

BEFORE THE NATIONAL GREEN TRIBUNAL, WESTERN
ZONE BENCH, PUNE

IA No. 189/2025 (WZ)
with
Appeal No. 151/2025 (WZ)

FRANCISCO FERNANDES .. APPELLANT

Versus

GCZMA & ors. .. RESPONDENTS

ADDITIONAL AFFIDAVIT OF THE RESPONDENT NO. 3

I, SYLVESTER D'SOUZA, S/o Mr. Simon D'Souza, Aged 61 years, married, Indian National, R/o H. No. 2225, Sauntawaddo, Calangute, Bardez - Goa. 403 516 do hereby on solemn affirmation state and submit as under :

1. I say that I have filed my Reply in this matter dated 02-08-2025. I say that I am filing the present Additional Affidavit for the limited purpose of brining on record certain subsequent facts and events.

[Handwritten Signature]

2. I say that at page 100, the Appellant has relied upon the alleged extract of an alleged gut book entry showing a structure in Survey No. 238/1 which is highlighted in diagonal lines. I say that I have been consistent with my stand that the said structure never existed and alleged extract at page 100 is a forged document. I say that I have recently been furnished a copy of the Gut book of the Subject property by the Head Office being the ISLR, vide letter dated 11-09-2025. The Gut book extract furnished by the ISLR does not show any structure in the subject property. The said Information/letter dated 11-09-2025 alongwith my request etc is being annexed hereto as Annexure R-3-4 Colly. This Information/letter dated 11-09-2025 countenances the fact that the alleged gut book entry at page 100 is a forged document.
3. I say that I have also superimposed the subject property on the Extract of the Gut book furnished by ISLR, supra, to depict the location of the subject property. It is thus clear that no structure existed even in the Gut Book as claimed by the Appellant and the extract at page 100 is forged. The superimposed copy of the Gut Book showing the subject structure is also at Annexure R-3-4 Colly.





4. I say that other additional facts which I seek to state are that the Appellant challenged this Hon'ble Tribunal's Order dated 04-08-2025 before the Hon'ble High Court of Bombay at Goa in WP No. 2111/2025(F) and the Hon'ble High Court was pleased to dispose off the same vide Order dated 12-08-2025 with permission to the Appellant to withdraw the Petition in the wake of statutory remedy available. Hereto annexed as Annexure R3-5 is a copy of the Order dated 12-08-2025 in WP No. 2111/2025(F) .
5. I say that I have also filed a petition before this Hon'ble High Court of Bombay at Goa which is registered as WP No. 2119/2025(F) seeking implementation of the Demolition Order passed against the Appellant and the same has been disposed off vide Order dated 10-09-2025 in view of the fact that the demolition is scheduled for 16-09-2025. Hereto annexed as Annexure R3-6 is a copy of the Order dated 10-09-2025 in WP No. 2119/2025(F).
6. I say that I also seek to produce my Complaint letter dated 15-02-2025 made to the PI, Calangute P.S. in respect of the forgery committed by the Appellant in respect of the *purported NOC dated 21-06-1994 from the TCP for*

A handwritten signature in blue ink, likely belonging to the notary, Dr. Dilish E. Ashwankar.

construction of G+3 Structure (pg 83 of the paperbook).

Complaint letter dated 15-02-2025 is annexed herewith as

Annexure RS-7.

7. I say that the annexures hereto are true copies of their respective originals.

8. I say that the contents of the present Affidavit are true to my own knowledge and from records; except the legal submissions which I believe to be true based on advice of my Advocate.

