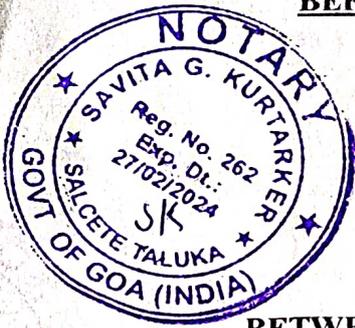


297.A

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, 297
WESTERN ZONE BENCH AT PUNE



APPEAL NO. 07 OF 2023 [WZ]

BETWEEN:

The Colva Civic and Consumer Forum **...APPELLANT**

AND

The Goa Coastal Zone Management
Authority & ORS. **...RESPONDENTS**

ADDITIONAL AFFIDAVIT OF THE APPELLANT DATED
07.02.2024

I, Mrs Judith Almeida, aged 68 years, daughter of late Joseph Henry Baptiste, R/o. H. No. 257/1, Bagdem, Ward 3, Colva, Salcete, Goa, President of the Colva Civic and Consumer Forum, do hereby solemnly state and affirm as under:

1. I say that it was found during the hearing by this Hon'ble Tribunal that the original copy filed along with the Appeal copy was too small to see the images hence this Appellant herein states that this additional affidavit is filed to place on record a full size scanned copy of the DSLR mapping plan dt 21.05.2020 (refer plan on page 47 of Appeal) Annexed as Exhibit 'Y'.
2. I further say that using Satellite imagery/Maps/sheets A-1 to A - 11 including colour coded analysis Annexed as Exhibit Z Colly which

JA

are prepared and require ground verification of the area of each of the built structures of the CRZ Zone in the property bearing 54/5 and 55/3 of the Resp no 3. Further I say that the Table below of Sheet no A- 11 shows that after demolition of certain structures there is an excess illegally constructed area of 2,365 m2 in Survey no. 55/3 and 650 m2 in sy. No. 54/5 of Colva village. A total excess area of illegal construction is equivalent of 3,015m2 and an illegal well.

It is submitted that the Hon'ble Supreme Court in **Vamika Island (Green Lagoon Resort) v. Union of India** reported in (2013) 8 SCC 760, had observed that satellite imagery is one of the best scientific indicators to know when construction had taken place in violation of the CRZ Notification. Further, in order dated 30.09.2022 passed in **M.C.Mehta v. Union of India &Ors. [W.P.(C) No. 4677/1985]**, the Hon;ble Suprme Court emphasized the importance of using the latest technology i.e. high resolution satellite imagery, digitalised cadastral maps to detect unauthorised/illegal constructions.

Table of Sheet No A - 11

Sr. No.	Labelled structure on Google satellite image with Description	Existing Area in m2	Status as submitted vide 30/5/2023 Affidavit In Rejoinder to Joint Inspection Report of 6/4/2023	Present Status	S.No. & illegal Area
1	A1- Porch	40		Demolished	
2	B1- Rooms (approved area=80x2=160)	210x3=630		470 m2 illegally extended and existing	S.No-55/3, Illegal built area= 2,365 m2
3	B2- Rooms (approved area=80x2=160)	180x3=540		380 m2 illegally extended and existing	
4	B3- Rooms (approved area=80x2=160)	200x3=600	Illegally extended with metal shade, photo no.2, page159	440 m2 illegally extended and existing	
5	B4- Rooms (approved area=80x2=160)	190x3=570	Illegally extended and 2 nd floor covered (photo no.3, page 160)	410 m2 illegally extended and existing	
6	B5- Rooms (approved area=80x2=160)	180x3=540	Illegally extended and 2 nd floor enclosed (photo no.4-A, page162)	380 m2 illegally extended and existing	
7	C1- Restaurant/Kitchen	180	Illegal, photo no.4, page161	180 m2 illegal Restaurant/ Kitchen	
8	D1- STP, Store	45	Illegal, photo no.5, page164	45 m2 built illegal structure	
9	D2- Generator	60	Illegal	60 m2 built illegal structure	
10	E1- Metal shed with first floor structure	90x2=180		Demolished	S.No-54/5, Illegal built area = 650 m2
11	E2- Resting Shed	100	Illegal, photo no.10, page174	100 m2 built illegal structure	
12	F1- Swimming Pool with lower Ground Floor	550	Illegally existing, photo no.6, 6-A, 6-B, 7, 8, 9-A, 9-B page 165, 166, 167, 169, 170, 171, 172, 173	550 m2 built illegal Lower Ground Floor (Basement) with Swimming Pool above	
13	G1- Well		Illegally existing, Photo no.11, page 175	Illegally built Well	



