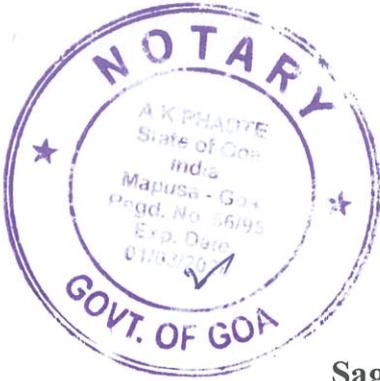


**BEFORE THE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH, AT PUNE**



Original Application No.05/2023 (WZ)

**Sagardeep Sirsaikar**

**.... APPLICANT**

v/s

**Goa Coastal Zone Management Authority**

**& Ors.**

**..... RESPONDENTS**

**ADDITIONAL AFFIDAVIT IN REPLY ON BEHALF OF  
RESPONDENTS NO.2 TO 5.**

**MAY IT PLEASE YOUR LORDSHIPS.**

1. I state that I am Respondent No.2 (“answering respondent”) and I have perused the contents of the Additional Affidavit of the Applicant dated 20/04/2023 and understood the contents thereof and filling the present Affidavit-in-reply in response thereto. I say that I am the authorized signatory of the

1

*Robert F. Coukumbro*

answering Respondent and conversant with the facts in the present matter.

2. The answering Respondent denies all and singular the contents of the Additional Affidavit dated 20/04/2023 under reply and no part thereof be deemed admitted for the lack of a specific traverse. I say that the answering respondent has already filed Preliminary Reply dated 21/04/2023. The contents therein are deemed to be incorporated herein and the same are not reproduced for the sake of brevity.

3. It is pertinent to note that Respondents have obtained all necessary permissions including permission/approval from Goa Coastal Zone Management Authority (Respondent no.1) in respect of the subject matter structures and the activity of Respondent No.5 is being carried out after complying with all requisite provisions of law and/or after having obtained all the relevant permissions and approvals.

4. At the outset, these Respondents submit that the captioned application and additional Affidavit is filed, not only without

*Robert F. Coubrinho*

ascertaining true facts but infact seeks relief on the basis of suppression of material facts, which appears to be deliberate attempt to mislead this Hon'ble Tribunal. The answering Respondent states that the Applicant herein has deliberately suppressed material facts and deliberately attempted to attribute illegalities to the answering respondent, which alleged illegalities, have not been committed by the answering Respondent and/or related to the answering respondent. Such allegations are made with the sole intention of creating prejudices against the answering Respondent and with an attempt to mislead this Hon'ble Tribunal.



5. The Applicant herein is guilty of deliberate suppression of material fact and have made statements which are factually incorrect obviously with malafide intention to mislead this Hon'ble Tribunal. During the last hearing in the matter on 13/07/2023, it was submitted on behalf of the Applicant that the Authority has not taken any action in respect of the complainant filed by the Applicant, this is factually incorrect to the knowledge of the Applicant inasmuch as pursuant to the complaint of the Applicant, the GCZMA had already initiated

3 *Robert F. Coutinho*

proceeding and in fact scheduled a hearing on the subject matter on 08.06.2023. All these facts were to the knowledge of the Applicant inasmuch as the copy of the notice of hearing was also sent to the Applicant herein. It is apparent that the Applicant chose not to inform the Hon'ble Tribunal regarding the actions initiated by the Authority with the sole intent to mislead this Hon'ble Tribunal by attempting to suggest that the authority is not taking any action in respect of the complaints filed by the Applicant.

Annexed thereto and Marked as **Annexure R1** is the Copy of the Notice of Personal Hearing dated 17/05/2023.



6. Further, the subject matter of the Original Application and the Additional Affidavit is already taken cognizance of by the Hon'ble High Court of Bombay at Goa in PIL Suo Moto Writ Petition 02 of 2022 and the same is pending adjudication. The said PIL Suo Moto Writ Petition 02 of 2022 is an off shoot of the Writ petition bearing no.2148/2022 (f).
7. It may be noted that earlier, the Writ petition bearing no.2148/2022 (f) was filed by one Bipin Muzumdar inter alia

Robert F. Coutinho

being aggrieved by illegal construction carried out on Anjuna beach. The Hon'ble High Court of Bombay at Goa vide order dated 19/10/2022 in Writ petition no.2148/2022 (f) has while disposing off the petition, directed as follows:-

“ .....

9. From the photograph placed in this case at least, prima facie, there seem to be several other structures that have come up in the No Development Zone or right on the Anjuna beach. Therefore, by our order dated 18th October 2022, we had directed the Panchayat and the GCZMA officials to hold a joint inspection and file a report on the status of all such constructions on the Anjuna beach.

10. However, we propose to dispose of this Petition by registering the material in this Petition as Public Interest Litigation (Suo Motu) on the subject of illegal, unauthorized constructions on Anjuna beach. Therefore, the direction for joint inspection and submission of the report should be considered as a direction made in Public Interest Litigation (Suo Motu).

11. The Registry is directed to register a separate Public Interest Litigation (Suo Motu) in the above terms. The State of Goa, through the Chief Secretary, Village Panchayat of Anjuna – Caisua, Goa Coastal Zone Management Authority, and the Police Inspector, Anjuna Police Station, to be impleaded as the Respondents in the Public Interest Litigation (Suo Motu). Place the Public Interest Litigation (Suo Motu), after the same is registered and numbered, for consideration on 9th November 2022.

12. The learned Advocate General states that the report of the joint inspection and action taken report, if any, will be placed in Public Interest Litigation (Suo Motu) on 9th November 2022.

13. This Petition is disposed of with the above directions and accepting the above undertaking. Therefore, though this Petition is disposed of, the



*material therein and pleadings should be placed in the Suo Motu Petition.*

*14. The issue of prima facie inaction on the part of the Authorities will now be examined in the Suo Motu Petition.*

*15. There shall be no order for costs."*

Annexed thereto and Marked as **Annexure R2** is the Copy of order dated 19/10/2022 in Writ petition no.2148/2022 (f).

8. It is in light of the above stated directions of the Hon'ble High Court of Bombay at Goa that the said PIL Suo Moto Writ Petition 02 of 2022 came into being and necessary directions are issued and steps are already being taken by the concerned authorities as per the directions in the said PIL Suo Moto Writ Petition 02 of 2022.

9. It is states that the Hon'ble High Court of Bombay at Goa is seized of subject matter concerning alleged illegal structures in the NDZ area of CRZ and is actively monitoring the progress in respect of the same visa vis the authorities namely Goa coastal Zone Management Authority and Local village Panchayat being directed to initiate necessary actions in this regards.



*Robert F. Coukin*

10. It is stated that the Hon'ble High Court is monitoring the subject matter and so also has been passing orders from time to time in this regard. In this context it is pertinent to note that the subject matter structures of the present proceeding are also part of the structures in respect of which detailed inquiry has been directed by the Hon'ble High Court and such inquiry is already initiated by the GCZMA.

11. It is pertinent to note that in furtherance of the directions in the PIL Suo Moto Writ Petition 02 of 2022, a joint site inspection was undertaken of No Development Zone/ Anjuna Beach, Anjuna village with the Village Panchayat of Anjuna-Caisua and Police Inspector, Anjuna Police Station. A team of engineers and field surveyors of GCZMA was entrusted task of inspection of entire stretch of No Development Zone/ Anjuna Beach. The inspection report of the official has noted 275 structures along beach stretches of village Anjuna. The report has been filed before the Hon'ble High Court of Bombay at Goa in PIL Suo Moto Writ Petition 02/2022. The



*Robert F. Coutinho*

structures which are subject matter of the present proceedings are included in the above 275 structures.

12. The Hon'ble High Court of Bombay at Goa has vide order dated 01/03/2023 in the PIL Suo Moto Writ Petition 02 of 2022 directed as follows:-

“ .....

