

**IN THE NATIONAL GREEN TRIBUNAL, WESTERN
ZONE BENCH, PUNE
APPEAL NO. 64 OF 2025**

IN THE MATTER OF:

MR. RUSSELL RODRIGUES
THROUGH POA MR. LIONEL DE MELLO.

...APPELLANT

VERSUS

GOA COASTAL ZONE MANAGEMENT
AUTHORITY & ANR.

... RESPONDENTS

INDEX

Sl. No.	Particulars	Page No.
1.	Additional Affidavit on behalf of the Appellant.	1-3
2.	<u>ANNEXURE A-COLLY.</u> Copy of the 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.	4-17

Filed on 11.11.2025

Filed by:



GURUPRASAD NAIK

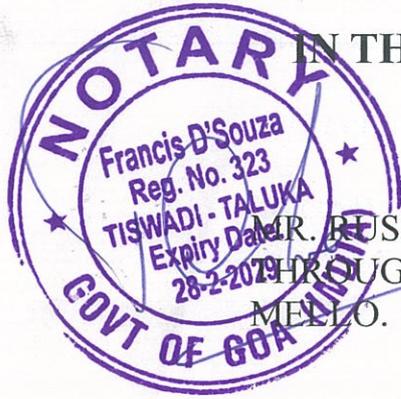
Advocate for the Appellant

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. RUSSELL RODRIGUES
THROUGH POA MR. LIONEL DE
MELLO.

... APPELLANT

VERSUS

GOA COASTAL ZONE MANAGEMENT
AUTHORITY & ANR.

....RESPONDENTS

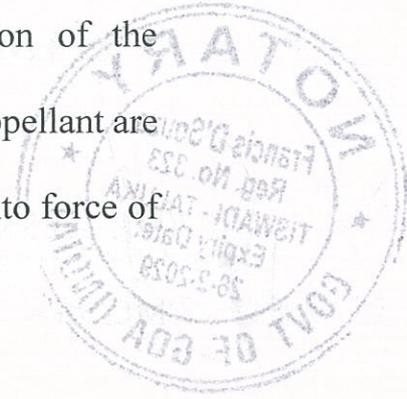
ADDITIONAL AFFIDAVIT ON BEHALF OF THE APPELLANT

I, Russell Rodrigues, Aged 49, R/o Girkarwada, Arambol, Pernem Goa. represented through power of attorney Mr. Lionel De Mello, major of age, R/o Girkarwada, Armbol, the appellant above named, do hereby on solemn affirmation state and submit as under:

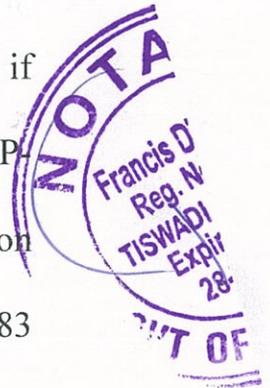
1. I say that I am filling the present Affidavit to place on record certain subsequent development/ additional documents *i.e* Judgment and Order dated 09.07.2025 passed by the Court of the Additional Director of Panchayats-I, at Panaji Goa in Case bearing No. ADP-I/Arambol/P.A.213/2024, qua the subject 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 1981.

Amey

This finding of the Authority fortifies the contention of the Appellant that structure which is subject matter of the Appellant are is 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 if 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/2024-25/2583 dated 01.04.2024 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 as the Occupancy Certificate issued for the said structure is of the 1981.

Francis D

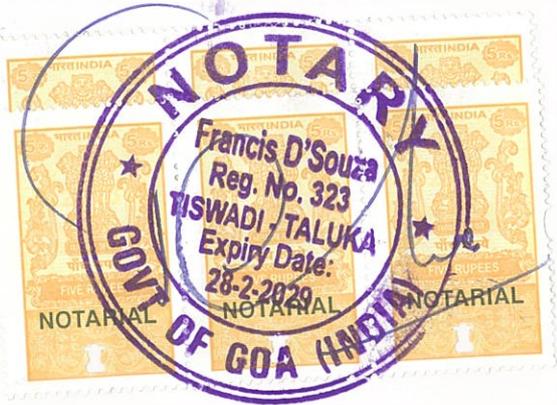
4. I state that the contents of all the paragraphs of the affidavit for placing on record additional documents are true to my knowledge.