Solemnly affirmed this 13th day of September 2025 at

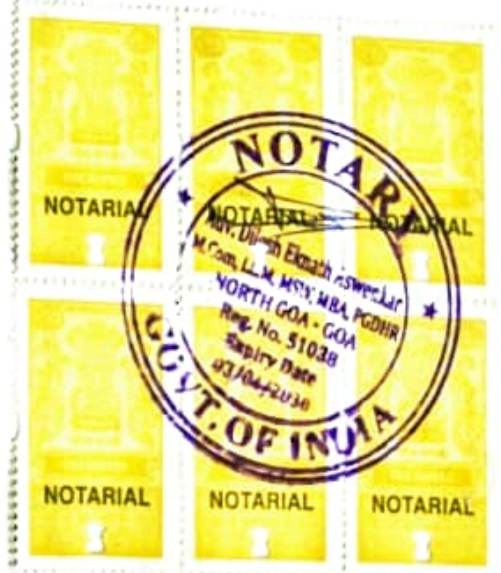
- Goa.

Solemnly affirmed before me
by Shri / Smt. Silviana D'Souza
Who is identified before me
by Shri / Smt. 7511 4743 3114
known to me personally
Reg. No. 765/25 dt 13/09/25 -

Deponent

CERTIFIED TO BE TRUE COPY.

ADV. DILESH EKNATH ASWENKAR
M.Com, LL.M, MSW, MBA, PGDHR
ADVOCATE & NOTARY GOVT. OF INDIA
NORTH GOA - GOA
Reg. No. 51038
Expiry Dt. 03/04/2030



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ANNEXURE R3-4COLLY



From : Sylvester D'souza
R/o Saunta Vaddo, Calangute
Bardez – Goa
Pin : 403516

Dated : 05/08/2025

To,
The Inspector Of Settlement & Land Records
Panaji – Goa

Subject : Application Under RTI Act 2005

Sir/Madam,

I would kindly request you to furnish me the certified copies of the full **Gut Book & Gut Plan** with respect to property bearing Survey No. **238/1-A** of **Calangute Village, Bardez – Goa.**

Kindly issue me the said information at the earliest to be produced in the court of law.

Thanking You

Yours Truly

Sylvester D'souza



GOVERNMENT OF GOA
DIRECTORATE OF SETTLEMENT AND LAND RECORDS
PANAJI – GOA

Phone: (0832) – 2422036, 2422453 Fax: 2234360 Email: dir-land.goa@nic.in

No.14-DSLRL-RTI-Rec-I-1075-201/2025 | 3554

Dated: 19/08/2025
20

To,
The Public Information Officer,
O/o Inspector of Survey and Land Records,
Bardez- Goa.

Sub: Transfer of Application u/s 6(3) of Right to Information Act, 2005.

Sir,

Please find enclosed herewith a copy of application dated 05/08/2025 from Sylvester D' Souza, R/o Saunta Vaddo, Calangute, Bardez-Goa, requesting information under Right to Information Act 2005. Since the information sought by the applicant may pertain to your office, the application is transferred under section 6(3) of Right to Information Act, 2005 with a request to furnish the information directly to the applicant under intimation to this office.

Yours faithfully,

(Smita J. Gaonkar)
Public Information Officer
Inspector of Survey & Land Records
Panaji- Goa

Copy to: 1) Establishment Section of this Directorate.
2) Sylvester D' Souza, R/o Saunta Vaddo,
Calangute, Bardez- Goa. to pursue the
matter with the above authority.

R.T.I. ACT 2005

No. ISLR/BAR/MPS/RTI/157/2025/ 1369
Office of the Inspector of Survey &
Land Records, City Survey, Mapusa,
Bardez-Goa.

Dated:- 11/09/2025

To
✓ Mr. Sylvester D'souza
R/o Saunta vaddo,
Calangute, Bardez-Goa.

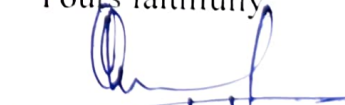
Sub:- Transfer of application under section 6(3) of R.T.I. Act, 2005 of
Mr. Sylvester D'souza, R/o Saunta vaddo, Calangute, Bardez-Goa

Sir,

I am to refer your application dated 05/08/2025, transferred from u/s 6(3) of R.T.I. Act, 2005 by the PIO/ Inspector of Survey and Land Records, Panaji vide letter no. 14-DSLR-RTI-Rec-I-1075-201/2025/3554 dated 20/08/2025 received in this office on 22/08/2025.

