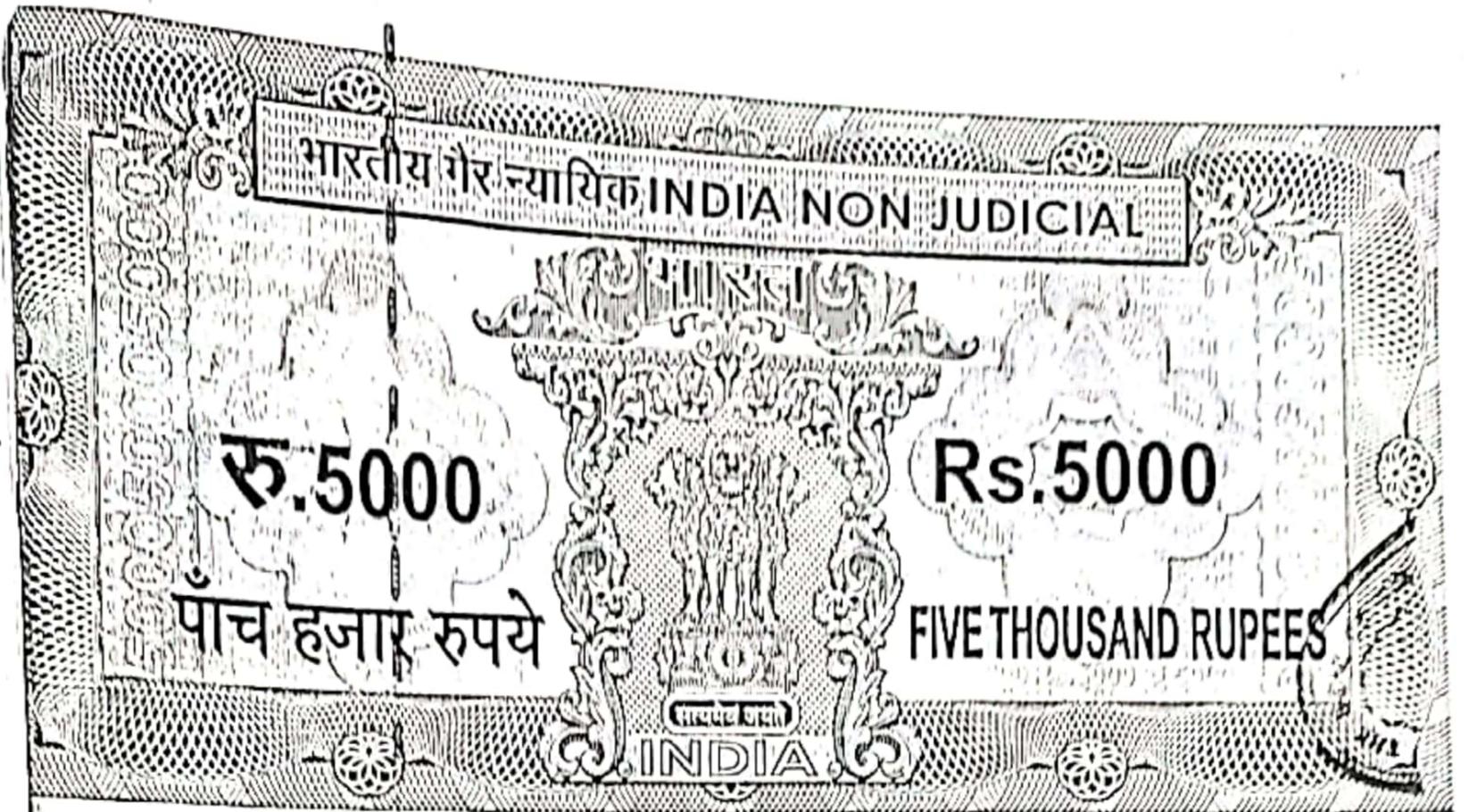
3. SMT. SMITA SACHIN PARTAGALKAR, wife of Sachin Partagalkar, occupation service, aged about 57 years, occupation service, married, Indian National, holder of PAN card no. **ABPPP1794C** and her husband;

Partagalkar

Naik

Darshan Pissolo Naik jamkar Naik

read by: Naik
Compared by: Naik



गोवा GOA

Date: 15/10/13 11550 020371

Value of Stamp Paper Rs. 5000/-

Vendor's Licence No. 19/2007

Place of Issue

Name of Purchaser: Dhanraj Pissolo Jeweller

Residence: Madhu

Name of Father: P. M. Jeweller Deed to Sale

Transacting Parties:

Signature of Stamp Vendor

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Signature of Purchaser

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CANACONA

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6. BMT. BHARTI KUNDAN NAIK, wife of Kundan Naik, aged about 55 years, occupation service, married, Indian National, holder of PAN card no. AACPN0400H, both residing at EI/408, Bharat Nagar, Grant Road, Mumbai 400.007;

