



BEFORE THE NATIONAL GREEN TRIBUNAL WESTERN
ZONE

BENCH, PUNE

ORIGINAL APPLICATION 8/2023

THOMAS FERNANDES

AND ORS. APPELLANTS

VERSUS

THE GOA COASTAL ZONE

MANAGEMENT AUTHORITY

AND ORS. RESPONDENTS

**ADDITIONAL AFFIDAVIT ON BEHALF OF
RESPONDENT NO.1**

I, JOHNSON BEDY FERNANDES, Major of age, working as the Member Secretary of the Respondent No.1 having my office at: Dempo Tower, Panaji Goa, do hereby beg to state on solemn affirmation as under:

1. I say and submit that I have gone through the records of the present matter and after going through the relevant office records I am filing the present Affidavit. However, I should not be deemed to admit anything which is contrary to or inconsistent with what is stated hereinafter in the absence of specific denial.

2. In view of the order dated 15.05.2024, the Hon'ble Tribunal has observed discrepancies with respect to the Site Inspection Report for the inspection conducted on 01.08.2017 submitted by the Appellants and the present Respondent. This Hon'ble Tribunal has observed that the Site Inspection Report submitted by the Appellants has addition of two paras and signatures are also missing and conclusions and recommendations are mentioned in (viii) clauses in the report while in the report submitted by the present Respondent there were (ix) points in conclusion and recommendations.



3. In view of the above the present Respondent states that this is a manipulated report and the present Respondent is relying on the Site Inspection report sent by email dated 14.05.2024 to this Hon'ble Tribunal. The same is annexed herewith and marked as 'Annexure A' [ie Site Inspection report, Form 1A & IV, & Sy Plan.]

Gracia
Venetreda C P P B Gracia
Advocate & Notary
Erandol-Goa

Hence this Affidavit.

Solemnly affirmed on this 29th day of November 2024 at Goa.

[Signature]
DEPONENT
MEMBER SECRETARY
GOA COASTAL ZONE MANAGEMENT AUTHORITY
PANAJI - GOA

VERIFICATION

I, the abovenamed Deponent, do hereby state on solemn oath and affirmation that the facts stated hereinabove in this Counter Affidavit are true and correct to the best of knowledge, information and belief, and nothing has been concealed.

[Signature]

Verified at Panaji on this 29th day of November, 2024.

IDENTIFIED BY:

[Signature]
 DEPOSANT
 MEMBER SECRETARY
 GOA COASTAL ZONE MANAGEMENT AUTHORITY
 PANAJI - GOA



Executed before me
 At Calangute Bardez - Goa
 Reg. No. 174/11/2024
 Dated: 29/11/2024

[Signature]
 Veneranda C.P.B. Gracias
 Advocate & Notary
 Bardez-Goa

Report of Site Inspection for Alleged Illegally Constructed Guest House & Restaurant Cum Rooms in Sy. No. 129/32, 34 and 35 of Village Anjuna, Bardez, Goa.

Background

GCZMA received a complaint letter dt. 7/4/2017 from Mr. Jaiprakash Sirsaikar regarding the alleged illegally constructed guest house and a restaurant cum rooms in the name of **SUN SHINE GOA GUEST HOUSE** and **SUN SHINE GOA ANJUNA FOOD POINT** in the property bearing Sy. Nos. 129/32, 34 and 35 of Village Anjuna, Bardez, Goa within 100m from the HTL by Mr. Thomas Fernandes & Tony Fernandes without permission from the competent authority. A site inspection was therefore fixed to see the site, the construction done and verify the documents.

Inspection and Observation

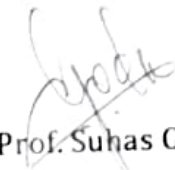
Upon instruction from the Member Secretary GCZMA, a site inspection was carried out by the Expert Members Dr. Prabhakar Shirodkar and Prof. Suhas Godse along with Mr. Fletcher Fernandes, Technical Officer of GCZMA on 2/6/2017 afternoon. A representative from the DSLR accompanied the site inspection team. At site, the Secretary of V. P. Anjuna Mr. Kishore Pagui and Talathi of V. P. Anjuna Mr. Redkar was present. Similarly, the complainant Mr. Jaiprakash Sirsaikar was present along with his brother and colleagues, but neither the alleged violator nor his representative was present at the site. The details are as below;