I state that the contents of paras 1 and 2 of my above affidavit are true to my knowledge and belief. I state that the contents of paragraphs 1(p) ,is correct and true to my own knowledge and official documents/records, and that the contents of para 2(p), is my submissions made on legal advice which I believe to be true. No part of it is false and nothing material has been concealed therefrom, and the annexure 'Y' enclosed is a true copy of their original and that no part of it is false and nothing material has been concealed therefrom.



Solemnly affirmed at Margao - Goa,
This the 7th h day of February 2024.



APPELLANT



Solemnly affirmed before me by
Judith Almeida
Who is identified to me by
EPIC No. KNX3050465
to whom I personally know on
this 07 day of Feb 2024

Reg No. 2667/2024
Ksavit4

SAVITA G. KURTARKE
NOTARY
MARGAO-GOA



GOVERNMENT OF GOA
Superintendent of Survey and Land Records
MARGAO-GOA

EXHIBIT 'Y' 300

Site plan showing activity carried out by Hotel Salcete as identified by GCZMA Member & surveyed as per the
Format of Goa Coastal Zone Management Authority, Bardez Goa vide Ref. No. GCZMA/S/ILE-COMPL/19-20/
42/48 dated 14/05/2020 in respect of S.No./ Sub Div. No.54/5 & 55/3 of Colva village of Salcete Taluka falling
between 200mts to 500mts CRZ line measured from High Tide Line extracted from certified CRZ map of village
Colva of Salcete Taluka



Scale 1:1000

NOTE:-
THE LEGALITY / ILLEGALITY OF STRUCTURES SHOWN ON THIS
PLAN IS NOT KNOWN AND THEREFORE THIS PLAN SHALL NOT
BE USED FOR ANY PURPOSE SUCH AS DEVELOPMENT OF
STRUCTURES, REVENUE SURVEY MATTERS, OBTAINING LICENSES,
PERMISSIONS, CONVERSION OF LAND, ETC. THIS PLAN SHALL BE
USED FOR REFERENCE PURPOSE ONLY.



LEGEND

-  NEW STRUCTURES
-  SHED
-  SWIMMING POOL
-  HIGH TIDE LINE
-  200MTS CRZ LINE

Inspected on :-24-01-2020

Surveyed on :-21-05-2020

Surveyed & Prepared by:- Newton D'silva (F.S.) *[Signature]*

Computer Generated On 09-06-2020

Seen by:- Sagar Navelkar (SUP)