6. *Learned Advocate General points out that the inspection which was carried out earlier was a joint inspection by the GCZMA and the Panchayat authorities. If this is the position, then, the GCZMA should also take action in accord with law particularly because the inspection report reveals that these structures were in the NDZ.*

7. *The GCZMA is therefore directed to take action in accord with law against these structures.*

8. ....”

Annexed thereto and Marked as **Annexure R3** is the Copy of order dated 01/03/2023 in the PIL Suo Moto Writ Petition 02 of 2022.



13. The GCZMA has deliberated on the directions of the Hon'ble High Court of Bombay at Goa in the PIL Suo Moto Writ Petition 02 of 2022 in its 333<sup>rd</sup> Meeting held on 02/03/2023 and has decided to issue necessary notices to concerned parties in order to comply with directions of the Hon'ble High

*Robert F. Coubrinho*

Court of Bombay at Goa in PIL Suo Moto Writ Petition 02 of 2022.

Annexed thereto and Marked as **Annexure R4** is the Copy of extract of the GCZMA's 333<sup>rd</sup> Meeting held on 02/03/2023.

**14.**The GCZMA has accordingly issued Show Cause Notice bearing Ref. No. GCZMA/H.C.M/PIL.Suo Moto No. 02/2022/23-24/01/511 dated 19/05/2023 to the Respondents herein.

Annexed thereto and Marked as **Annexure R5** is the Copy of Show Cause Notice bearing Ref. No. GCZMA/H.C.M/PIL.Suo Moto No. 02/2022/23-24/01/511 dated 19/05/2023.



**15.**It is therefore submitted that the Hon'ble High Court of Bombay at Goa is already seized of the subject matter of the present Application even prior to the Applicant having made the Complaint to the GCZMA.

**16.**In this context a separate application is file interalia seeking a relief that this Hon'ble Tribunal should not proceed with the

matter as the Hon'ble High Court of Bombay at Goa in PIL Suo Moto Writ Petition 02 of 2022 has already taken cognizance of the same.

17. As regards the site inspection report of GCZMA, it is submitted that the conclusion of the said site inspection report as annexed to the said Additional Affidavit dated 20/04/2023 does not point out to any specific illegality but on the contrary is seeking assistance from the DSLR for detailed mapping and for deliberation of the same in the meetings of the GCZMA. It is submitted that the current Show Cause Notice issued is in fact the outcome of the set deliberations in the said meetings of the GCZMA.

18. Further, it is submitted that the fact finding authority namely Goa Coastal Zone Management Authority has initiated necessary proceeding and fact finding is required to be done by the same authority. As regards the inspection report on which heavy reliance sought to be placed upon by the Applicant, it is submitted that the said report is neither conclusive nor final word in the matter inasmuch as the report



*Rebat. F. Cordeiro*

itself in its recommendation clearly states that further inquiry is required to be conducted in the matter and thereafter it is for the GCZMA to consider the correctness or otherwise of the report after obtaining requisites comments/says from the parties.

19. It is most respectfully submitted that the fact finding is required to be done by the GCZMA and till such action is taken by the authority it is not correct to arrive at a conclusion that the structures of the answering respondent are illegal or for that matter any illegality be attributed to the structures of the answering respondent. In any event of the matter, the facts stated in the inspection report do not reflect correct factual position at loco and therefore denied by the answering respondent. Further it is stated that the structures which are relatable or belong to the answering respondent have been put up strictly in accordance with the permission granted by GCZMA and consequently the question of any allegation of illegality qua the structures of the answering respondent does not even arise.



*Robert. F. Carbonell*

20. The said inspection report alleges the following as violations of CRZ notification:

- (a) *"Laterite stone staircase leading to Restaurant."*
- (b) *"Deck"*
- (c) *"Metal fabricated G+1 with deck on top and kitchen/restaurant below with permanent plinth"*

As regards (a), above the same is already answered in the earlier Affidavit and it is reiterated that the said staircase doesn't belong to or constructed by these Respondents and is a traditional pathway for the villagers to go to the Cross.

As regards (b), the same is pursuant to the permissions granted.

As regards (c), the said construction is also pursuant to the permissions granted. It is however clarified that the said structure is constructed on an existing permanent plinth.

21. The respondent has not undertaken any construction which can be considered as any violation of the CRZ notification. In any case, the GCZMA has now initiated the inquiry pursuant to the direction of the Hon'ble High Court of Bombay at Goa in PIL Suo Moto Writ Petition 02 of 2022 and it would be

*Rebel, F. Coutinho*

### VERIFICATION

I, Mr. Robert Felicio Coutinho, son of Antonio Coutinho, Major of age, Indian National, Resident of House No548, CoutinVaddo, Anjuna, Bardez, North Goa, Pin -403509do hereby state that the contents of Para 1 to 15, 17, 18 (p), 19 (p), 20 and 21in forgoing paragraphs of this reply are true to the knowledge and or based on records available with the answering Respondent and remaining Paras namely 16, 18 (p), 19 (p) and 22 are as per legal advice, which I believe to be true. I say that I have discussed this reply with Respondent No.3, 4 and 5and they have approved the contents stated hereinbove.

**Place:**Panaji Goa

**Date:** 20/07/2023

*Robert F. Coutinho*

**DEPONENT**

**Executed before me which I attested**

*A.K. Phadte*  
**A. K. Phadte** 21/07/2023  
 Notary at Mapusa  
 Office No. 17, First Floor, El-Capitan Center,  
 Mapusa, Bardez, Goa.  
 (State of Goa India)  
 Reg. No. 4337/2023

**ADVOCATE FOR RESPONDENT NO.2 TO 5.**



proper to await the outcome of the proceedings and the Show Cause Notice.

22. In view of the aforesaid facts and submissions, it is submitted that there is no merit and /or substance in the present OA or the present Additional Affidavit dated 20/04/2023 under reply and the Applicant is not entitled to any relief and the same deserves to be dismissed.

20/07/2023

Panaji-Goa.

*Robert F. Coutinho*

Respondent No.2



✕  
Advocate for Respondent Nos. 2 to 5.

## GOA COASTAL ZONE MANAGEMENT AUTHORITY

C/o Department of Environment and Climate Change (Govt. of Goa)

4<sup>th</sup> Floor, Dempo Towers

Patto, Panaji Goa 403001

Email: goacoastalzone@gmail.com

Ref. No. GCZMAN/IL(C-Comp)/22-23/126/389

Date: 17/05/2023

### NOTICE OF PERSONAL HEARING BEFORE THE GCZMA

Ref: Show Cause notice dated 19/04/2023

WHEREAS, The Office of the Goa Coastal Zone Management is in receipt of the Complaint dated 11/11/2022 from Mr. Sagardeep Sirsaikar R/o 308, Welcome House, Dabhol Wadda, Chapora, Goa, with regards to illegal development in Sy.No 213/5 and 6 of Anjuna village by Mr. Antonio Dsouza and Nelson Britto. He states that there is an illegal construction of restaurant cum club of permanent structure along with RCC concrete retaining wall, drainages, staircase and construction of road in the said properties without any permission.

AND WHEREAS, show cause dated 19/04/2023 issued to the violator.

AND WHEREAS, in this regard, the GCZMA has now decided to call the parties for personal hearing on 08/06/2023 at 3.00 p.m. on wards.

NOW THEREFORE, you are hereby required to remain present for the personal hearing or depute your duly authorized representative with all the documents if any in support of your case before the Authority, 4th floor, Conference Hall, Dempo Towers, Panaji-Goa on the scheduled date, failing which the Authority shall proceed exparte in the matter.

  
(Dr. Sneha Gite, IAS)

Member Secretary (GCZMA)

To,

- ✓ Mr. Antonio Dsouza R/o Ozran Vagator, Anjuna Goa (Romeo Lane)
2. Nelson Britto t/o Ozran Vagator, Anjuna Goa (Romeo Lane)
3. Sagardeep Sirsaikar, R/o 308, Welcome House, Dabholwadda, Chapora Goa.