- i) The site with Sy. Nos. 129/32, 34 and 35 is lying within 200m from the HTL in CRZ III area of Anjuna village and is an NDZ area.
- ii) The alleged Sun Shine Guest House is seen to be constructed towards the eastern side of the mud road and Sun Shine Food Point is constructed on the edge of the upland towards the west side of the mud road passing in between.
- iii) The said Sun Shine Guest House is a G+1 structure, having 9 rooms constructed little away from the road towards the east with a gate on the mud road. There is also another ground floor structure constructed near to the gate.
- iv) The Sy. plan brought by the DSLR representative indicated only an existing old ground floor structure, where Sun Shine Guest House (G+1 Structure) has been constructed.
- v) The Sun Shine Food Point constructed across the road towards west is parallel to the mud road, with its back wall lying on the edge of the rocky upland where the waves break on the steps made by the violator for getting down onto the beach.
- vi) The complainant explained that in Sun Shine Food Point there are rooms on one side towards north and a restaurant on the other side towards south, with an open veranda having a protected wall and the columns.

- vii) Veranda is used as a utility space for the restaurant, whereas towards west, the steps are made for getting down on to the beach.
- viii) The Sy. Plan shown by the DSLR representative indicated no earlier existing structure in the area where Sun Shine Food Point is constructed.
- ix) Both the structures are falling within NDZ area of CRZ III of Anjuna village.
- x) The Complainant claimed that the said constructions have been made within the last 4-5 yrs without taking any permission from the Competent Authority.
- xi) Of the two structures, the SUN SHINE GUEST HOUSE appears to be a new structure, whereas the SUN SHINE FOOD POINT appears to be comparatively a older structure.

Conclusion & Recommendation

- i) The construction of Sun Shine Guest House and Sun Shine Food Point is within the NDZ area of Anjuna village.
- ii) The Sy plan shows earlier existing ground floor structure only where Sun Shine Guest House is constructed, whereas no earlier structure is evident in the place where Sun Shine Food Point is constructed.
- iii) No constructions are permissible within the NDZ area as per the CRZ Regulations.
- iv) If the earlier structure prior to 1991 existed in the NDZ area, the same can be constructed on the existing plinth with proper permissions from GCZMA and the V.P. Anjuna, however, its use cannot be changed. In the present case the building is used for commercial purpose as a Guest House/Hotel.
- v) Moreover, the Sun Shine Guest House has construction of first floor structure, and is a violation of CRZ regulation.
- vi) Both the structures have been constructed without the permission from GCZMA and also is a violation of CRZ Regulation.
- vii) It is not known whether the violator has taken the permission from V. P. Anjuna as he was not present at site during the site inspection.
- viii) A Show Cause Notice may be issued to the violator for the said violation of CRZ regulation.
- ix) This may be deliberated in the Authority meeting for a decision.


(Prof. Suhas Godse)


(Dr. Prabhakar Shirodkar)

Taluka BARDEZ

तालुका

Village Anjuna

गांव

Name of the Field Contd

शेताचे नांव

Survey No. 129

मर्चे नंबर

Sub Div. No. 34

ट्रिम्मा नंबर

Tenure

यत्ना प्रकार

Cultivable Area (Ha.Ars.Sq.Mtrs) लागण क्षेत्र (हे. आर. चौ. मी.)

Dry Crop जिरायत	Garden बागायत	Rice नी	Khajan खाजन	Ker केर	Morad मोरद	Total Cultivable Area एकूण लागण क्षेत्र
0000.01.00	0000.00.00	0000.00.00	0000.00.00	0000.00.00	0000.00.00	0000.01.00

Un-cultivable Area (Ha.Ars.Sq.Mtrs) नापिक क्षेत्र (हे. आर. चौ. मी.)

Pot-Kharab पोट खराब

Remarks शेरा

Class (a) वर्ग (अ)	Class (b) वर्ग (ब)	Total Un-Cultivable Area एकूण नापिक जमीन	Grand Total एकूण
0000.00.00	0000.00.00	0000.00.00	0000.01.00

Assessment : आकार	Rs. 0.00	Fore फोर	Rs. 0.00	Predial प्रेदियाल	Rs. 0.00	Rent रेंट	Rs. 0.00
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S.No	Name of the Occupant कळजेदाराचे नांव	Khata No. खाते नंबर	Mutation No. फेरफार नं	Remarks शेरा
1	Abel D'Souza		75	
2	Thomas Fernandes		1093	

S.No.	Name of the Tenant कुळाचे नांव	Khata No. खाते नंबर	Mutation No. फेरफार नं	Remarks शेरा
1	Nil			

Other Rights इतर हक्क	Mutation No. फेरफार नं	Remarks शेरा
Name of Person holding rights and nature of rights: इतर हक्क धारण करणा-याचे नांव व हक्क प्रकार Nil		