It is informed that information sought by you as regard to Gut Book of Survey No. 238/1-A of Calangute Village of Bardez Taluka is kept ready and you may avail the desired information upon depositing fees Rs. 52/-.(calculated @ Rs. 50/- per certified copy i.e. Rs. 52/- x 1 copy = 52/-)

Yours faithfully



(Anand V. Vaigankar)

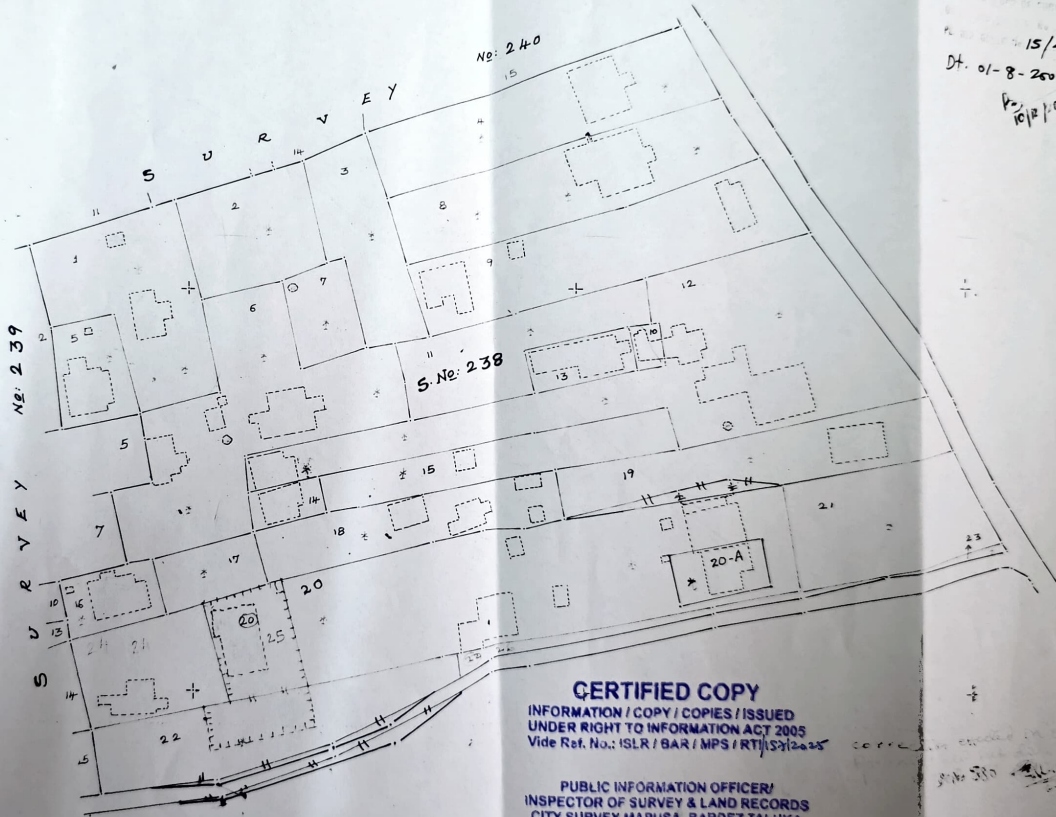
Inspector of Survey & Land Records,
Public Information Officer,
City Survey, Mapusa-Goa.

Copy to:

1. The PIO/ Inspector of Survey and Land Records, Panaji –Goa.

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SURVEY No 238
VILLAGE: CALANGUTE
TALUKA: BARDEZ
SCALE = 1:1000



238/20-A
18 & G.B.
15/433/2000/Part/Land/2350
Dt. 01-8-2002
P. 10/12/001
05/11/02

CERTIFIED COPY
INFORMATION / COPY / COPIES / ISSUED
UNDER RIGHT TO INFORMATION ACT 2005
Vide Ref. No.: ISLR / BAR / MPS / RTI / 15/12/2005

PUBLIC INFORMATION OFFICER/
INSPECTOR OF SURVEY & LAND RECORDS
CITY SURVEY MAPUSA, BARDEZ TALUKA

S.L.T. connection excluded
Rakirum
F.S.