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



Identified by me :

Advocate for Appellant.
Adv. G. Kerkar



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

[Signature]
DEPONENT

I hereby attest the above signature of
Shri/Smt./Miss. *Rose*
Rodrigues the
deponent
above named
who has been identified before me
by *Adv. G. Kerkar*
who is personally known to me
registered under No. *2232/2025*
Dtd: *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.213/2024

**Mr. Russel Rodrigues,
48 years of age,
Resident of Girkar wada,
Arambol, Pernem – Goa.**

.....Appellant

V/S

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

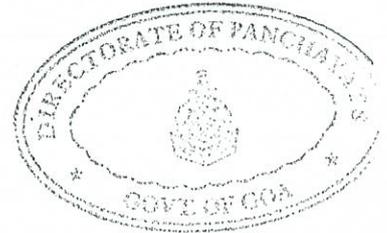
.....Respondent

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 / 2583 dated 01/04/2024 issued by the Respondent thereby directing the Appellant to demolish the construction of the Guest House with Swimming Pool, Pump House, Shed (Commercial) constructed in the property bearing Survey No.63 sub-division 1 of village Arambol, Pernem, Goa

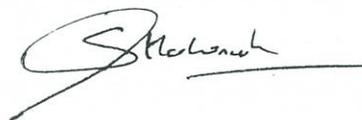


within a period of 30 days from the date of receipt of the demolition notice failing which the Respondent has undertaken to demolish the same and recover the amounts incurred from the Appellant as per the provisions of the Goa Panchayat Raj Act, 1994.

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.

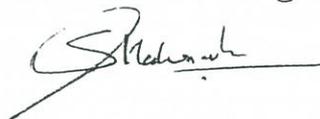


The Appellant has filed the present appeal challenging the Demolition Order bearing Ref. No. VPA / PER / Demolition-Order / 2024-25 / 2583 dated 01/04/2024 issued by the Respondent on the grounds that the Demolition Order is illegal, unjust, arbitrary and contrary to law; that the Demolition Order is 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 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 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 13/05/1980, 15/09/1982 and 21/01/1981 had been issued in favor of the Appellant; 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 / 2583 dated 01/04/2024 issued by the Respondent be quashed and set aside etc.

Respondent has filed the reply on 03/06/2025 inter alia that the appeal is bade 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



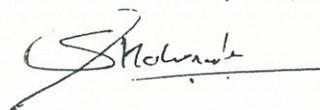
Village Arambol; that the construction had been done without following procedure which requires Construction License, Occupancy certificate, Stability Certificate, Conversion Sannad etc.; that wide the resolution meeting dated 30/03/2024, It was unanimously resolved to issue demolition notice and direct 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 permissions / documentation in terms of the mandate of the Goa Daman and Diu Village Panchayat (Regulation of Building) Rules, 1971, there could not be any claim of 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 present 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 mandate of the Goa Panchayat Raj Act, 1994 etc.

Oral arguments were heard in the present matter on


S. K. Kulkarni

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, Pernem, Goa was originally owned and possessed by one Smt. Antonette Rodrigues who had undertaken the construction of the structures in the said property decades ago. He has submitted that the said Smt. Antonette Rodrigues had for the purposes of undertaking the construction of the Building / Guest House had procured the Permission for Erection of Guest House and one Restaurant dated 13/05/1980 along with the approved plan which had come to be issued at the relevant point in time 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 further been converted for non-agricultural use in terms of the Conversion Sanad dated 14/11/1978 issued by the Office of the Deputy Collector & Sub-Divisional Officer. He has submitted that further the then Respondent Panchayat of Harmal had issued the Occupancy Certificate dated 10/02/1981 certifying that the