Signature of Dhanraj Pissolo Naik

Signature of BMT. BHARTI KUNDAN NAIK

Dhanraj Pissolo Naik guaranteed

Read by: [Signature]
Compared by: [Signature]

भारतीय गैर न्यायिक INDIA NON JUDICIAL

दस हजार रुपये

₹. 10000

Rs. 10000

TEN THOUSAND RUPEES

INDIA

024102

गोवा GOA

Serial No. 372 Place of Value S.T.O. Canacona

Date of Issue 04-10-13 Value of Paper 10000/-

Name of Purchaser Darshan P. Naik Ursankar

S/o Pissoto residing Vineldeas, Canacona, Goa

Signature of the Sub-Officer/Vendor

Signature of Purchaser

SUB-REGISTRAR CANACONA

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5. SHRI. KUNDAN NAIK, s/o Kashinath Naik, aged about 55 years, occupation service, married, Indian National holder of PAN card no. ACNPN3957G and his wife;

Kashinath Naik *Naik*

Darshan Pissoto Naik *gaurav*

Read by /

Compared by /

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[Signature]
SUB-REGISTRAR
CANACONA



[Signature]
SUB-REGISTRAR
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AND

SHRI. DARSHAN PISSOLO NAIK GAONKAR, son of Pissolo Naik Gaonkar, aged about years, occupation business, Holder of PAN Card No. **ABYPG8324J**, r/o Kindlem, Canacona-Goa; hereinafter referred to as the '**PURCHASER**' (which expression shall unless repugnant to the context or meaning thereof be deemed to include his heirs, executors, administrators and assigns) of the **SECOND PART**.

The Parties to this Deed of Sale are **INDIAN NATIONALS**.

The **VENDOR NOS. 1 to 2 and 4 to 6** are represented by their Power of Attorney holder the **VENDOR NO. 3, SMT. SMITA SACHIN PARTAGALKAR**, by virtue of Power of Attorney, authenticated before Shri. S.M.N. Naqvi, Advocate and Notary, Mumbai and Thane District, under registration no.56, dtd: 15/10/2013. The certified copy of the same is enclosed herewith.

WHEREAS, there exists a landed property known as '**MEALDARBAGA**' OR '**RAJIBAGAETA**' also known as '**SOUNDAKARACHE BHAT**' (as per survey records) which is described as a whole in a Land Registration Office under registration no.4182 of Book B-13 under matriz no.31, 36,

[Signature] *[Signature]*
Darshan Pissolo Naik Gaonkar *[Signature]*

Read by : *[Signature]*
Compared by : *[Signature]*

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48 and 412 originally belonging to Vodiari Raje family from Bandora, Ponda-Goa; and the said property is more clearly described in Schedule 'A' appearing hereinafter.

AND WHEREAS, the then owners had sub-divided the entire property into various plots prior to preparation of the survey records in the State of Goa.

AND WHEREAS, late Smt. Kantabai Onwal Naik, by a Deed of Sale, dtd.08/01/1974 which is registered in the office of the Sub-Registrar of Canacona, under Reg.No.5, at pages 334 to 338 of Book 1, Volume 11, dtd.19th January, 1974; had purchased Plot/lot no.51, having area admeasuring about 7500 sq.mts. which is part of the property described in Schedule A appearing hereinafter, and the said property purchased by Smt. Kantabai Onwal Naik, is more clearly described in Schedule 'B' appearing hereinafter.

AND WHEREAS, the said Smt. Kantabai Onwal Naik, has expired leaving behind the **VENDOR NOS.1 to 6** as her legal heirs who have inherited and owners in possession of the said property described in Schedule 'B' appearing hereinafter.

[Handwritten signature]
[Handwritten signature]
Dhanashri Pissolo Naik guardian *[Handwritten signature]*

Read by / *[Signature]*
Compared by / *[Signature]*

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AND WHEREAS, the said Smt. Kantabai Onwal Naik, has expired leaving behind the VENDORS as her legal heirs and therefore the VENDORS have inherited the said property.

AND WHEREAS, the VENDOR NOS.1 to 6 have sub divided the said property described in Schedule B into plots forming part of the property under survey no.118/8 of village Agonda, Taluka Canacona.

AND WHEREAS, the VENDORS have sold some of the sub-divided plots to the intending purchasers by executing the Deed of Sale, which are duly registered in the office of the Sub-Registrar of Canacona.

AND WHEREAS, the VENDORS have informed to the PURCHASER that late Shri. Joaquim Mariano Fernandes, had interfered in the property purchased by Smt. Kantabai Onwal Naik, and therefore she had filed a civil suit against the said Joaquim Mariano Fernandes.

AND WHEREAS, the Civil Judge, Jr. Division, at Canacona, by Judgment and Order dtd.30/8/2001 was pleased to dismiss the suit being Regular Civil Suit no.79/1988 (new).