Appeal 7/2023 NGT

Hotel Salcete

Survey No.54/5 and 55/3, Colva village

Analysis of the built structures

Location

State: Goa

District : 02 South Goa

Taluka : 30020002 SALCETE

Village : 00023700 Colva

Sheet No : 000VILLAGE

54/5

Plot Info

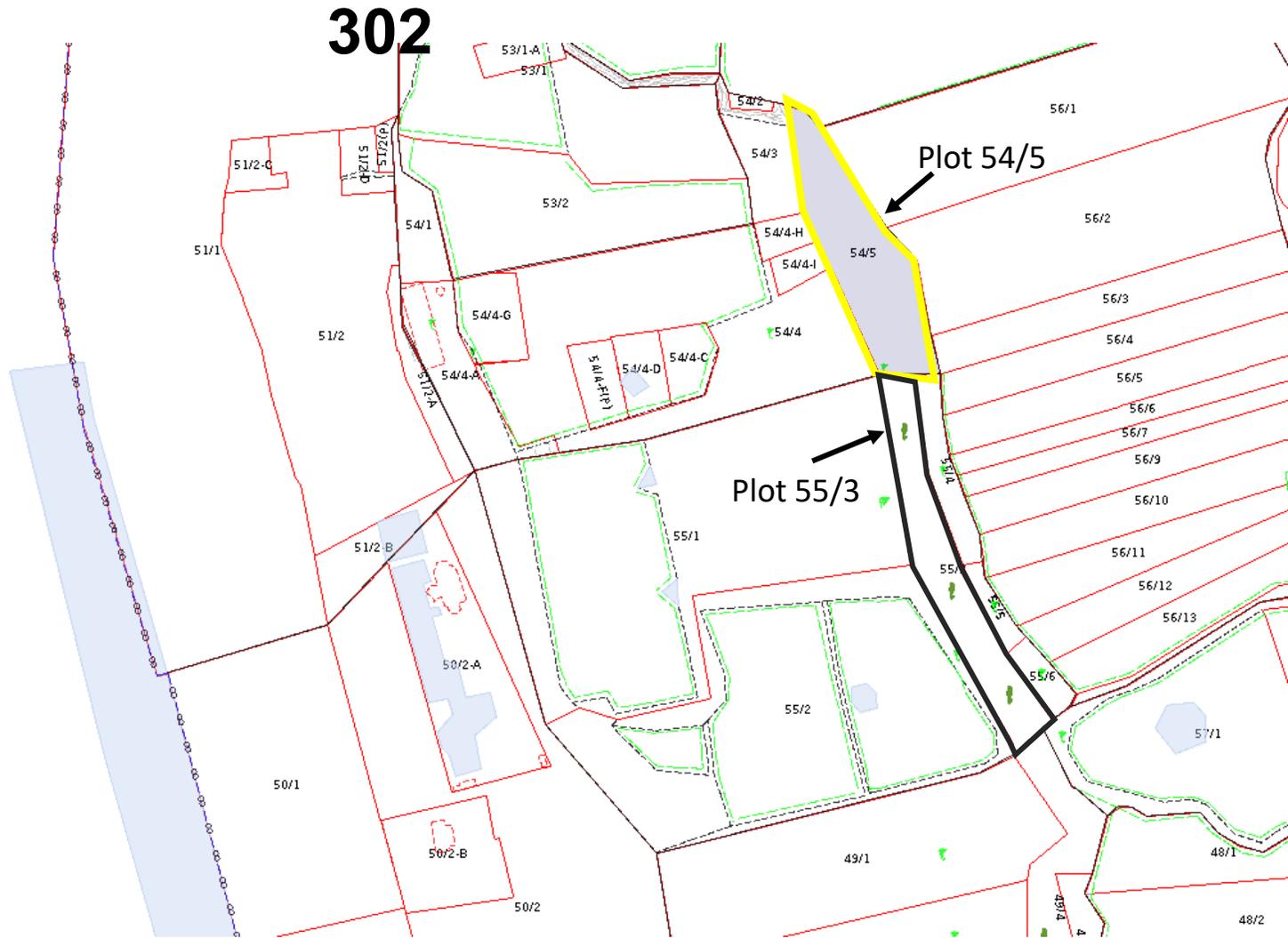
Taluka Name : SALCETE

Village Name : Colva

Subdiv No : 5

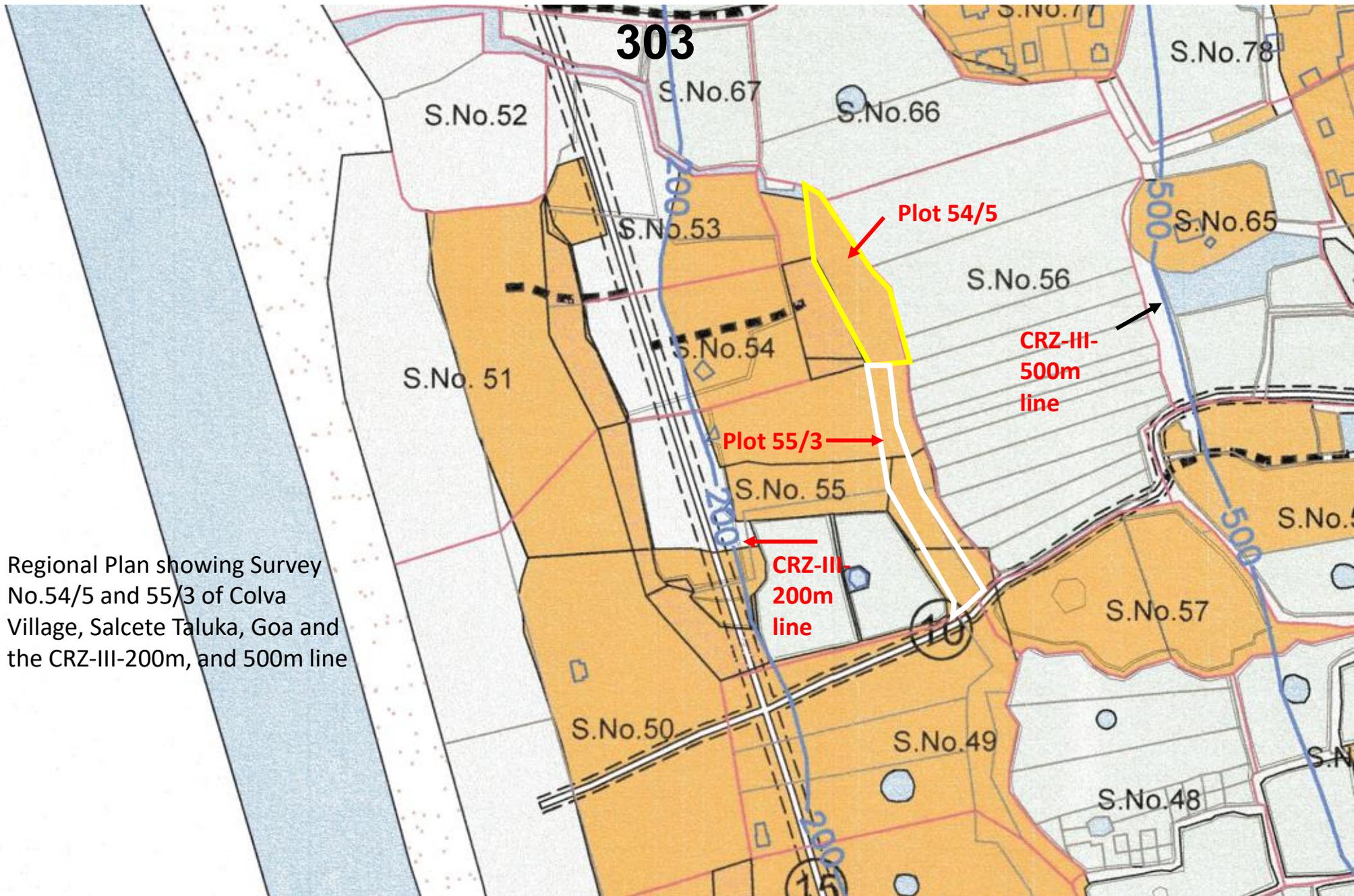
Occupants Names : 1). Abhay Ramchandra Prabhu 2). Girijabai Mhalu Prabhu Kholkar

Total Area : 2950.00 sq.m.



Survey Plan online data of Survey No.54/5 Area-2950 m2 and Survey No.55/3, Area-2625 m2 of Colva Village, Salcete Taluka, Goa

Regional Plan showing Survey No.54/5 and 55/3 of Colva Village, Salcete Taluka, Goa and the CRZ-III-200m, and 500m line





Google Earth
img © 2022 Airbus



The two plots Survey No.54/5 (yellow outline) and 55/3 (white outline) of Colva Village, Salcete Taluka, Goa as seen in Google Satellite Imagery dated 23/12/2022