S. Melwale

constructed structures had been in terms of the approved plan and that the same were fit for occupation. He has submitted that further the Village Panchayat of Harmal had issued the separate Permission for erection of the Compound Wall dated 15/09/1982 and the Occupancy Certificate dated 13/01/1983 for the same. He has submitted that the Village Panchayat of Harmal has also issued the permission for the erection of swimming pool and two permanent shades dated 21/01/1981 along with the approved plan and the separate Occupancy Certificate dated 06/05/1981 certifying of the construction being fit for occupation. He has submitted that the Permission was originally issued in the name of Smt. Antonette Rodrigues along with the plans approved by the statutory authorities by which the erection of the subject structures had been permitted in the subject property. He has submitted that the approved plans clearly reflect the subject structures being shown therein as being approved by the statutory authorities.



He has submitted that the Respondent has also subsequently issued the Occupancy Certificates in favor of the said Smt. Antonette Rodrigues thereby authorizing the occupation of the structures. He has submitted that the Respondent Panchayat has further itself issued the Permission for doing business activity dated 15/03/1982 by which permission to start business of Guest House had come to be issued in favor of Smt. Antonette Rodrigues, thereby stating that the subject structures are legal and authorized through which lawful business could be carried out by the said Smt.



Antonette Rodrigues.

He has submitted that the subject structures have all statutory permissions issued under 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 in terms of the mandate of the Goa Daman and Diu Village Panchayat Regulation of Building Rules, 1971, there would be no claim of any 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 licenses for construction issued by the Village Panchayat of Harmal, Pernem, Goa by which permission was granted to the said Smt. Antonette Rodrigues to commence construction in the subject property. He has further submitted that approved plans of the structures have 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 are by the statutory authorities which 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 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 filed before the Respondent Panchayat. 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 Licenses, Occupancy Certificates qua the subject structures as in the year 1980,



1981, 1982 and 1983, 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.

The Ld. Adv for the Respondent has argued orally and has submitted that the reply dated /05/2025 filed on behalf of the Respondent can 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 / 2583 dated 01/04/2024 issued by the Respondent directing for demolition of the construction of the Guest House with Swimming Pool, Pump House, Shed (Commercial) constructed in the property bearing Survey No.63 sub-division 1 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 Guest House and one Restaurant dated 13/05/1980 along with the plan approved, Permission for erection of Compound Wall dated 15/09/1982 along with approved plan and the Permission for erection of swimming pool and two permanent shade dated 21/01/1981 along with approved plan 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 the late Smt. Antonette Rodrigues. The Appellant has produced the plan along with the said permission which is seen to have been approved by various statutory authorities including the Village Panchayat of Harmal, Pernem, Goa way back as in the years 1980-1983. The said permissions issued therefore show that the subject structures had been



constructed by the late Smt. Antonette Rodrigues in the years 1980-1983 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 dated 10/02/1981, 13/01/1983 and 06/05/1981 issued by the Village Panchayat of Harmal, Pernem, Goa, thereby the 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 Certificates dated 10/02/1981, 13/01/1983 and 06/05/1981 are of the years 1981-1983, and the same are issued by the Respondent Panchayat stating 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 Permissions dated 13/05/1980, 15/09/1982 and 21/01/1982 issued by the Respondent.



The Appellant has further produced on record the Permission dated 15/08/1982 issued by the Respondent Panchayat in the year 2023, which accords permission to the Appellant to carry out lawful business activities through the subject structures. There is strength in the argument of the Appellant that the Respondent Panchayat has in fact already recognized the legality of the subject structures, and thus the issuance of the Demolition Order dated 01/04/2024 is entirely unjustified. 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 Plans 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 of village Arambol, Pernem, Goa since the years 1980-1983. 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 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 / 2583 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 / 2773 dated 23/02/2024 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 / 2583 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 / 2773 dated 23/02/2024 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.




09/7/2025.
(Siddhi T. Halarnakar)
Addl. Director of Panchayats-I
Panaji-Goa.





TRUE COPY