Darshan *Pissolo Naik* *gondar* *gondar*

Read by
Compared by

[Signature]

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AND WHEREAS, Smt. Kantabai Onwal Naik, had filed Regular civil appeal No.138/2001 in the Court of H'ble District Judge, South Goa, at Margao against the Judgment, Order and Decree, passed by the Civil Judge, Jr. Division, at Canacona..

AND WHEREAS, the Additional District Judge, South Goa, Fast track-1, at Margao by Judgment, Order and Decree was pleased to allow the appeal thereby declaring Kantabai Onwal Naik as owner of Plot/lot no.51 purchased by her having area admeasuring about 7500 sq.mts.

AND WHEREAS, the H'ble Additional District Judge, further directed the survey authorities to separate lot no.51 from the area under survey no.118/8 of village Agonda, Taluka Canacona-Goa by giving separate survey number.

AND WHEREAS, in terms of the said Judgment, Order and Decree passed by the District Judge, the Vendors filed an execution application in the Court of Civil Judge, Jr. Division, at Canacona, being execution application no.1/2006.

Parlagatta
Darsan Pissolo Naik gaonkar *Amk*

And by : *Amk*
Compared by : *Amk*

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AND WHEREAS, the Civil Judge, Jr. Division, was pleased to appoint a surveyor/commissioner to execute the Order of the District Court, thereby separating the area admeasuring 7500 sq.tms. belonging to the vendors.

AND WHEREAS, the Court Commissioner vide his report submitted to the court alongwith the plan has demarcated the area of plot/lot no.51 belonging to the **VENDORS**.

AND WHEREAS, the Civil Judge, Jr. Division at Canacona, by Order dtd.20/6/12 has allowed the Execution application filed by the Vendors thereby allowing the report prepared by the Court Commissioner.

AND WHEREAS, the **VENDORS** out of the said area of 7500 sq.mts. have sold an area admeasuring about 3209 sq.mts. to the intending purchasers and at present, the Vendors are owners in possession of the remaining area admeasuring about 4291 sq.mts. as per the plan drawn by the Court Commissioner.

AND WHEREAS the **VENDORS** have also informed to the **PURCHASER** that the legal heirs of Shri. Joaquim Mariano Fernandes, against whom a decree has been passed by the Additional District Judge, South Goa at Margao, are falsely

Danisham Pissolo Naile gander
Emm

read by :

Compared by :

Emm

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claiming part of the property as tenant and Mundkar and the Vendors agreed to assist the purchaser to dispose off the claim of the legal heirs of said Joaquim Mariano Fernandes.

AND WHEREAS, the **VENDORS** have separated and dis-annexed a plot from the remaining area of the said property and the said separated plot is having area admeasuring about 3100 sq.mts. which is more clearly described in Schedule **C** and shown on the Plan annexed to the Deed of Sale thereby retaining the remaining area in possession of the **VENDORS**.

AND WHEREAS, the **VENDORS** have agreed to sell and the **PURCHASER** has agreed to purchase the said Plot described in Schedule '**C**', for the total consideration of Rs.40,30,000/- (Rupees forty lakhs thirty thousand only) i.e. @ 1300/- per sq.mt. Which is its present fair market price.

AND WHEREAS, while selling the area of Plot **C** to the **PURCHASER**, the **VENDORS** have reserved an access of 3(Three) mts. towards western side of the said Plot having total area of the access admeasuring 153 sq.mts. forming western boundary of the said Plot which shall be used in order to proceed in the remaining area of the **VENDORS** towards Northern side.

[Handwritten signatures]
Darsanam Pissolo Naik geantker

read by : *[Signature]*
Compared by : *[Signature]*

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CANACONA

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NOW THIS DEED OF SALE WITNESSETH AS UNDER;

1. That in consideration of the payment of Rs.40,30,000/- (Rupees forty lakhs thirty thousand only) to the **VENDORS** pertaining to the area admeasuring about 3100 sq.mts. paid to **VENDORS** being the total consideration of the Plot hereby sold and the receipt of which, the **VENDORS** hereby admit and acknowledge having received the said sum and the **VENDORS** for the same acquit, release and discharge the same in favour of the **PURCHASER**, forever and the **VENDORS** do hereby sell, convey, transfer, grant, assign and assure **UNTO** the **PURCHASER** appearing hereinafter and shown on the Plan annexed to this Deed, **TOGETHER WITH** all plants, way-paths, waters, watercourses, lights, liberties, rights, privileges, easements and appurtenances whatsoever **TO HAVE, TO HOLD, AND TO ENJOY** the same and to receive the rents and profits there from, without any hindrance or disturbance by any person or persons claiming under or through them and as absolute owners from this day for ever.
2. The **VENDORS** have delivered unto the **PURCHASER** the possession of the said Plot and the **PURCHASER** shall be free to hold and possess the same as absolute

Parlagatta
Shankar Pissolo Naithe Gaonde

Read by: *[Signature]*
Compared by: *[Signature]*

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KANAKONDA

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owner thereof without any claim, right, interruption or demand from the **VENDORS** or any person/a claiming through or under them.

