



BEFORE THE NATIONAL GREEN TRIBUNAL

WESTERN ZONE BENCH, PUNE

ORIGINAL APPLICATION 87 OF 2022

Gopal Vithal Bholnekar

& Anr ... Applicant

V/s

GCZMA & Ors. Respondents

ADDITIONAL AFFIDAVIT

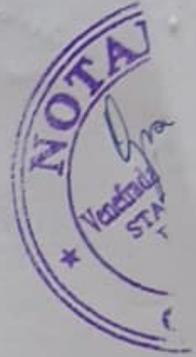
I, SHRI JOHNSON BEDY FERNANDES, Age: Adult,
Occupation: Service, working as the Member Secretary, Goa
Coastal Zone Management Authority, of the Respondent No. 1
having my office at: 4th Floor, Dempo Towers, Patto, Panaji,
Goa; do hereby beg to state on solemn affirmation as under:

- 1) Pursuant to the Order dated 15.01.2024 of this Hon'ble
Tribunal; the Respondent No. 1 is filing the present
Affidavit to explain as to what distance is being considered

J. Sec
1

by to show that this particular property is outside CRZ area. The relevant provisions of CRZ Notification, 2011 are also mentioned.

- 2) I say and submit that the that the said alleged offending structure located in property bearing Survey No. 134/4 and 136/1 of Nag Palolem is situated at a distance of 286.84 mts, from HTL.
- 3) I further state that the said area is designated as the CRZ II area being within Municipal Limits.
- 4) It is pertinent to note that there is also a road located at a distance of approximately 47mts away from property bearing Survey No. 134/4 and the Sy No 136/1 of Nag Palolem which is abutting a public Road. I further state that the Road has been existing prior to 1991.
- 5) Respondent submits that the Village of Nagorcem Palolem is a notified Municipal Area as per notification bearing No. LSG/MUN/3182/68-E. The copy of the said Notification is



annexed herewith and marked as "Annexure A".



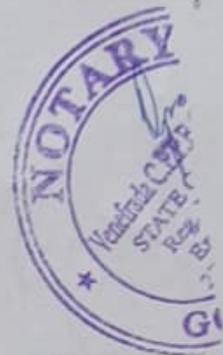
6) I say and submit that as the structures which are the subject matters in the present Application are "area within the existing municipal limits, which are substantially built-up and has been provided with drainage and approach roads and other infrastructural facilities, such as water supply. "pursuant to the CRZ Notification and the same being on the landward side of the road existing prior to 1991, it would be governed by the Town and Country Planning Regulation and hence the present Respondent mentioned that the same do not come within the ambit of CRZ Regulation.

7) The Respondent is relying on the following provisions of CRZ Notification 2011:

Regulation 7(ii) which inter alia reads as,

7(ii) CRZ-II,- The areas that have been developed upto or close to the shoreline. Explanation.- For the purposes of

the expression "developed area" is referred to as that area within the existing municipal limits or in other existing legally designated urban areas which are substantially built-up and has been provided with drainage and approach roads and other infrastructural facilities, such as water supply and sewerage mains;



Regulation 8, CRZ II (1) reads as

8 II. CRZ-II,- (i) buildings shall be permitted only on the landward side of the existing road, or on the landward side of existing authorized structures; (ii) buildings permitted on the landward side of the existing and proposed roads or existing authorized structures shall be subject to the existing local town and country planning regulations including the 'existing' norms of Floor Space Index or Floor Area Ratio: Provided that no permission for construction of buildings shall be given on landward side of any new roads which are constructed on the seaward side of an existing road:

A copy of the Plan 1:4000 scale is enclosed herewith and marked as "Annexure B"

Hence it is submitted that by and large these legal provisions permit construction /re-construction by following the existing local TCP regulations.

I say that the Contents of the above paras are true and correct to the best of my knowledge and documents in office records.

Solemnly affirmed at Panaji on this 09th day of February 2024.

Hence this affidavit.

Johnson Bedy Fernandes

SHRI JOHNSON BEDI FERNANDES
MEMBER SECRETARY GCZMA

MEMBER SECRETARY
GOA COASTAL ZONE MANAGEMENT AUTHORITY
PANAJI - GOA



Executed before me
At Lalangute Bardez - Goa
Reg. No. 19/02/2024/P
Dated: 09/02/2024

Gracias
Venefrada C.P.P.B. Gracias
Advocate & Notary Goa State

**Government of Goa, Daman and Diu
Local Self Government Department**

**Notification
LSG/MUN/3182/68-E**

Whereas, the Government of Goa, Daman and Diu (hereinafter called the "said Government") notified its intention to constitute Municipal areas in Goa, Daman and Diu, in exercise of powers conferred by sub-sections (1) and (3) of **Section 3** of the Goa, Daman and Diu Municipalities Act, 1968, (hereinafter called the "said Act") and invited all persons who entertain any objection to the proposed constitution of municipalities areas, to submit the same in writing, with reasons therefor, to the Collectors of the respective Districts, within two months from the date of the publication of the Notification in the Official Gazette, vide Notifications No. LSG/MUN/3182/68-B, dated the 4th September, 1969 and No. LSG/MUN/3182/68-B, dated 5th September, 1969 published in the Government Gazette, Series I, No. 23, dated the 8th September, 1969;

Whereas, the objections so received from the interested persons were forwarded by the respective Collector to the said Government as required under sub-section (4) of Section 3 of the said Act;

And whereas, the said Government examined the objections forwarded by the respective Collector as required under sub-section (5) of Section 3 of the said Act;

Now Therefore, in exercise of the powers conferred by sub-section (1) read with sub-section (2) of Section 3 of the said Act, the said Government declares the local areas shown in column No. 2 of the Schedule appended hereto to constitute the Municipal areas shown in column No. 1 of the said Schedule. The annexures mentioned in column 3 of the said Schedule define the limits of the respective Municipal areas.