**Site inspection report of illegal development in property bearing Sy. No. 213/5 & 213/6 of village Anjuna, Taluka Bardez, Goa.**

**Background :**

The Office of GCZMA received complaint – dated 11/11/2022 from Mr. Sagardeep A. Sirsaikar from Chapora, Bardez with regard to illegal development in property bearing Sy. No. 213/5 & 213/6 of Anjuna, Bardez by Mr. Antonio Dsouza & Mr. Nelson Britto both r/o of Anjuna, Bardez.

**Inspection and Observation:**

Upon instruction from the Member Secretary GCZMA, a site inspection was carried out on 13/03/2023 by Mr. Ganesh Velip, Expert Member (GCZMA), Mr. Nehal Devidas, Engineer (GCZMA) & Ms. Siddhi Morajkar, Field surveyor (GCZMA). At site, the complainant Mr. Sagardeep A. Sirsaikar was present. Whereas, on behalf of the respondent, the manager of the establishment Mr. Vidhur Seth was present.

**The details of site inspection are as follows:**

The above mentioned survey nos. are laying on slope with total elevation gain of approx 30.0m. The survey no. 213/5 & 213/6 falls in CRZ-III of Anjuna village. Out of the two survey nos., survey no 213/5 fully falls under NDZ where as 213/6 falls partly under NDZ & partly in 200m-500m.

As per the office records, for survey no. 213/5 permission was given for 6 nos. of wooden cottages & wooden shack under ref. no.: GCZMA/N/Shack-Hut-Cott-Tent/17-18/73 dated 01/11/2021.

It is noticed that the plot is sloping in nature thus the approach to shack has been made of approx. 160nos of steps of average riser of 150mm high. The level difference on both sides of pathway has been managed with concrete & masonry retaining walls. Along the pathway there is concrete gutter of approx. height 0.50m on the southern side of the property. Most of the approach steps are of masonry base or of concrete base.

The shack is majorly temporary in nature made up of wood for super structure. The foundation of shack projecting out from the cliff towards seaward is supported by MS sections placed on concrete foundation. The plinth is of permanent in nature & constructed with concrete. The flooring is of Kadappa pavers fixed with concrete mortar. The extension of shack indicated as platform in approved drawing are constructed with level differences. The level difference has been supported with concrete retaining walls.

Few site photos are enclosed as Annexure- I.



**Conclusion and Recommendation:**

- i) The above mentioned survey nos. 213/5 & 213/6 falls in CRZ-III of Anjuna village. Out of the two survey nos., survey no 213/5 fully falls under NDZ where as 213/6 falls partly under NDZ & partly in 200m-500m.
- ii) As per the CRZ Regulation, no permanent construction is permissible within the CRZ-III (NDZ) area except the repair or reconstruction of the old structure existing prior to 1991, with proper permission from GCZMA.
- iii) The above mentioned survey nos. 213/5 & 213/6, are laying on slope with total elevation gain of approx 30.0m, thus it is difficult to take measurements and it is recommended to put up the letter to DSLR for detailed mapping.
- iv) This may be deliberated in the Authority meeting for a decision.



Mr. Ganesh Velip

(Expert Member, GCZMA)



Mr. Nehal Devidas

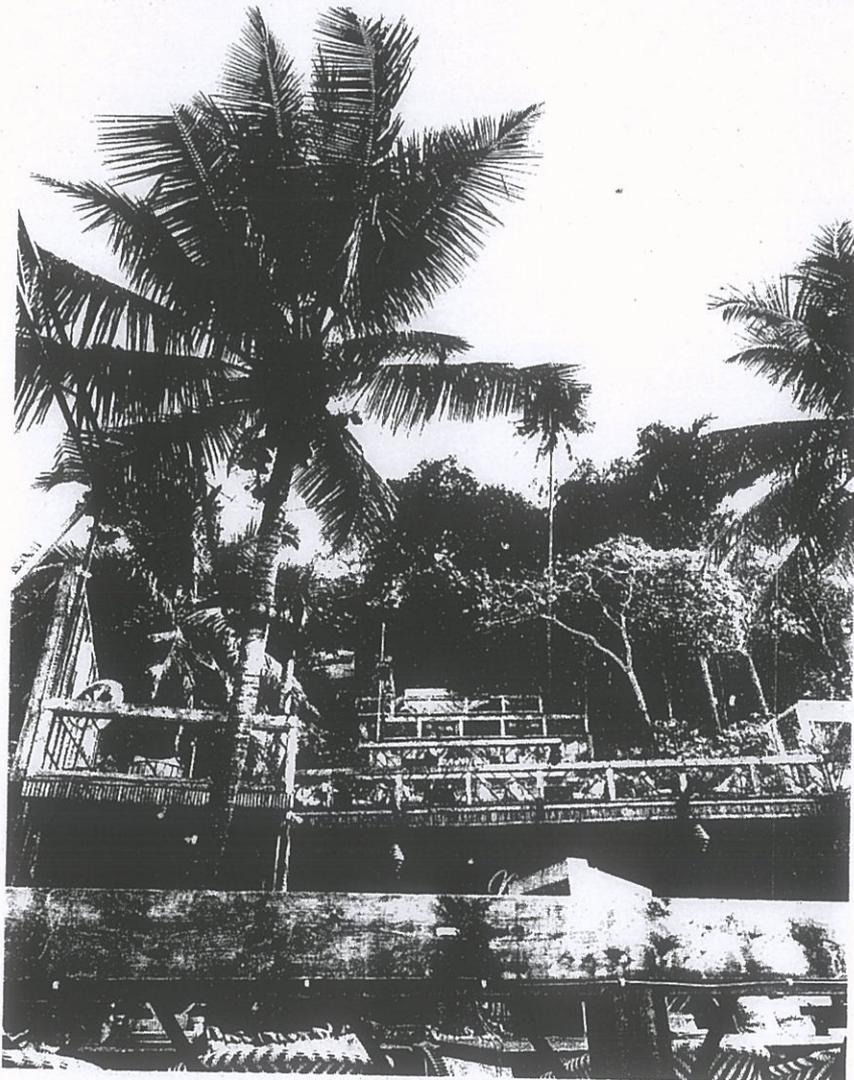
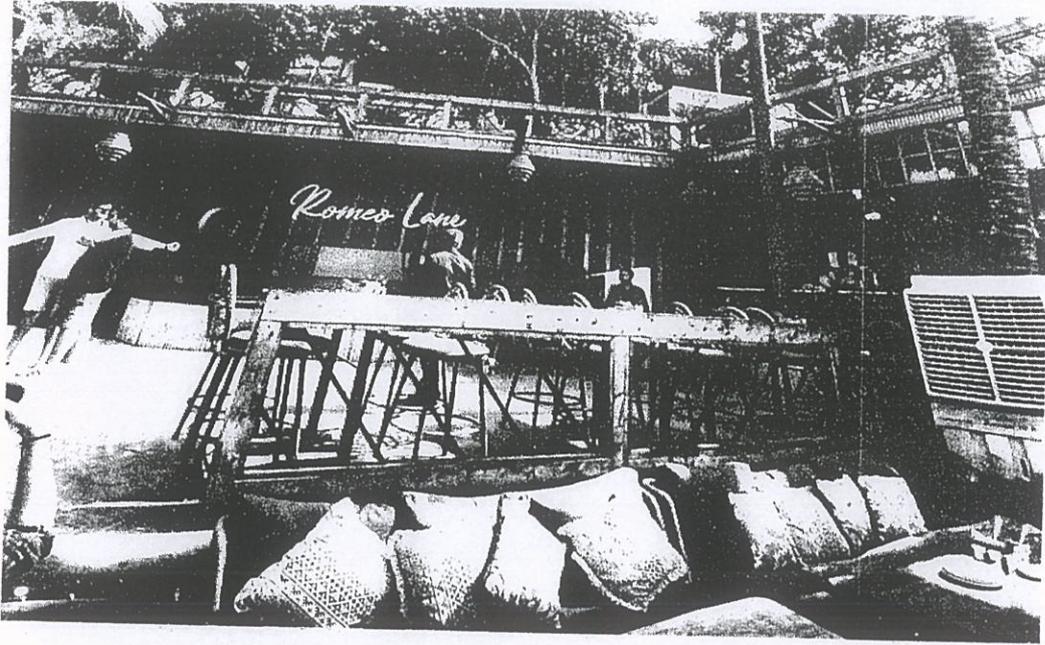
(Engineer, GCMZA)