238/20, 21
25/1600

PREPARED BY: S.S. INWIT
VERIFIED BY: *[Signature]*

307

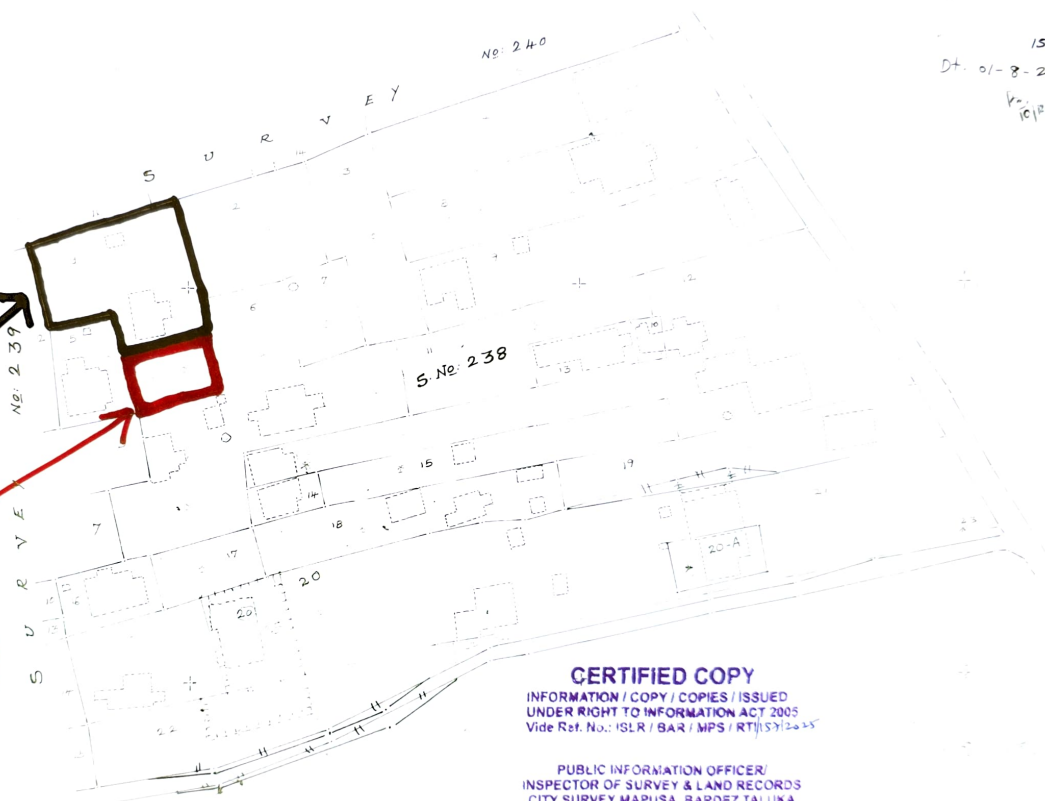
SURVEY No 238
VILLAGE CALANGUTE
TALUKA: BARDEZ
SCALE = 1:1000

238/20-A
18 & G.B.
15/433/2000/Part/land/2350
Dt. 01-8-2002
V. No. 1012/01
S. No. 238



SURVEY No
238/1

SURVEY No.
238/1-A
(SUB DIVIDED)



CERTIFIED COPY

INFORMATION / COPY / COPIES / ISSUED
UNDER RIGHT TO INFORMATION ACT 2005
Vide Ref. No.: ISLR / BAR / MPS / RTI/SY/2025

PUBLIC INFORMATION OFFICER/
INSPECTOR OF SURVEY & LAND RECORDS
CITY SURVEY MAPUSA, BARDEZ TALUKA

S.L.T. correction excluded
Rikun
FS

PREPARED BY S.S. KANTAL
VERIFIED BY *[Signature]*



vinita

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.2111 OF 2025 (F)

FRANCISCO FERNANDES

... PETITIONER

Versus

THE STATE OF GOA, THR. ITS CHIEF
SECRETARY AND 3 ORS

... RESPONDENT

Mr D. Lawande with Mr Chirag Angle, Mr S. Sawaikar, Advocate
for the petitioner.