SCHEDULE

Designation of the Municipal areas	Local areas included in the Municipal areas	Limits of the Municipal areas
Panaji Municipal area.	Cabo, Marvel, Dona Paula, Tonca, Panaji Town, Patto Colony, Batulem, St. Inez, Stretch of road connecting Panaji-Ribandar, Ribandar upto 1st junction beyond Ribandar Hospital.	As per Annexure I.
Margao Municipal area.	Ambaji, Fatorda, Gogola, Mungul, Model, Margao Town, Sirvodem (Part of Navelim), Pedda (Part of Navelim), Aquem Alto, Part of Aquem Baixo to the North of the road starting from the junction near Navelim Church on the West to the Ravanfond junction on the East.	As per Annexure II.

Goa Municipalities Act, 1968 (Notifications)

Designation of the Municipal areas	Local areas included in the Municipal areas	Limits of the Municipal areas
Mapusa Municipal area.	Mapusa town, Corlim, Cunchelim, Carrascawado, Acol, Cumbarcasana.	As per Annexure III
Marmagoa Municipal area.	Harbour, Headland, Vasco da Gama, Alparqueiras, Baina, Mangor, Vaddem.	As per Annexure IV
Daman Municipal area.	Nani Daman and Moti Daman.	As per Annexure V
Ponda Municipal area.	Khadpaband, Varkhande, Sadar, Santa-Cruz, Diniz Bhat (Shanti Nagar), Durgabhat, Old Bazar, Ponda Town, Part of Curti from Curti Chemicals on the Savoi-Verem side to the Ganpati Temple on the Khandepar side.	As per Annexure VI
Bicholim Municipal area.	Bicholim Town and part of Bordem (Maulinguem) as indicated in the map.	As per Annexure VII
Pernem Municipal area.	Pernem Town and part of Parostem adjoining the Pernem Town on the West.	As per Annexure VIII
Kepem Municipal area.	Kepem Town upto Kepem Jail on the Western side including parts of Cusman, part of Deao built up area upto the junction at Tilamol on the East, Bhithan on the South of Kepem Town and part of Amona on the Southern side of road to Avedem.	As per Annexure IX
Sanguem Municipal area.	Tariapanto, Nondurlem, Dando, Piraraj, Orcato, area to the South of Orcato included between the two roads meeting at Devamol, sanguem Town, Borchimol, Pajimol and Amodai.	As per Annexure X
Canacona Municipal area.	Chauri, Parts of Nagarxem including Char Rasta.	As per Annexure XI
Valpol Municipal area.	Valpol Town and Massordem.	As per Annexure XII
Diu Municipal	Diu Town and Fudam (excluding Malala ward).	As per Annexure XIII

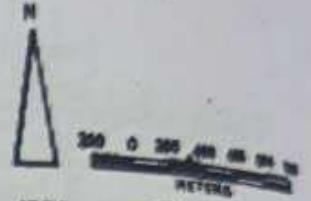
By order and in the name of the Administrator of Goa, Daman and Diu.
A. N. Dixit,
Secretary to the Government.

Panaji, 31st March, 1970.

(Published in the Government Gazette Series-I No.1 (Supplement) dated 8-4-1970)

ANNEXURE XI

CANACONA

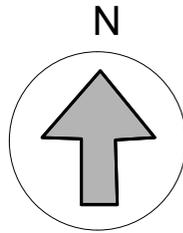


AREA 177 Sq. Km

POPULATION 2,200 (1971)

- LEGEND
- ☐ Temple
 - ☐ Church
 - ☐ School-College
 - ☐ Market
 - ☐ Jail
 - ☐ Municipality
 - ☐ Hospital
 - ☐ Hospital
 - ☐ Central-Office
 - ☐ Tally Field
 - ☐ Village Unit
 - ☐ Well
 - Municipal Boundary





SITE PLAN

SHOWING CRZ ZONE AS PER CZMP2011 OF PROPERTY BEARING SY.NO.134/1 & SY.NO.136/1 OF VILLAGE NAGORCEM-PALOLEM OF CANACONA TALUKA.

SCALE:-1:4000

THE PROPERTY BEARING SY.NO.134/4 & SY.NO.136/1 OF NAGORCEM-PALOLEM VILLAGE OF CANACONA TALUKA FALLS OUT OF CRZ ZONE LYING AT APPROXIMATELY AT THE DISTANCE OF 286.84 MTS FROM HIGH TIDE LINE.