Details of Cropped Area पिकाखालील क्षेत्राचा तापशील

Year वर्ष	Name of the Cultivator लागण करणा-याचे नांव	Mode रीत	Season मीसम	Name of Crop पिकाचे नांव	Irrigated बागायत	Unirrigated जिरायत	Land not Available for Cultivation नापिक जमीन		Source of irrigation सिंचनाचा स्रोत	Remarks शेरा
					Ha.Ars.Sq.Mts हे. आर. चौ. मी.	Ha.Ars.Sq.Mts हे. आर. चौ. मी.	Nature प्रकार	Area क्षेत्र Ha.Ars.Sq.Mts हे. आर. चौ. मी.		
	Nil									

End of Report

For any further inquiries, please contact the Mamlatdar of the concerned Taluka.



Taluka तालुका	BARDEZ	Survey No.	129
Village गांव	Anjuna	सर्वे नंबर	
Name of the Field शेताचे नांव	Contd	Sub Div. No.	35
		डिस्ट्रिक्ट नंबर	
		Tenure	
		सत्ता प्रकार	

Cultivable Area (Ha.Ars.Sq.Mtrs) लागण क्षेत्र (हे. आर. चौ. मी.)

Dry Crop जिरायत	Garden बागायत	Rice तरी	Khajan खाजन	Ker केर	Morad मोरद	Total Cultivable Area एकूण लागण क्षेत्र
0000.00.00	0000.00.50	0000.00.00	0000.00.00	0000.00.00	0000.00.00	0000.00.50

Un-cultivable Area (Ha.Ars.Sq.Mtrs) नापिक क्षेत्र (हे. आर. चौ. मी.)

Pot-Kharab पोट खराब

Remarks शेरग

Class (a) वर्ग (अ)	Class (b) वर्ग (ब)	Total Un-Cultivable Area एकूण नापिक जमीन	Grand Total एकूण
0000.00.00	0000.00.00	0000.00.00	0000.00.50

Assessment : प्रकार	Rs. 0.00	Foro फोर	Rs. 0.00	Predial प्रेडियल	Rs. 0.00	Rent रेंट	Rs. 0.00
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S.No	Name of the Occupant कब्जेदाराचे नाव	Khata No. खाते नंबर	Mutation No. फेरफार नं	Remarks शेरग
1	Thomas Fernandes		1094	
2	Tony Fernandes		1094	

S.No.	Name of the Tenant कुळाचे नांव	Khata No. खाते नंबर	Mutation No. फेरफार नं	Remarks शेरग
1	Nil			

Other Rights इतर हक्क	Mutation No. फेरफार नं	Remarks शेरग
Name of Person holding rights and nature of rights: इतर हक्क धारण करणा-याचे नांव व हक्क प्रकार Nil		

Details of Cropped Area पिकाखालील क्षेत्राचा तापशील

Year वर्ष	Name of the Cultivator लागण करणा-याचे नाव	Mode रीत	Season मौसम	Name of Crop पिकाचे नांव	Irrigated बागायत	Unirrigated जिरायत	Land not Available for Cultivation नापिक जमीन		Source of irrigation सिंचनाचा प्राति	Remarks शेरग
					Ha.Ars.Sq.Mts हे. आर. चौ. मी.	Ha.Ars.Sq.Mts हे. आर. चौ. मी.	Nature प्रकार	Area क्षेत्र		
	Nil									

End of Report

For any further inquires, please contact the Mamlatdar of the concerned Taluka.



Taluka BARDEZ

Survey No. 129

तालुका

Village Anjuna

सर्वे नंबर

Sub Div. No. 32

गाव

Name of the Field Contd

हिल्सा नंबर

Tenure

शेताचे नाव

सत्ता प्रकार

Cultivable Area (Ha.Ars.Sq.Mtrs) लागण क्षेत्र (हे. आर. चौ. मी.)

Dry Crop जिरायत	Garden बागायत	Rice तरी	Khajan खाजन	Ker केर	Morad मोरद	Total Cultivable Area एकूण लागण क्षेत्र
0000.00.00	0000.06.25	0000.00.00	0000.00.00	0000.00.00	0000.00.00	0000.06.25

Un-cultivable Area (Ha.Ars.Sq.Mtrs) नापिक क्षेत्र (हे. आर. चौ. मी.)