3. The **VENDORS** shall at the request and costs of the **PURCHASER** sign and execute any more Deeds/documents and shall do all other acts, deeds, things and matters as may be reasonably required for effectual transfer of the said Plot in the name of the **PURCHASER** as per true intent and meaning of this Deed.
4. That in case of any defects in the title of the **VENDORS**, the **PURCHASER** is deprived off the said Plot or any part thereof, the **VENDORS** undertake to indemnify and compensate the **PURCHASER** fully and adequately in all respects.
5. The **VENDORS** and the **PURCHASER** declare that the property in transaction does not belong to schedule caste or schedule tribe pursuant to notification no.RD/LAND/LRC/318/77 dtd.21/8/1978.
6. The **VENDORS** hereby give their No objection to the **PURCHASER** for Mutation and inclusion of the name of the **PURCHASER** in the survey records of the plot hereby sold.



Parlagalkar
Prishlo
Naik gaudar

Drawn by / *[Signature]*
Compared by / *[Signature]*

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7. The **VENDORS** further covenant with the **PURCHASER** that the **VENDORS** have not received any notice under the Land Acquisition Act, 1894 and no proceedings are pending under the said Act, before any Court in respect of the said property.

8. The **VENDORS** further covenant with the **PURCHASER** as under:

- A. The **VENDORS** herein are in owners of the said property.
- B. The said property is not subject to any attachments from any court of law.
- C. The said property is not subject to requisition or attachment by Income Tax Department Authority.
- D. No other persons have any right, claim, right or interest of whatsoever nature in the said property and/or the said property hereby agreed to be sold, except the **VENDORS**.
- E. There is no building or agricultural tenant or any Mundcar or any other person claiming any other right of whatsoever nature over, into or in respect of the said property hereby agreed to be sold or any part thereof and that there is no restriction for sale of the said property to the **PURCHASER**.

[Signature] *[Signature]*
Darehan Pissolo Naik Jantkar *[Signature]*

Read by: *[Signature]*
Compared by: *[Signature]*



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REGISTRATION
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SCHEDULE 'A'

All that property known as 'MEALDARBAGA' OR 'RAJIBAGAETA' also known as 'SOUNDAKARACHE BHAT' (as per survey records) which is described in a Land Registration Office under registration no.4182 (part) of Book B-13 under matrix no.31 (part), 36 (part), 48 (part) and 442 (part) and the said plot as a whole is bounded as under:

East :- by hillock.

West :- by hill.

North :- by property of Ganga Tonto Pagi and others.

South :- by property of Bozro Govind Naik and others.

SCHEDULE 'B'

All that Plot no.51, having area admeasuring about 7500 sq.mts. being part of the property known as 'MEALDARBAGA' OR 'RAJIBAGAETA' also known as 'SOUNDAKARACHE BHAT' (as per survey records) which is described in a Land Registration Office under registration no.4182 (part) of Book B-13 under matrix no.31 (part), 36 (part), 48 (part) and 442 (part) being part of the property under survey no.118/1 (part) 118/7 (part), 118/8 (part)

P. Sankaranarayanan
P. Sankaranarayanan
P. Sankaranarayanan
P. Sankaranarayanan

Read by :

Compared by :

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CANACONA

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and 120/29 (part) of Village Agonda, Taluka Canacona-Goa
and bounded as under;

East :- by Plot no.2-A, 9, 9-A, 11, 12, 47 and 50.

West :- by Arabian sea.

North :- by Plot no.12

South :- by Plot/lot no.52 belonging to the legal heirs of
Smt. Sundarabai Agondekar.

SCHEDULE 'C'

All that Plot, having area admeasuring about 3100 sq.mts.,
being part of the property described in Schedule B,
hereinabove, known as **MEALDARBAGA'** OR
'RAJIBAGAETA' also known as **'SOUNDAKARACHE BHAT'**
(as per survey records) which is described in a Land
Registration Office under registration no.4182 (part) of Book
B-13 under matriz no.31 (part), 36 (part), 48 (part) and 442
(part) being part of the property under survey no.
118/8(part) of Village Agonda, Taluka Canacona-Goa and
bounded as under;

East :- by property under survey no.118/9, 118/12, 118/13
and remaining property under survey no.118/8 of
village Agonda.

[Signature]

[Signature]

Dushan Pissolo Naik gantker *[Signature]*

Read by :
Compered by : *[Signature]*

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[Signature]
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West :- by an access having width of 3 mts beyond which
the Arabian sea.

North :- by remaining property of lote no.51 under survey
no.118/7 of village Agonda.