Sheet-A3



The front view (South-East side) of Hotel Salcete



The East side view (zoomed in) of Hotel Salcete



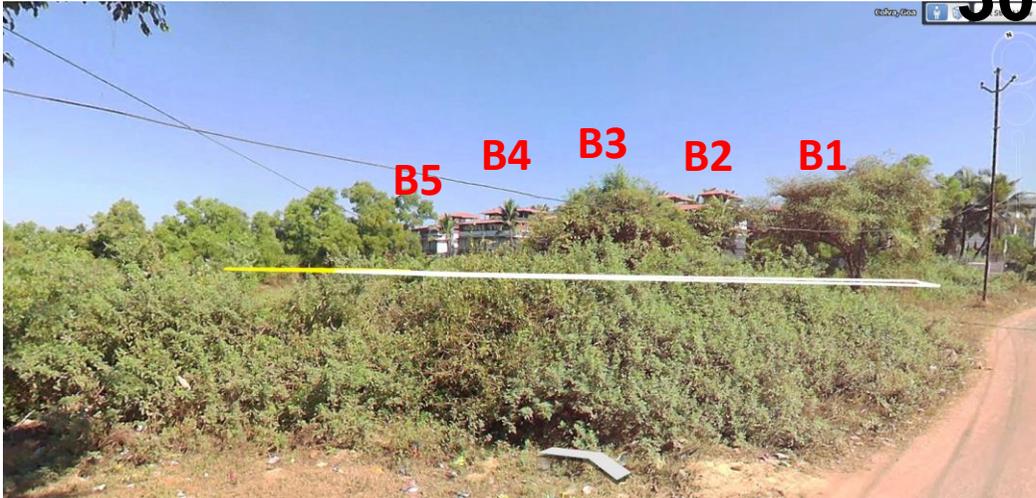
The South side view of Hotel Salcete



The East side view (zoomed out) of Hotel Salcete

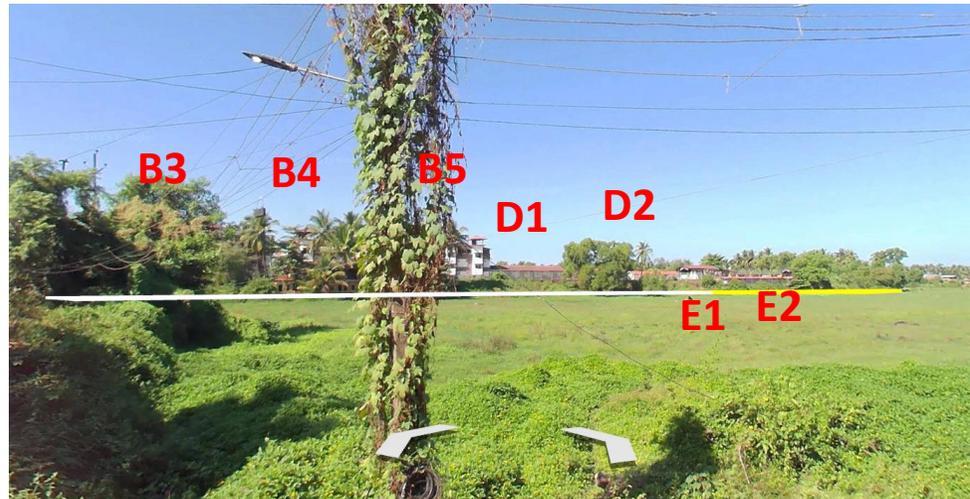
The view of Hotel Salcete labelled with the respective built structures visible