Pot-Kharab पोट खराब

Remarks शेरा

Class (a) वर्ग (अ)	Class (b) वर्ग (ब)	Total Un-Cultivable Area एकूण नापिक जमीन	Grand Total एकूण
0000.00.00	0000.00.00	0000.00.00	0000.06.25

Assessment : आकार	Rs. 0.00	Foro फोर	Rs. 0.00	Predial प्रेदियाल	Rs. 0.00	Rent रेंट	Rs. 0.00
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S.No	Name of the Occupant कब्जेदाराचे नांव	Khata No. खाते नंबर	Mutation No. फेरफार नं	Remarks शेरा
1	Thomas Fernandes		13871	

S.No.	Name of the Tenant कुळाचे नांव	Khata No. खाते नंबर	Mutation No. फेरफार नं	Remarks शेरा
1	Nil			

Other Rights इतर हक्क	Mutation No. फेरफार नं	Remarks शेरा
Name of Person holding rights and nature of rights: इतर हक्क धारण करणा-याचे नांव व हक्क प्रकार Nil		

Details of Cropped Area पिकाखालील क्षेत्राचा तापशील

Year वर्ष	Name of the Cultivator नामध करणा-याचे नांव	Mode रीत	Season मौसम	Name of Crop पिकाचे नांव	Irrigated बागायत	Unirrigated जिरायत	Land not Available for Cultivation नापिक जमीन		Source of irrigation पिंपनाचा प्रारि	Remarks शेरा
					Ha.Ars.Sq.Mts हे. आर. चौ. मी.	Ha.Ars.Sq.Mts हे. आर. चौ. मी.	Nature प्रकार	Area क्षेत्र Ha.Ars.Sq.Mts हे. आर. चौ. मी.		
	Nil									

End of Report

For any further inquires, please contact the Mamlatdar of the concerned Taluka.



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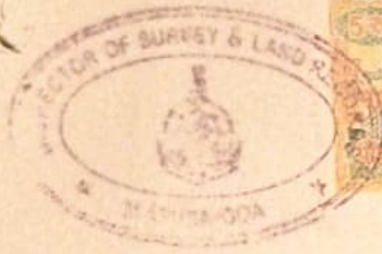
08/06

GOVERNMENT OF GOA
 Directorate of Settlement and Land Records
 Office of Inspector of Survey and Land Records
 MAPUSA - GOA

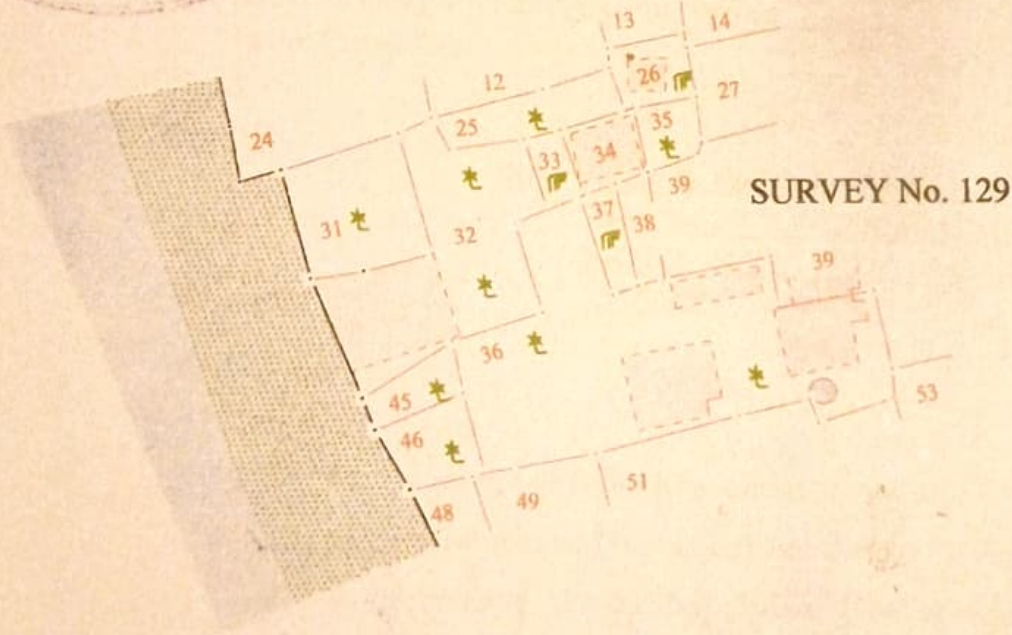


CBAR 121-13755

Plan Showing plots situated at
 Village : ANJUNA
 Taluka : BARDEZ
 Survey No./Subdivision No. : 129/ 25, 26, 31, 32, 33, 34, 35, 36, 37, 45, 46
 Scale : 1 :1000



~~(Rajesh R. Pai Kuchelkar)~~
 Inspector of Survey &
 Land Records.



Swetal Narvekar

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 On : 08-06-2021

Compared By: *RB*