Ms. Siddhi Morajkar

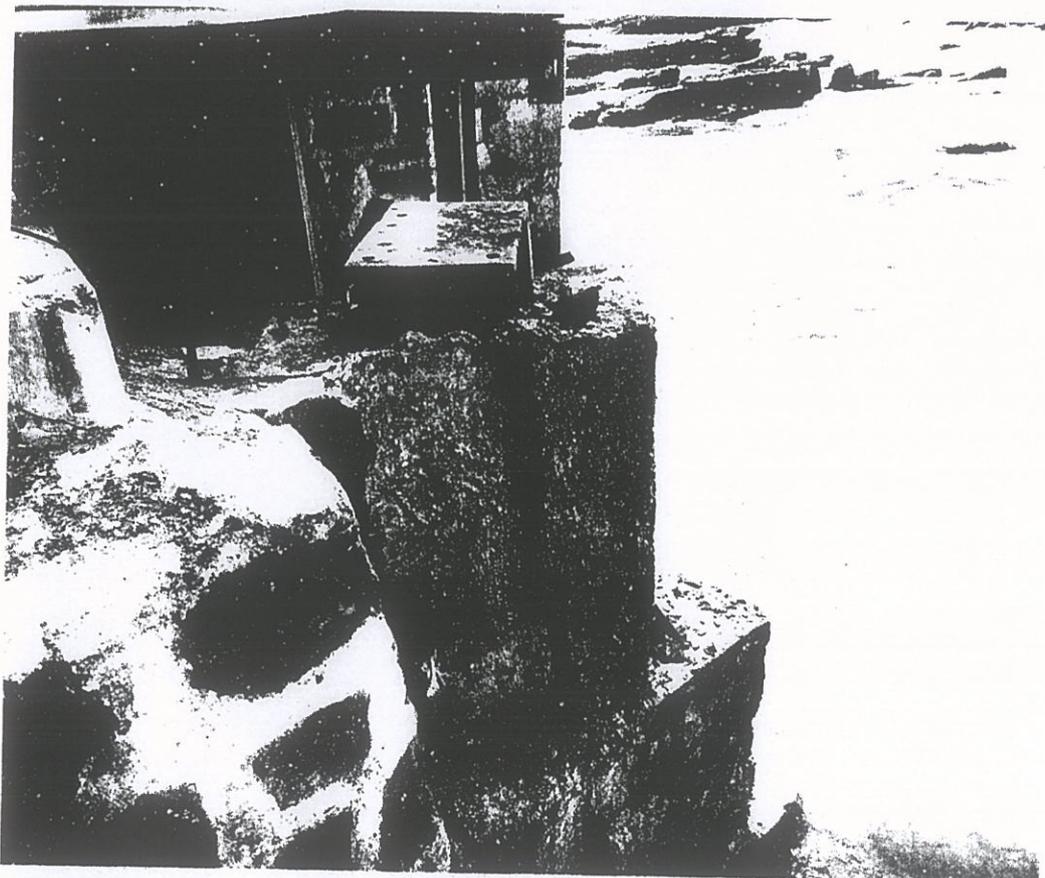
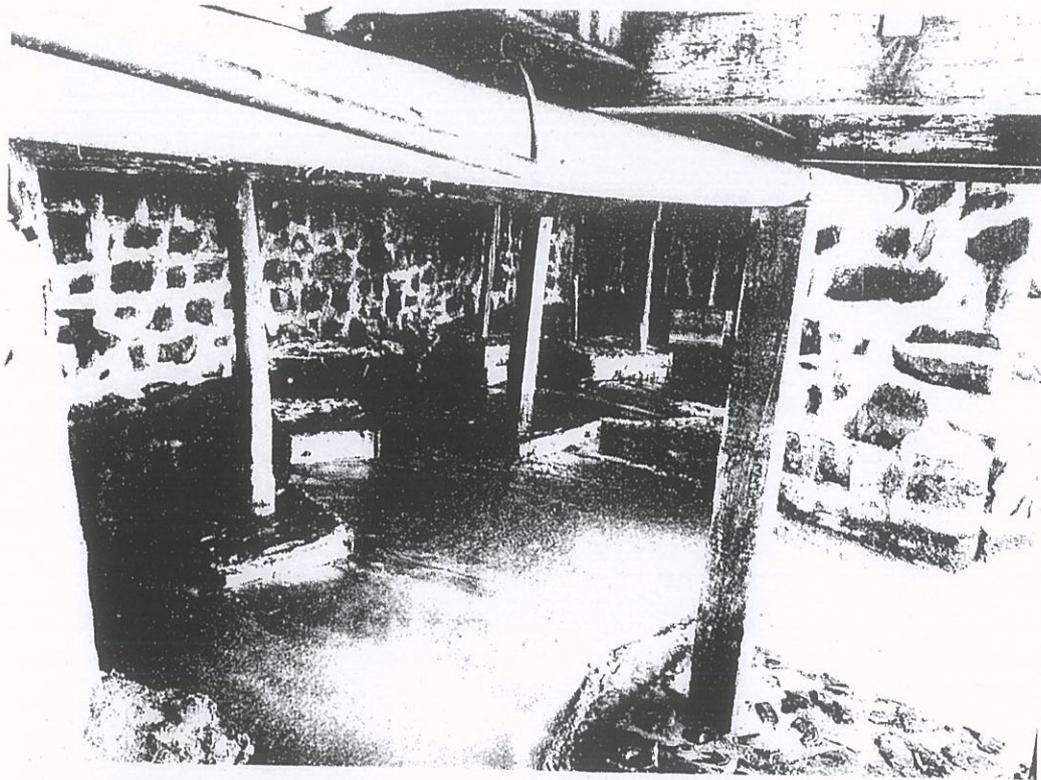
(F.S., GCZMA)