Sheet-A4



The South side view (zoomed out) of Hotel Salcete

The South side view (zoomed out) of Hotel Salcete



The West side view of Hotel Salcete

The South-East side view (zoomed out) of Hotel Salcete



The North-East side view (zoomed out) of Hotel Salcete



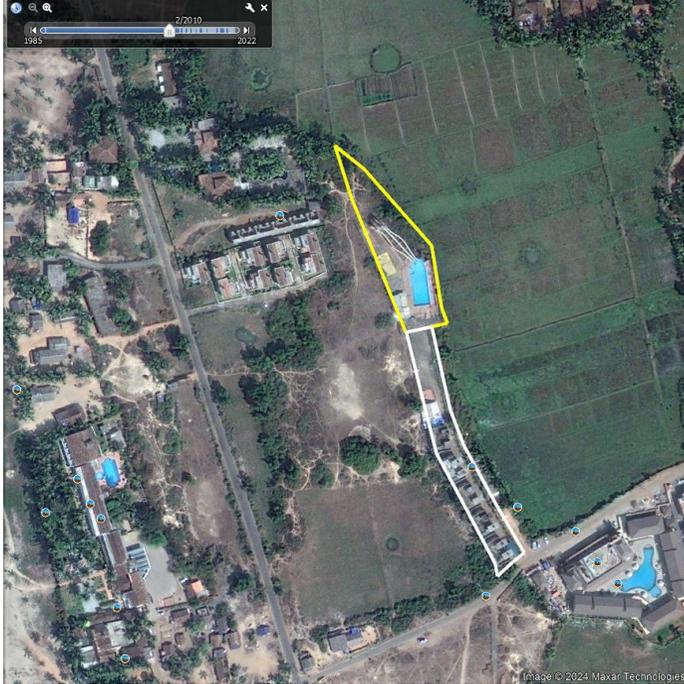
The North-East side view (zoomed out) of Hotel Salcete



The North side view (zoomed out) of Hotel Salcete



The North-East side view (zoomed out) of Hotel Salcete



Feb 2010 **308**

Built structures;
B1 to B5
Units only
Ground floor



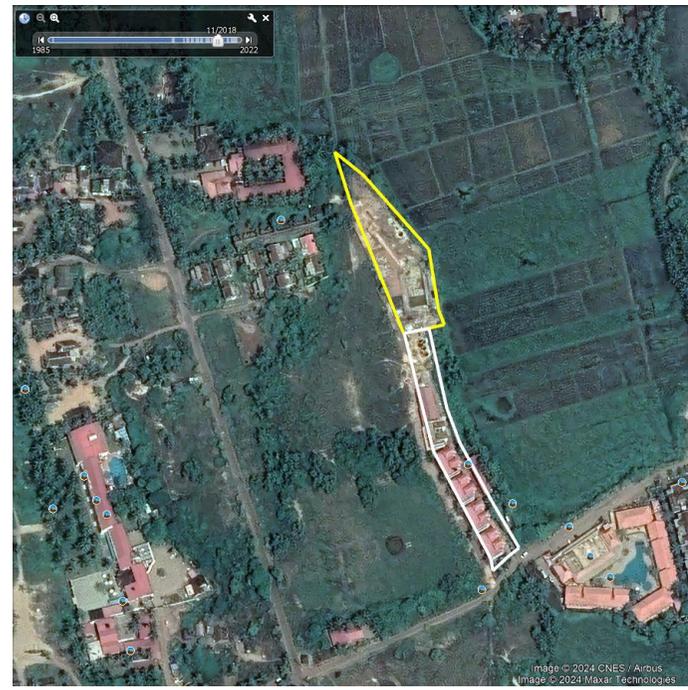
Mar 2014

Built structures;
B1 to B5
Units only
Ground floor



Mar 2018

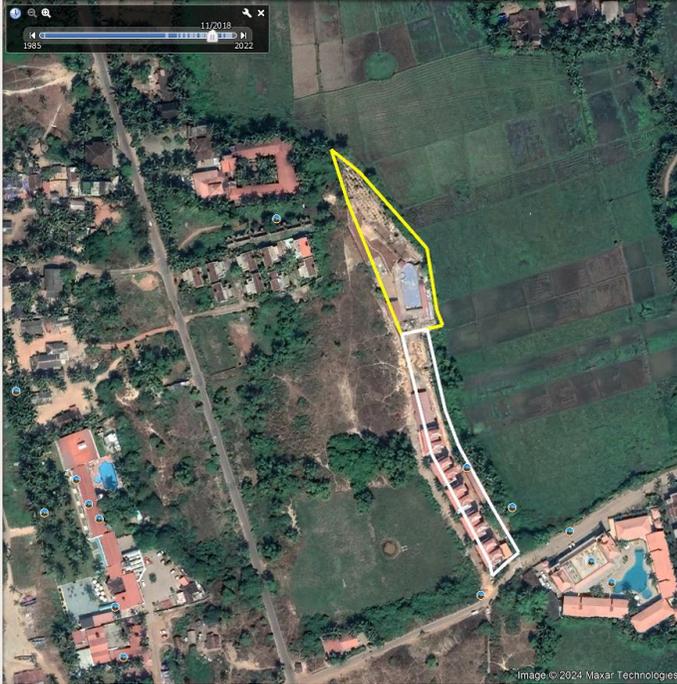
Built structures;
B1 to B5
Units only
Ground floor