Mr D. Pangam, Advocate General with Mr P. Arolkar, Addl. Govt.
Advocate for the respondent no.1 to 3.

Mr T. Sequeira, Advocate for respondent no.4

**CORAM:- BHARATI DANGRE &
NIVEDITA P. MEHTA, JJ.**

DATED :- 12th August, 2025

P.C.

The present Writ Petition raises a challenge to the order passed by the National Green Tribunal, Western Zone, Pune on 4.8.2025, which has refused interim relief in favour of the petitioner by recording prima facie observations.

2. When we confronted Mr Lawande, the learned counsel for the petitioner, with the remedy in form of an appeal being available under Section 22 of the National Green Tribunal Act, 2010, to the Supreme Court, he seek permission to withdraw the Writ Petition with liberty to take steps, in the wake of the statutory remedy available.

3. Hence, the Writ Petition is disposed of with liberty as above.

NIVEDITA P. MEHTA, J.

BHARATI DANGRE, J.



Andreza

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO.2119 OF 2025 (F)****SYLVESTER D SOUZA**

... PETITIONER

Versus

**THE STATE OF GOA, THR. CHIEF
SECRETARY AND 5 ORS**

... RESPONDENTS

Mr Terence Sequeira, Advocate for the petitioner.

Mr Manish Salkar, Government Advocate for the respondents-State.

**CORAM:- BHARATI DANGRE &
ASHISH S. CHAVAN, JJ.****DATED :- 10th September, 2025**

P.C.

1. In continuation of our order dated 03.09.2025, Mr. Salkar has placed before us an Order dated 02.09.2025 passed by the Deputy Collector, Sub Divisional Magistrate, Panaji, Goa, with reference to the request made by the Mamlatdar of Bardez, Taluka Mapusa, to provide demolition squad and police protection for the demolition of illegal construction of one Ground +3 RCC structure in the property bearing Survey no. 238-I-A, of Village Calangute, carried out by Mr. Francisco Fernandes. In pursuant to the said request, the demolition squad is deputed for 16.09.2025 for carrying out the said demolition with the instructions being issued to the several authorities, including the Superintendent of Police, the Executive Magistrate as well as

Mamlatdar of Bardez, who shall be responsible for proper identification of the structures.

2. Since the demolition is now expected to be implemented with the help of the squad on 16.09.2025, by accepting the said order on record and marked as exhibit 'X', the Petition is disposed off.

ASHISH S. CHAVAN, J.

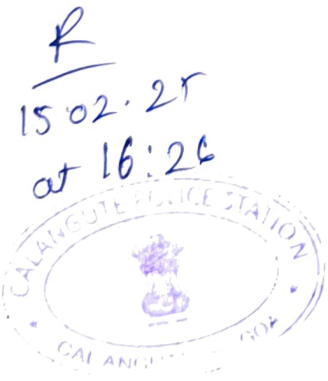
BHARATI DANGRE, J.

Mr. Sylvester D'souza
H. No. 2225,
Saunta waddo, Baga,
Calangute Bardez Goa.
Mob. No. 9923517845

Date:-15/02/2025

To,
Police Inspector
Calangute Police Station,
Calangute Bardez Goa

**SUB: COMPLAINT AGAINST FRANCISCO
FERNANDES, RESIDENT OF COBBRA VADDO,
BEHIND O PATIO RESTAURANT, CALANGUTE,
BARDEZ GOA, UNDER SECTION 336(2), 340, 338,
342(2), AND 318(4), 318(2) R/W 61(2) OF BHARTIYA
NYAYA SANHITA, 2023 FOR COMMITTING
FORGERY, BY MAKING FALSE DOCUMENTS BY
USING COUNTERFEIT SEAL AND
INTENTIONALLY PRODUCING THE SAME AS
GENUINE DOCUMENTS OF THE STRUCTURE IN**