Annexure 1



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*Edson*

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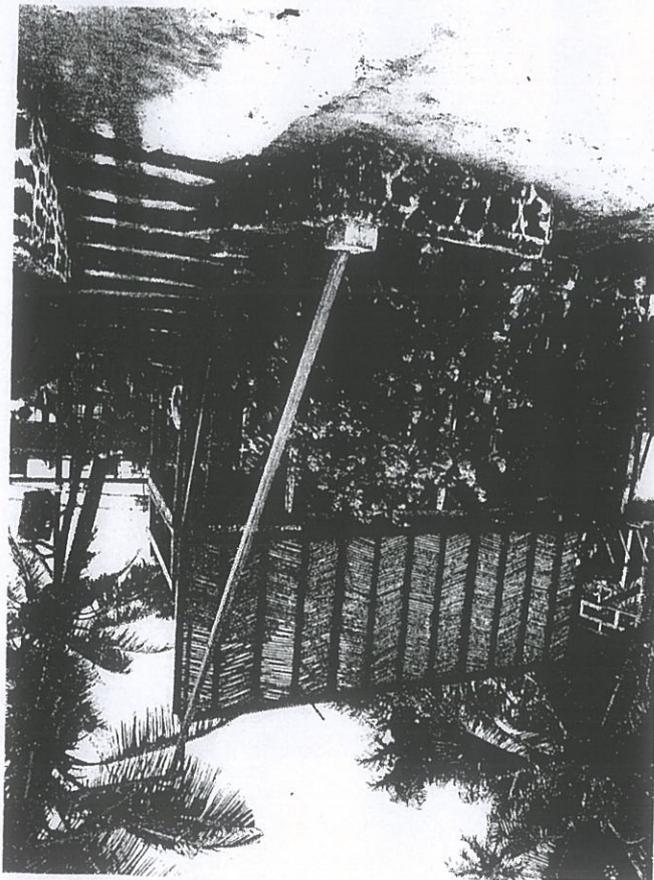
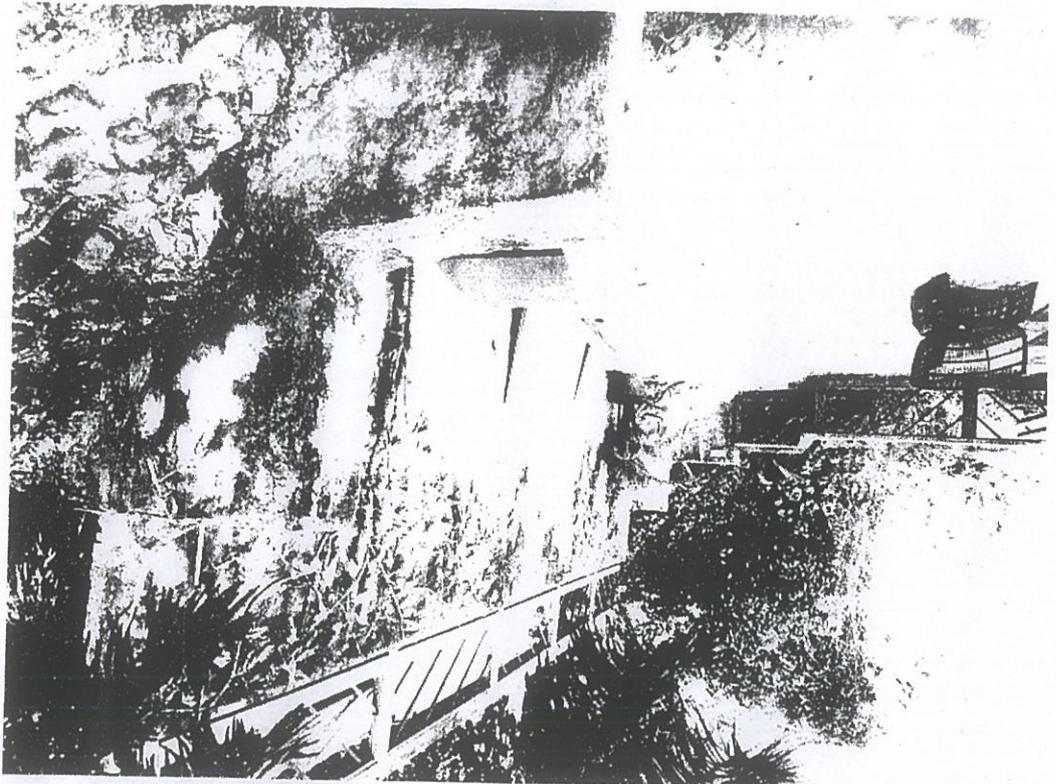
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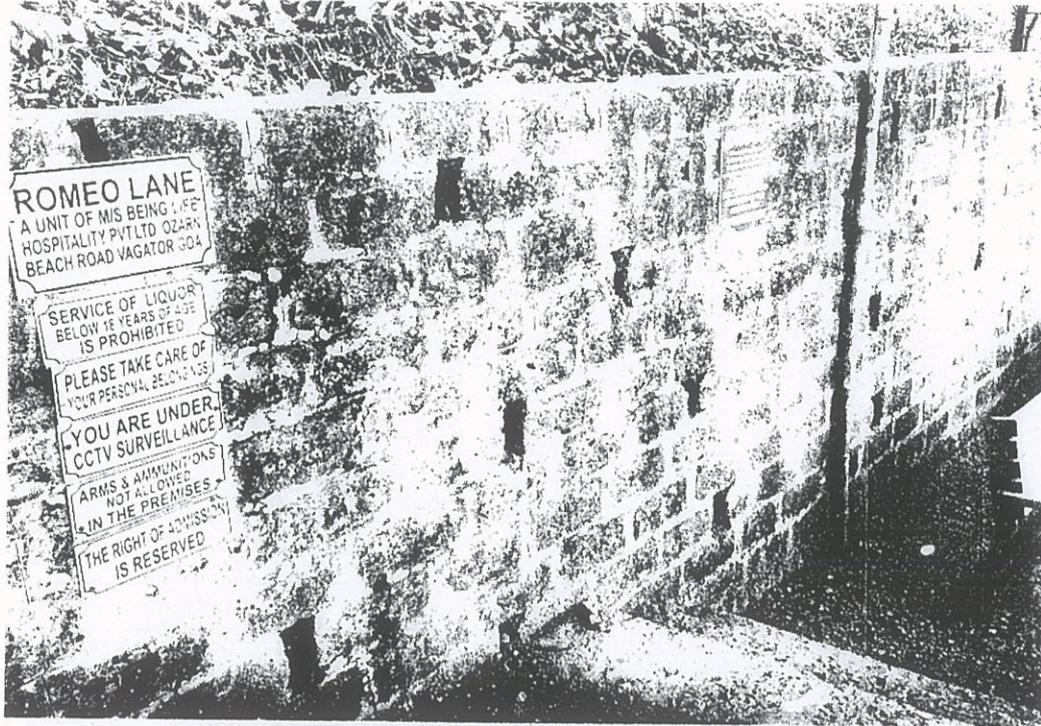


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## GOA COASTAL ZONE MANAGEMENT AUTHORITY

C/o Department of Environment, (Govt. of Goa)  
4<sup>th</sup> Floor, Dempo Tower, patto Plaza,  
Panaji-Goa 403001

PROCEEDINGS OF SITE INSPECTION

FILE NO:- GCZMA/ M/ILLE - COMPL / 22-23/126

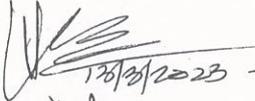
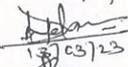
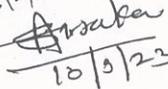
DATE: 13/03/2023

SUB: Illegal development in Sy. No. 213/5 of 6 of Village  
Anjuna Bardez Goa.

REF:

Village: Anjuna Taluka: Bardez Survey: 213 Sub.Div.No. 516.

## Parties/Officers Present:-

- 1) Mr. Ganesh Velip (S.M. GCZMA)  13/03/2023 -
- 2) Mr. Nehal Devidas (S.M. GCZMA)  13/03/23
- 3) Ms. Siddhi Morajkar (S.S. GCZMA)  13/3/23
- 4) Mr. Sagandeeep Sinsairekar (complainant)  10/3/23
- 5) Mr. Vidhan Seth (Representative of respondent)

## Brief description of proceedings:-

Site inspection commenced at 3.00 pm in presence of above parties.

The property falls in (A/D2) CRZ III.

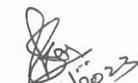
The property lies on the slope. There are concrete RW along the concrete pathway to shack. There are RCC gutter along the pathway for drainage. The overall structure is in stepped nature.

The plinth for overall structure is permanent in nature.

The floor is of kadappa pavens, fixed with concrete. There are concrete foundations in the NDZ area for the front part of structure along the west side.

Site inspection concluded at 4.00 pm.

  
13/03/2023

  
13/3/2023

  
13/3/2023

Signatures: 

From  
Mr. Sagardeep A. Sirsaikar  
308, Welcome House,  
Dabhol Wada, Chapora, Goa.