Nov. 2018

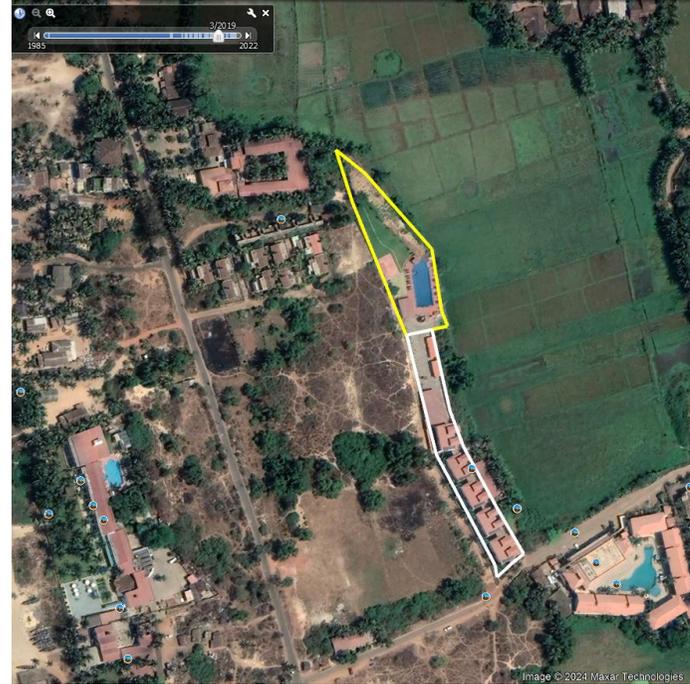
Built structures;
B5 only
Ground, B1
to B4 has
added upper
floors. C1, G1
is added.
A1, D1, D2,
E1 & E2 not
existing.

Sheet-A7



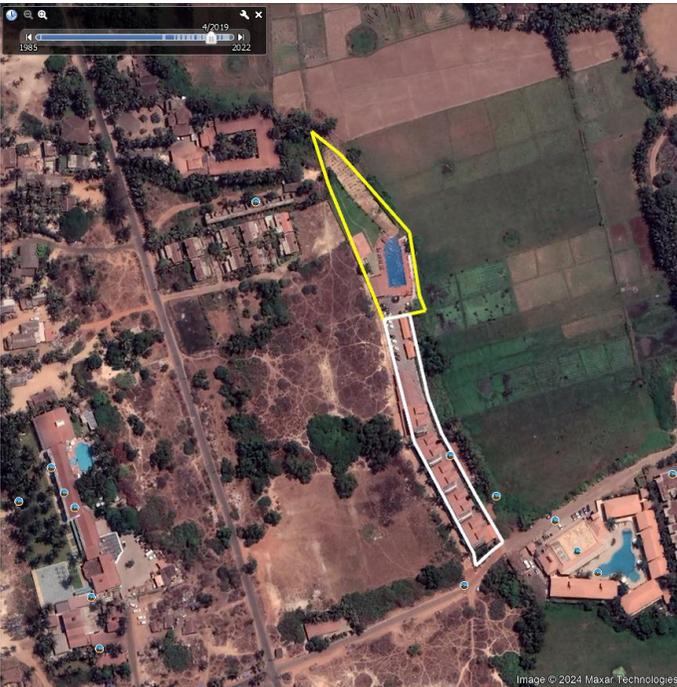
309
Nov 2018

A1 and E1
is added.
No paved
area still.