South :- by an access having width of 3 mts beyond which
the plot sold by the Vendors.

The Plot hereby sold is more clearly shown on the plan
annexed to this Deed of Sale.

IN WITNESS WHEREOF, the Parties have signed and
executed this Deed of Sale, on the day, month and year first
hereinabove written in the presence of attesting witnesses
signed below;

[Signature] *[Signature]*
[Signature] *[Signature]*
Arisham Pissolo Naita gaudel *[Signature]*

Read by *[Signature]*
Tempered by *[Signature]*

DEED

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CANACONA

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SIGNED AND DELIVERED BY THE ATTORNEY OF THE VENDORS:



Partagalkar

Partagalkar

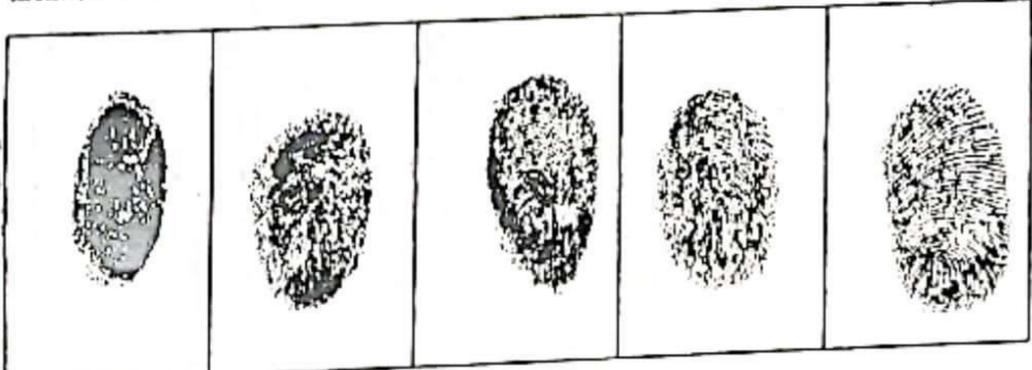


Smita . S. Partagalkar

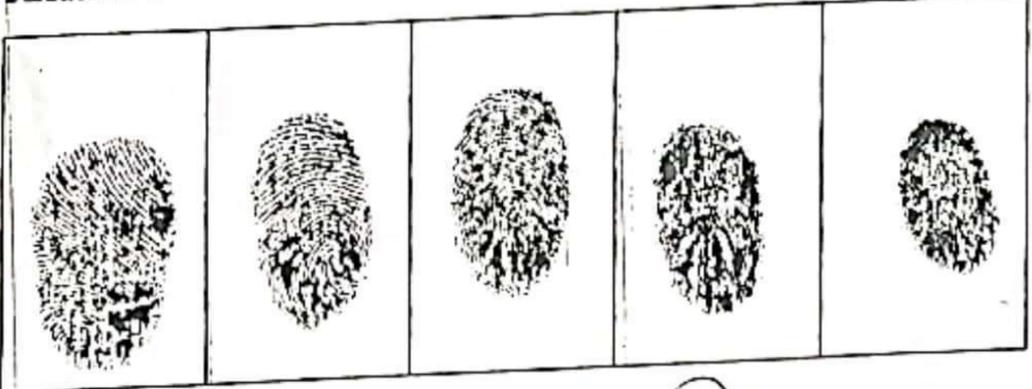
(SMT. SMITA SACHIN PARTAGALKAR)

For self and as Attorney of Vendor nos.1, 2, 4 to 6

L.H.F.P.



R.H.F.P.



Partagalkar

Amr

Dashan Pissolo Naita gankal *Amr*

Read by
Compared by

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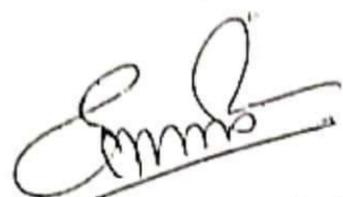
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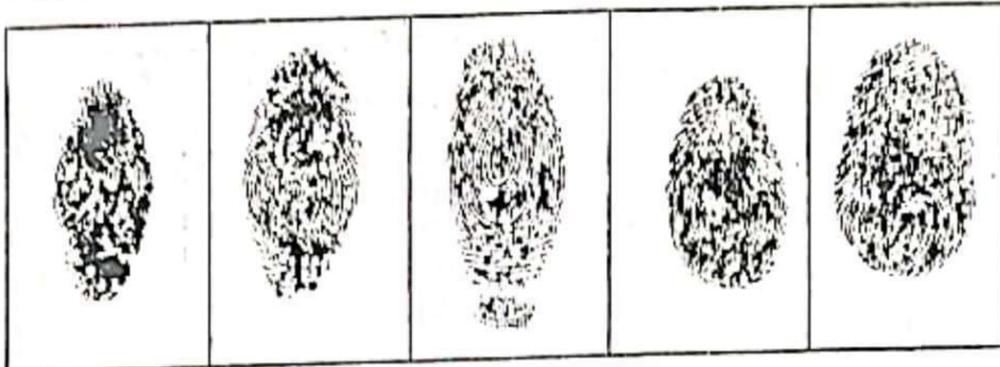
SIGNED AND DELIVERED BY THE PURCHASER:


Darshan Pissolo Naik Gaonkar

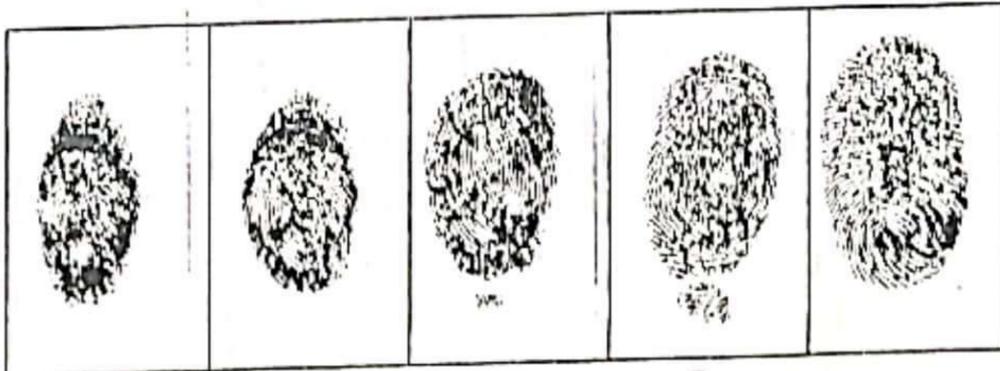


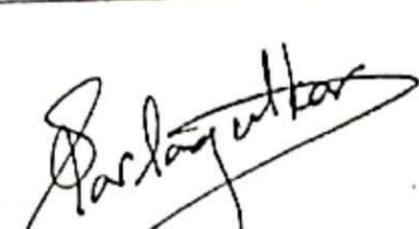
(SHRI. DARSHAN PISSOLO NAIK GAONKAR)

L.H.F.P.



R.H.F.P.




Darshan Pissolo Naik Gaonkar 

Read by
Compared by 

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CANACONA



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WITNESSES:

1. Purnash K. Velup

2. Pritam Prakash Pangi

Pankaj Kumar [Signature]

Darshan Pissalo Naik gantale

Read by [Signature]
Compared by [Signature]

SUB-REGISTRAR
CANACONA

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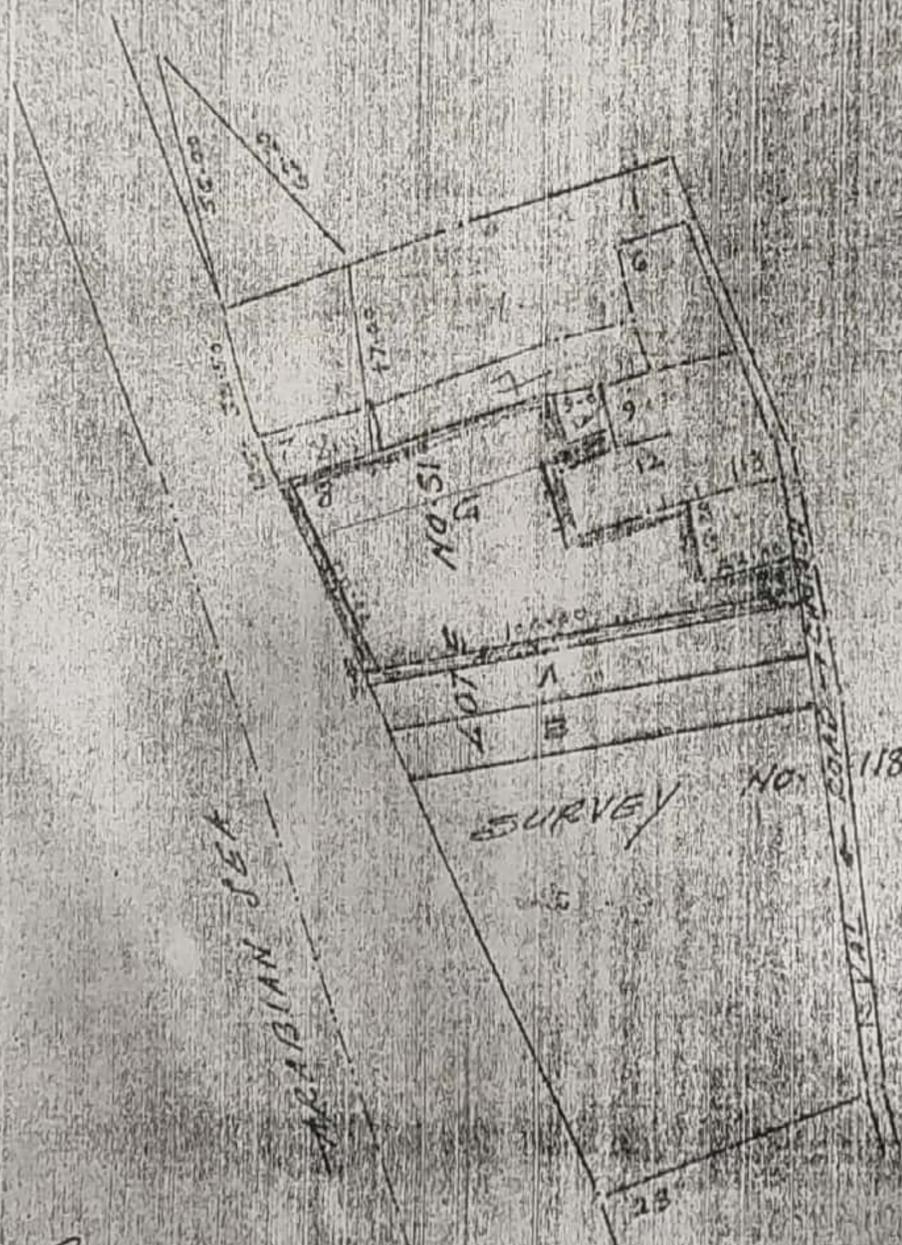
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PLAN