Mobile No.9657408591

Date: 9/11/2022

To,  
The Goa Coastal Zone Management Authority  
Panjim – Goa.

To,  
The Deputy Collector & SDO  
Mapusa – Goa.

To,  
The Sarpanch / Secretary  
Village Panchayat of Anjuna  
Anjuna, Bardez –Goa.

Member Secretary  
G. C. Z. M. A.  
Inward No. 3032  
Date: 11/11/2022

*Ms. Divya*  
*put on file*  
*14/11*

**Sub: illegal development in Survey No.213/5 & 6, of Anjuna village by Mr. Antonio Dsouza and Nelson Britto and others of village Ozran Vagator Anjuna Goa.**

Sir,

I state that there exists property known as Ozran and "RESTANT" bearing Survey No.213/5/6 and 206/1 on the Vagator Beach Coastal Line, the village of Anjuna, Bardez – Goa.

The property bearing Survey Nos 213/5 and 213/6 of village Anjuna, belongs to Mr. Antonio Dsouza and Mr. Nelson Britto and others and Survey No.206/1 of village Anjuna,

belongs to the Comunidade of Anjuna as their names is shown in the Form I & XIV of the records of rights.

I state that Mr. Antonio Dsouza and Mr. Nelson Britto and some unknown person, has carried out an illegal construction of Restaurant cum Club of permanent structure along with R.C.C concrete retaining wall, drainages, staircases and the construction of road in the said properties, without any permissions, NOC's Licenses from the concerned Government authorities. The said illegal constructions are within the HTL of 0 to 200 mtrs of the Arabian Sea, and the same is falling within the No Development Zone area (NDZ), where no construction is permissible as per CRZ Regulations 2011. The properties bearing Survey nos 213/5 and 213/6 of Village Anjuna, are marked as no Development Slope and Natural cover on the the Goa Regional Plan 2021.

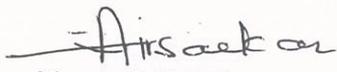
I state that villagers of Anjuna filed a complaint dated 14/10/2021 and 04/10/2021 before the Village Panchayat of Anjuna, and also filed a complaint dated 28/09/2021 and 13/10/2021 before the GCZMA against Mr. Antonio Dsouza and Mr. Nelson Britto & Others, about the illegal hill cutting and the illegal constructions in the properties bearing survey no.213/5 & 213/6 at Village Anjuna, Bardez – Goa, till date no action has been taken by any authority.

I state that the Deputy Collector & Sub Divisional Officer, Bardez – Goa, had issued a Memorandum dated 22/10/2021 had directed the Mamlatdar of Bardez, Mapusa, Goa, to conduct a site inspection of the aforesaid properties and submit the compliance report to the office within one week from the receipt of the memorandum.

I state that the Village Panchayat of Anjuna had issued a Stop Work Notice dated 21/10/2021 and 06/10/2021, against Mr. Antonio Dsouza and Mr. Nelson Britto and Others and has directed not to carry out any further constructions. The Village Panchayat of Anjuna, subsequently carried out the site inspection of the said properties on 26/10/2021 it was noticed during the inspection that Mr. Antonio Dsouza and Mr. Nelson Britto , have done an illegal construction work in the said properties.

I therefore request your office to kindly do the inspection immediately and issue me Inspection Report as I want to intervene Hon'ble High Court of Bombay at Goa in writ Petition No.2148 (F) which examine in Suomotto Petition.

Thanking you,

  
Yours faithfully,

**(Sagardeep A. Sirsaikar)**







Taluka	BARDEZ	Survey No.	213
तालुका		सर्वे नंबर	
Village	Anjuna	Sub Div. No.	5
गांव		हिस्सा नंबर	
Name of the Field	Ozar	Tenure	
शेताचें नांव		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 मोरड	Total Cultivable Area एकूण लागण क्षेत्र
0000.09.50	0000.12.50	0000.00.00	0000.00.00	0000.00.00	0000.00.00	0000.22.00

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 जामीन	Grand Total एकूण
0000.00.00	0000.00.00	0000.00.00	0000.22.00

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	Antonio D'Souza		896	

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 मौसम	Name of Crop पिकाचे नांव	Irrigated	Unirrigated	Land not Available for Cultivation नापिक जमीन		Source of irrigation सिंचनाचा प्रारि
					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.

Date: 26/10/2021

Page 1 of 1

Taluka BARDEZ  
तालुका  
Village Anjuna  
गांव  
Name of the Field Ozar  
शेताचें नांव

Survey No. 213  
सर्वे नंबर  
Sub Div. No. 6  
हिस्सा 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 मोरड	Total Cultivable Area एकूण लागण क्षेत्र
0001.97.50	0000.00.00	0000.00.00	0000.00.00	0000.00.00	0000.00.00	0001.97.50

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 जामीन	Grand Total एकूण
0000.00.00	0000.00.00	0000.00.00	0001.97.50

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	Nelson Britto		1672	
2	Calisto Britto		451	
3	Melba Etelvin Britto		1455	
4	Prudencia Cecilia De Brito		45111	
5	Philomena Carmelina Pereira		45111	
6	Antonio Salvador Custodio De Britto		45111	

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

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

Details of Cropped Area पिकाखालील क्षेत्राचा तापशील

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

Taluka BARDEZ

Survey No. 206

तालुका

सर्वे नंबर

Village Anjuna

Sub Div. No. 1

गांव

हिस्सा नंबर

Name of the Field Restant

Tenure

शेताचें नांव

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 मोरड	Total Cultivable Ar. एकूण लागण क्षेत्र
0001.19.47	0000.00.00	0000.00.00	0000.00.00	0000.00.00	0000.00.00	0001.19.47

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 जामीन	Grand Total एकूण
0000.00.00	0000.00.00	0000.00.00	0001.19.47

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	Comunidade		528	
2	Caitan F. Fernandes		28382	
3	Jany Jacinta Perpetua Socorro De souza		44055	
4	Savita Satish Mhapsekar		65102	
5	Jaison N. Albuquerque		69488	
6	Agnelo Vales		71117	
7	Thereza Fernandes alias Tereza Fernandes		71116	
8	Agnelo Vales		71116	
9	Flory Afonso		71116	
10	Escolastica Dsouza		71457	
11	Liseta Pereira		73874	
12	Rajendra K. Prabhu		73734	
13	Rinaldo B Pereira		75770	

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

Taluka BARDEZ  
तालुका  
Village Anjuna  
गांव  
Name of the Field Restant  
शेताचें नांव

Survey No. 206  
सर्वे नंबर  
Sub Div. No. 1  
हिस्सा नंबर  
Tenure  
सत्ता प्रकार

Other Rights इतर हक्क Name of Person holding rights and nature of rights: इतर हक्क धारण करणा-याचे नांव व हक्क प्रकार	Mutation No. फेरफार नं	Remarks शेरा
Santosh Nagesh Prabhu	3077	
Ulhas Anant Porob	62300	
Pradep Naguesh Porobo	64263	
John Franco D'souza		

The comunidade of anjuna vide certificate

Dt. 4-12-1991 3983

R. Mtrs by the comunidade of anjuna vide certificate dated 16

1. Has given 525 sqr. Mtrs of plot no. 91(a)b
2. Granted plot no. 8 on admeasuring area 520

Details of Cropped Area पिकाखालील क्षेत्राचा तापशील

Year वर्ष	Name of the Cultivator लागण करणा-याचे नांव	Mode रीत	Season मोसम	Name of Crop पिकाचे नांव	Irrigated	Unirrigated	Land not Available for Cultivation नापिक जमीन		Source of irrigation सिंचनाचा प्रारि
					बागायत Ha.Ars.Sq.Mts हे. आर. चौ. मी.	जिरायत 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.