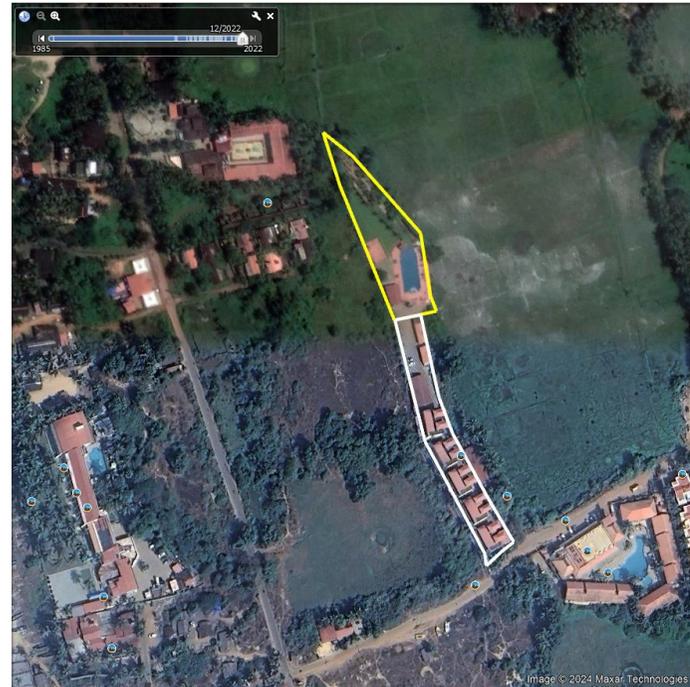
Mar 2019

D1, D2 and
E2 are
added.
Land
surface
Paved in
55/3



Apr 2019

Car
Parking
noted in
55/3
(Noted on
No.4-B,
Page163
on
30/5/2023
Affidavit)



Dec 2022

13
structures
exist
including
Swimming
pool

Sheet-A8

310



Feb. 2010: Swimming pool is noted, no other built structures



Dec. 2016: Swimming Pool is noted, no other built structures



Jan. 2017: **WELL** noted on the Northern side, swimming pool is also noted, no other built structures

Historical imagery available of survey no. 54/5



Area Statement: Plot 54/5
Plot Area= 2,950 m²

Built structures measured on satellite image;

G1(Well)

F1(Pool built on raised level)= 550 m²

E1(G+1)=90x2=180 m²

E2(G)=100 m²

Total = 280+550=830 m²

Area Statement: Plot 55/3
Plot Area= 2,625 m²

Built structures measured on satellite image;

A1(G)=40 m²

B1(G+2)=210x3=630 m²

B2(G+2)=180x3=540 m²

B3(G+2)=200x3=600 m²

B4(G+2)=190x3=570 m²

B5(G+2)=180x3=540 m²

C1(G)=180 m²

D1(G)=45 m²

D2(G)=60 m²

Total=3205 m²

- Total no. of structures in both plots together =13 nos.
- The structures A1, C1, D1, D2, E1, E2, F1, G1 are outright illegal as there are no approvals for the same. **A1+E1=220m² demolished**
- The structures B1 to B5 are partly legal to the extent of G+1 = 80+80=160x5=800 m² only.
- The illegal area of structures B1 on Ground= 130 m² (part), First=130 m² (part) and on Second=210 m² (full)=470 m²
- Similarly illegal area of B2=380m², B3=440m², B4=410m² and B5=380m²
- **Total legally approved area = 800 m², and illegal area = 3015 m²**

Limitations:

- Google Satellite Imagery is dated 23/12/2022, hence interpretation is limited till that date
- Tree foliage may cover up small structures which may not be visible
- Small structures seen as dark colour may be difficult to interpret due to lack of colour contrast in the spectral image and resolution limitation
- Area calculated on Google satellite imagery needs to be ground verified

312

Sr. No.	Labelled structure on Google satellite image with Description	Existing Area in m2	Status as submitted vide 30/5/2023 Affidavit in Rejoinder to Joint Inspection Report of 6/4/2023	Present Status	S.No. & m2 illegal
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