R
15/02/2025
Despatch Clerk
S.P., North Office
Porvorim

**THE PROPERTY SURVEYED UNDER SURVEY
NO. 238/1A OF VILLAGE CALANGUTE AND
PRODUCE THE SAME BEFORE G.C.Z.M.A. TO
SAVE HIS ILLEGAL CONSTRUCTIONS.**

Sir,

The undersigned states and submits as under:-

1. The undersigned states that the undersigned had filed a complaint against Francisco Fernandes for constructing unauthorized illegal structures in the property bearing Survey No. 238/1A of village Calangute, Bardez Goa before the G.C.Z.M.A. Panaji Goa.
2. The undersigned states that the G.C.Z.M.A upon issuing the show cause notice to the said Francisco Fernandes, had filed his reply and relied upon one Approval plan of G.S.C.C.E. Town and Country Department dated 21/06/1994, having Ref. No. GSCCE/BAR-4211/TCP-94/1087.

Handwritten notes or stamps at the bottom right corner of the page.

3. The undersigned states that said Francisco Fernandes handed over the copy of the said Approval plan from G.S.C.C.E. Town and Country Department.
4. The undersigned states that upon going through the said document of the approved plan the undersigned applied the said document under RTI Act before the G.C.Z.M.A. The G.C.Z.M.A. denied to have issued the said the approved plan and forwarded the said application to Town and Country Planning Department. The Town and country Planning Department vide letter dated 12/12/2023 held the G.C.Z.M.A. accountable for issuing the alleged Approved Plan, the same being subject matter of G.C.Z.M.A Department.
5. The undersigned states that the G.C.Z.M.A vide their letter dated 11/01/2024 gave their reply that there is no such file in the records of the G.C.Z.M.A. The undersigned states that both the department failed to issue the said document as the document is forged.

6. The undersigned states that the said approved plan are forged document. The said Francisco Fernandes has dishonestly, fraudulently made, signed, sealed the said document by making and possessing counterfeit seals of Town and Country Planning department with intention to commit forgery and the said forged document has been used as genuine document and produced before G.C.Z.M.A in order to save his illegal construction carried out in property bearing survey No. 238/A of village Calangute.
7. The undersigned states that Francisco Fernandes along with his associates, who are involved in forging, possessing counterfeit seals and intentionally using the forged documents knowingly to be forged documents and intentionally use it as genuine and produce the same before the authorities, thereby dishonestly cheating the authority and the undersigned to obtain Order in his favour.
8. The undersigned states that said Francisco Fernandes his unknown associates have thereby committed offence

punishable under Section Section 336(2), 340, 338, 342(2), and 318(4), 318(2) r/w 61(2) of Bhartiya Nyaya Sanhita, 2023.

9. I therefore request to register an offence against the said Francisco Fernandes for forging the abovementioned documents and producing the same before G.C.Z.M.A thereby committing the offence charged under Section 336(2), 340, 338, 342(2), and 318(4), 318(2) r/w 61(2) of Bhartiya Nyaya Sanhita, 2023.

In the view of the above, F.I.R may be registered against ^{Francisco}~~Bosco Cruz~~ Fernandes his unknown associates under Section 336(2), 340, 338, 342(2), and 318(4), 318(2) r/w 61(2) of Bhartiya Nyaya Sanhita, 2023 and investigation may be initiated against the above person and punish under the law.

Yours Faithfully



(Mr. Sylvester D'souza)

Copy to:

1. Superintendent of Police, North, Porvorim Bardez Goa.

ANNEXURES

1. Forged Letter along with Approved Plan
2. RTI information
 - a) Application under RTI
 - b) Reply of the Town and Country Planning
 - c) Reply of G.C.Z.M.A.