Santosh

**IN THE HIGH COURT OF BOMBAY AT GOA****WRIT PETITION NO. 2148 OF 2022 (F)**

RAMESH BIPUL MUZUMDAR ... Petitioner.

*Versus*THE STATE OF GOA THR.  
CHIEF SECRETARY AND ORS. ... Respondents

Mr. Ganesh Naik, Advocate for the Petitioner.

Mr. D.J. Pangam, Advocate General with Mr. Shivdatt P.  
Munj, Addl. Govt. Advocate for Respondents No.1,3, 4 and  
5.Mr. A.D. Bhohe with Ms. A. Kuvelkar, Advocates for  
Respondent No.2.

Mr. Dinesh Naik, Advocate for Respondent No.6.

CORAM: M. S. SONAK &  
BHARAT P. DESHPANDE, JJ.DATED : 19<sup>th</sup> October 2022**P.C. :-**

1. Heard Mr. Ganesh Naik for the Petitioner, the learned Advocate General, who appears along with Mr. S.P. Munj, for Respondents No.1,3,4 and 5, Mr. A.D. Bhohe for Respondent No.2 and Mr. Dinesh Naik for Respondent No.6.

2. After our order dated 18<sup>th</sup> October 2022, Respondent

No.6-Agusta D'Souza filed an affidavit before us. The affidavit states that she has deposited an amount of ₹5,00,000/-, as undertaken by her. Further, in terms of the undertaking given by Mr Choudhary and Mr Tiwari, they have removed the illegal structure and even cleared the debris from the site. A photograph has also been annexed to the affidavit.

3. The learned Advocate General and Mr Bhobe for the Village Panchayat of Anjuna-Caisua (Panchayat) state that the *ex-facie* offending part has been removed. In so far as the remaining part of the structure is concerned, they say that the Goa Coastal Zone Management Authority (GCZMA) and the Panchayat will inquire into the legality of the same. However, Mr Bhobe points out that the remaining part appears to have existed for a long time, and some permissions have also been granted. Accordingly, they submit that there could be no objection to de-sealing the remaining part until the two Authorities examine the legality of the entire structure.

4. The photograph does indicate that the *ex-facie* offending structure has been removed. Even the debris has been cleared from the beach. In so far as the remaining portion of the structure is concerned, we direct the GCZMA and the Panchayat to inquire into the legality of the same. For this purpose, Respondent No.6

should, without awaiting a separate show cause notice, file her response within two weeks, furnishing all documents, permissions, etc., to the GCZMA and the Panchayat. Based on this response, the GCZMA and the Panchayat should determine whether the remaining portion of the structure is legal and pass an order in accord with the law within six weeks from today.

5. In the meanwhile, however, the seal can be removed. Removal of the seal is subject to the condition that Respondent No.6 will not undertake any further constructions, modifications, alterations, etc., including providing any staircase to access the beach. Mr Dinesh Naik, based on instructions of Respondent No.6, who is present in the Court, states that Respondent No.6 would not do any construction, including providing a staircase leading to the beach. This statement is accepted as an undertaking to this Court. Respondent No.6 will have to abide by this undertaking.

6. On the issue of environmental damage and payment of compensation, Mr Naik submits that the amount of ₹5,00,000/- deposited by Respondent No.6 may be invested by the Registry of this Court until the GCZMA decides the issue. However, he requests that the GCZMA be directed to resolve this issue at the earliest.

7. The learned Advocate General states that the GCZMA will, within six weeks from today, determine the environmental damage and the costs for restoration. The GCZMA is also at liberty to consider whether any fines are required to be imposed. However, all these exercises should be completed within six weeks from today.

8. The Registry is to invest the amount of ₹5,00,000/- deposited by Respondent No.6 in a nationalized bank. Once the GCZMA determines the costs/compensation/fine, the GCZMA and/or Respondent no.6 would be at liberty to apply to this Court for withdrawal of the amount. This order will, however, not preclude Respondent No.6 from challenging any adverse decision of the GCZMA in accordance with the law.

9. From the photograph placed in this case at least, *prima facie*, there seem to be several other structures that have come up in the No Development Zone or right on the Anjuna beach. Therefore, by our order dated 18<sup>th</sup> October 2022, we had directed the Panchayat and the GCZMA officials to hold a joint inspection and file a report on the status of all such constructions on the Anjuna beach.

10. However, we propose to dispose of this Petition by registering the material in this Petition as a Public Interest

Litigation (Suo Motu) on the subject of illegal, unauthorized constructions on Anjuna beach. Therefore, the direction for joint inspection and submission of the report should be considered as a direction made in Public Interest Litigation (Suo Motu).

**11.** The Registry is directed to register a separate Public Interest Litigation (Suo Motu) in the above terms. The State of Goa, through the Chief Secretary, Village Panchayat of Anjuna – Caisua, Goa Coastal Zone Management Authority, and the Police Inspector, Anjuna Police Station, to be impleaded as the Respondents in the Public Interest Litigation (Suo Motu). Place the Public Interest Litigation (Suo Motu), after the same is registered and numbered, for consideration on 9<sup>th</sup> November 2022.

**12.** The learned Advocate General states that the report of the joint inspection and action taken report, if any, will be placed in Public Interest Litigation (Suo Motu) on 9<sup>th</sup> November 2022.

**13.** This Petition is disposed of with the above directions and accepting the above undertaking. Therefore, though this Petition is disposed of, the material therein and pleadings should be placed in the Suo Motu Petition.

14. The issue of *prima facie* inaction on the part of the Authorities will now be examined in the Suo Motu Petition.
15. There shall be no order for costs.

**BHARAT P. DESHPANDE, J.**

**M. S. SONAK, J.**

SANTOSH S MHAMAL | Digitally signed by  
SANTOSH S MHAMAL  
Date: 2022.10.20  
11:52:25 +05'30'

Suchitra

IN THE HIGH COURT OF BOMBAY AT GOA

PIL SUO MOTO NO.2/2022

HIGH COURT ON ITS OWN  
MOTION (IN THE MATTER OF  
ILLEGAL CONSTRUCTION)

... Petitioner

*Versus*

STATE OF GOA THR. CHIEF  
SECRETARY AND 3 ORS.

... Respondents

Mr Abhijit Gosavi, Amicus Curiae with Ms Krupa Naik and Mr Guruprasad Naik, Advocates *for the Petitioner*.

Mr D. Pangam, Advocate General with Mr Deep Shirodkar, Additional Government Advocate *for the Respondent-State*.

Mr Ashwin Bhohe, Advocate *for Respondent No.2*.

CORAM: M. S. SONAK &  
BHARAT P. DESHPANDE, JJ.

DATED: 1<sup>st</sup> MARCH 2023

**P.C.:**

1. Heard Mr Gosavi, learned Amicus Curiae, Mr D. Pangam, learned Advocate General who appears along with Mr Deep Shirodkar, learned Additional Government Advocate for the State and Mr Ashwin Bhohe for respondent no.2-Panchayat.

2. Mr Bhobe states that the time limit for disposing of the balance 164 show cause notices is upto 15.03.2023 and this timeline will be duly adhered.
3. Mr Bhobe states that 54 demolition notices have already been issued and where there are no orders staying demolitions, the same will be implemented. We direct such demolition orders should be implemented at the earliest considering that the structures were on the beach and in, *prima facie*, the No Development Zones. Necessary compliance report should be filed by the Panchayat in this regard.
4. Mr Bhobe states that 57 notices were discharged and copies of such discharge orders will be furnished to the learned Amicus Curiae within a week from today. He states that full details will be supplied to the Amicus Curiae.
5. At least *prima facie*, around 275 structures were found to be on the Anjuna beach and in NDZ area. It is the duty of the Goa Coastal Zone Management Authority (GCZMA), in the first place, to prevent the mushrooming of such constructions. In any case, after this material is placed on record by the Panchayat, it is certainly the duty of the GCZMA to inspect the beach/NDZ at Anjuna and initiate action in accord with law.