Drawing the area of the plot "G" known as "MEALGAS" or "RASIBAGASTA" also known as "JOUNDKAR CANACONA" under notice No. 31, 33, 43, 100 & 125 survey 50 of survey No. 118/3 (part) situated at Agonda village of Canacona Taluka belonging to late Smt Kantabai Anjal Kar.

SCALE 1:4000

AREA OF THE PLOT "G" 3203.0039 m²



[Signature]
VENDOR

[Signature]
PURCHASER

[Signature]
MANOJ R. SAWANT
CIVIL ENGINEER
Reg. No. TCP/ER/0018/2011
Reg. No. PWD/Engr/223/95
Reg. No. CMC/Engr/5/95
Palolem, Canacona-Goa

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Registered No. 386
 at pages 369 to 396
 Book No. 7 Volume No. 275
 Date 21 / 10 / 2013



substt sdt. P. K. Deyssi
 Sub-Registrar

Executing Parties:

CUB REGISTRAR
CANACONA

1) Smt. Smita Sachin Parlagalkar, wife of Sachin Parlagalkar, occupation service, aged 57 years, occupation service, married, Indian national Pan card no ABPPP 194C H10 205, Pleasant Park, Pedder Road, Mumbai 400 020. For self and as Attorney of vendor nos 1, 2, 4 to 6.

a) Shri Milind Waik

b) Mrs. Seema Milind Waik

c) Shri Sachin Parlagalkar

d) Shri Kundan Waik

e) Smt. Bharti Kundan Waik

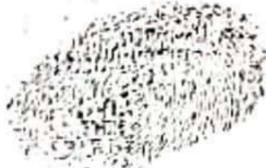
2) Shri Darshan Pissolo Waik Gaonkar son of Pissolo Waik Gaonkar, aged about 7 years occupation business, PAN card no. ABYPN 83245, H10 Kindlem, Canacona

The parties are Indian nationals.

Executing party
I hereby certify that the above mentioned parties are the
sole execution of the so called
Sole.

Parlagalkar

Smita . S . Parlagalkar



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Darshan Pissolo Naik goankar

CPMR



1) Shri. Ramesh V. Velip, major of age, bachelor, service, s/o Vitoba Katus Velip, o/o Nuvem Shristhal Canacona Goa.

2) Shri. Pritam Prakash Pagi, major of age, bachelor, service, s/o Prakash Tari Pagi, o/o Panefand Kindlem Canacona Goa.

State that they personally know the above executants and identify him them

Ramesh V. Velip Pagi

Pritam Prakash Pagi

Canacona, dated 17th October 2013.

SUB-REGISTRAR CANACONA

Copy of Power of Attorney's submitted along with the document is / are filed at pages 175 to 182 supplement to book no I, Part VII Vol. 29

substt sdi - P. C. Pessou
SUB-REGISTRAR
CANACONA

Registered No. 386
at pages 369 to 396
Book No. ... I ... Volume No. ... 275 ...
Date 21 / 10 / 2013

substt sdi - P. C. Pessou
Sub-Registrar



OFFICE OF THE INSPECTOR OF SURVEY AND LAND RECORDS
CANACONA - GOA

PLAN

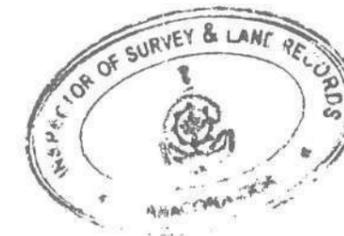
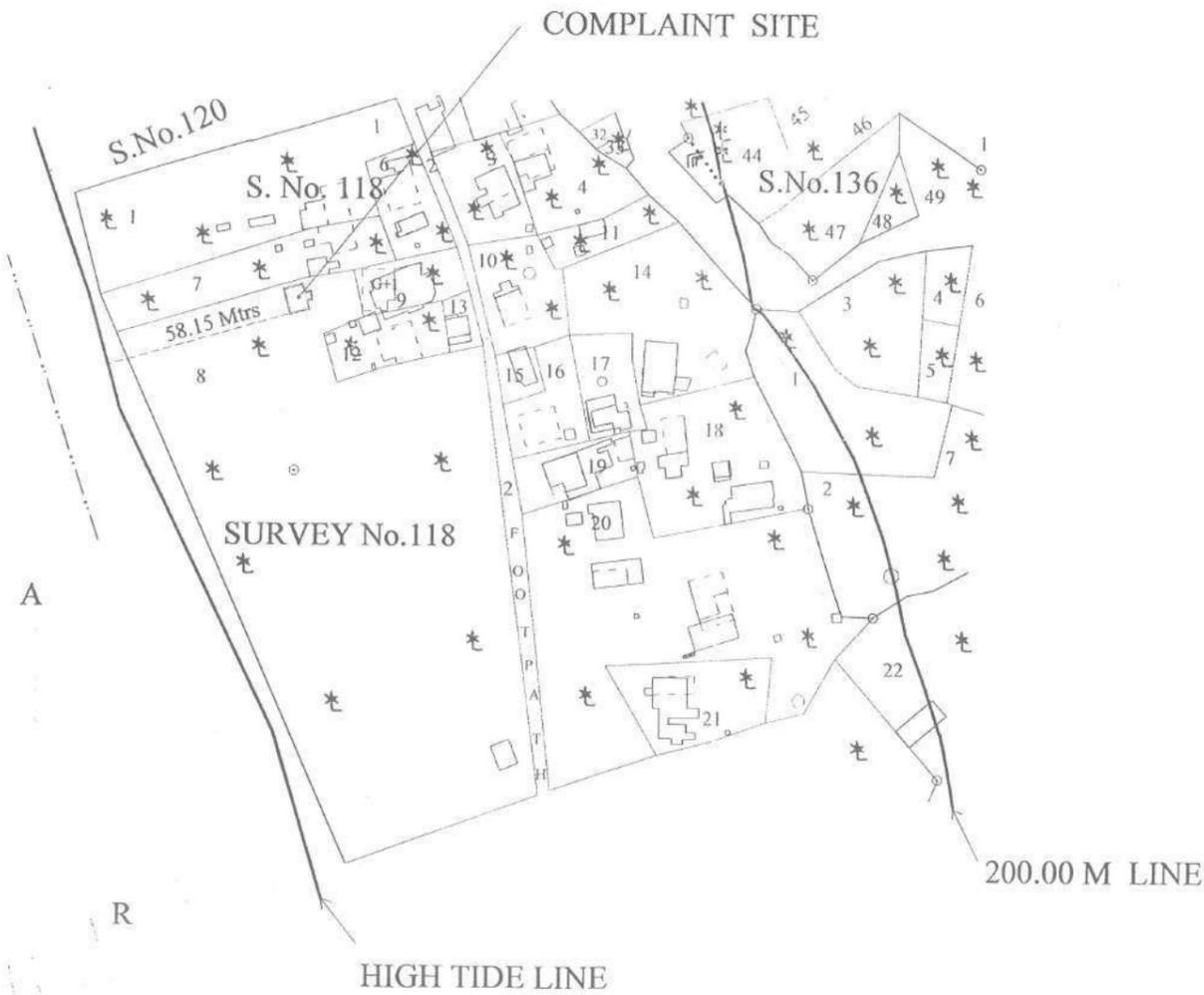
SHOWING MINIMUM DISTANCE BETWEEN HIGH TIDE LINE AND THE COMPLAINT SITE IN SURVEY No. 118/8 ON SURVEY PLAN SITUATED AT AGONDA VILLAGE OF CANACONA TALUKA AS PER SITE INSPECTION CONDUCTED BY THE TALUKA LEVEL COMMITTEE VIDE NOTICE NO. U/MAM/CAN/CRZ/2021/459 DATED 30/03/2021 REGARDING COMPLAINT FROM ADV. PRONOY KAMAT, ISSUED BY THE MAMLATDAR OF CANACONA TALUKA.



SCALE : 1:2000

THE DISTANCE BETWEEN HIGH TIDE LINE AND THE COMPLAINT SITE = 58.15 Mtrs

□ COMPLAINT SITE




DAMU S KOMARPANT (F.S.)
PREPARED BY

File No.: 10-ISLR-CAN-CRZ-MISC-02-2021