6. Learned Advocate General points out that the inspection which was carried out earlier was a joint inspection by the GCZMA and the Panchayat authorities. If this is the position, then, the GCZMA should also take action in accord with law particularly because the inspection report reveals that these structures were in the NDZ.
7. The GCZMA is therefore directed to take action in accord with law against these structures.
8. The Panchayat and GCZMA should file a compliance report by 27.03.2023 after giving a copy to the learned Amicus Curiae.
9. We stand over this matter to 03.04.2023.

**BHARAT P. DESHPANDE, J.**

**M. S. SONAK, J.**

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SINGBAL

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**Decision:** The Authority noted that the site inspection report of the officials of GCZMA has revealed that 18 bore wells and remaining violations pertain to soak pits and permanent toilet. The Authority decided to seek an action taken report from the Department of Tourism, Water Resources Department and the Goa State Pollution Control Board with regards to violations noted in its report dated 20/02/2023.

Case No1.14

To comply with directions issued by Hon'ble High Court of Bombay at Goa in PIL SUO MOTO no.2/2022

**Background:** A Writ petition bearing no.2148/2022 (f) was filed by one Bipin Muzumdar inter alia being aggrieved by illegal construction carried out on Anjuna beach.

The Hon'ble High Court of Bombay at Goa vide order dated 19/10/2022 in Writ petition no.2148/2022 (f) has while disposing off the petition directed as follows:- "9. *From the photograph placed in this case at least, prima facie, there seem to be several other structures that have come up in the No Development Zone or right on the Anjuna beach. Therefore, by our order dated 18th October 2022, we had directed the Panchayat and the GCZMA officials to hold a joint inspection and file a report on the status of all such constructions on the Anjuna beach.*

10. *However, we propose to dispose of this Petition by registering the material in this Petition as Public Interest Litigation (Suo Motu) on the subject of illegal, unauthorized constructions on Anjuna beach. Therefore, the direction for joint inspection and submission of the report should be considered as a direction made in Public Interest Litigation (Suo Motu).*

11. *The Registry is directed to register a separate Public Interest Litigation (Suo Motu) in the above terms. The State of Goa, through the Chief Secretary, Village Panchayat of Anjuna – Caisua, Goa Coastal Zone Management Authority, and the Police Inspector, Anjuna Police Station, to be impleaded as the Respondents in the Public Interest Litigation (Suo Motu). Place the Public Interest Litigation (Suo Motu), after the same is registered and numbered, for consideration on 9th November 2022.*

12. *The learned Advocate General states that the report of the joint inspection and action taken report, if any, will be placed in Public Interest Litigation (Suo Motu) on 9th November 2022.*

13. *This Petition is disposed of with the above directions and accepting the above undertaking. Therefore, though this Petition is disposed of, the material therein and pleadings should be placed in the Suo Motu Petition.*

14. *The issue of prima facie inaction on the part of the Authorities will now be examined in the Suo Motu Petition.*

15. *There shall be no order for costs."*

In the light of the above stated directions of the Hon'ble High Court of Bombay at Goa a joint site inspection of No Development Zone/ Anjuna Beach, Anjuna village with the Village Panchayat of Anjuna-Caisua and Police Inspector, Anjuna Police Station. A team of engineers and field surveyors of GCZMA was entrusted task of inspection of entire stretch of No Development Zone/ Anjuna Beach.

The inspection report of the official has noted 275 structures along beach stretches of village Anjuna. The report has been filed before the Hon'ble High Court of Bombay at Goa in PIL SUO MOTO no.02/2022.

The Hon'ble High Court of Bombay at Goa has vide order dated 01/03/2023 directed as follows:- *"6. Learned Advocate General points out that the inspection which was carried out earlier was a joint inspection by the GCZMA and the Panchayat authorities. If this is the position, then, the GCZMA should also take action in accord with law particularly because the inspection report reveals that these structures were in the NDZ.*

*7. The GCZMA is therefore directed to take action in accord with law against these structures.*

*8. The Panchayat and GCZMA should file a compliance report by 27.03.2023 after giving a copy to the learned Amicus Curiae.*

*9. We stand over this matter to 03.04.2023."*

The matter is fixed for filing compliance report by 27/03/2023 and hearing on 03/04/2023.

**Decision:** The Authority after detailed discussion and due deliberation decided to issue necessary notices to concerned parties in order to comply with directions of the Hon'ble High Court of Bombay at Goa in PIL SUO MOTO No.02/2022.

#### Case No1.15

**To comply with directions contained in Order dated 01/03/2023 passed by the Hon'ble High Court of Bombay at Goa in the Contempt Petition no.14/2022(f)in PIL writ petition no.07/2021 and Contempt petition no.1909/2022(f) in PIL Writ Petition no.876/2022 (F) filed by Mr. Sagardeep Sirsaikar and Arnold Dsa**

**Background:** A Contempt Petition no.14/2022(f)in PIL writ petition no.07/2021 and Contempt petition no.1909/2022(f) in PIL Writ Petition no.876/2022 (F) before Hon'ble High Court of Bombay at Goa filed by Mr. Sagardeep Sirsaikar and Arnold Dsa interlia being aggrieved by noise pollution in various areas in State of Goa.

The Hon'ble High Court of Bombay at Goa vide order dated 01/03/2023 has directed as follows:- *"15. Further, we direct the concerned Deputy Collector, P.I., GCZMA and the Forest Department officials not only to visit the site and assess the*

**GOA COASTAL ZONE MANAGEMENT AUTHORITY**

C/o Department of Environment and Climate Change (Govt. of Goa)

4<sup>th</sup> floor, Dempo Towers, Patto, Panaji-Goa

E-mail: goacoastalzone@gmail.com

Ref.No.GCZMA/H.C.M/PIL.Suo Moto No.02/2022/23-24/01/ 511 Dated: 19/05/2023

**SHOW CAUSE NOTICE ISSUED UNDER SECTION 5 OF THE ENVIRONMENT (PROTECTION) ACT, 1986, READ WITH RULE 4 OF THE ENVIRONMENT (PROTECTION) RULES, 1986.**

**WHEREAS** the Goa Coastal Zone Management Authority (hereinafter referred to as 'the GCZMA' in short) has been constituted by the Ministry of Environment & Forests (MoEF), Government of India pursuant to the directions of the Hon'ble Supreme Court of India to deal, inter alia, with violation of the Coastal Regulation Zone (CRZ) Notification 2011 and implementation of the CRZ Notification.

**WHEREAS** a complaint letter dated 22/08/2022 was filed by Ramesh Mazumdar to this authority regarding illegal construction of structure on sea shore of Anjuna beach by AgustaD'souza.

**AND WHEREAS** a Writ Petition bearing no.2148/2018 (f) was filed by the Ramesh Mazumdar inter alia stating inaction on part various authorities on his complaint regarding said illegal construction.

**AND WHEREAS** the Hon'ble High Court of Bombay after hearing the matter vide order dated 4/10/2022 directed this authority along with Police Inspector Anjuna Police Station to conduct site inspection and submit status of construction at site.

**AND WHEREAS** a site inspection was carried out by officials of GCZMA and Police Inspector Anjuna on 04/10/2022 and report submitted to the Hon'ble High Court of Bombay.

**AND WHEREAS** the matter was again heard by the Hon'ble High Court on 11/10/2022. The Hon'ble Tribunal vide order dated 11/10/2022 directed as follows:-

*"5. For the present, we direct the Panchayat to forthwith go to the site and seal the construction. The Panchayat should also find out and report who has actually carried out this construction. The Police Inspectors of Anjuna Police Station should also depute police personnel at the site to ensure that the construction is sealed and there is no further construction activity at the site. Further, the Police Inspector should ensure that the construction is not occupied or any activity is carried out through the same. This structure shall not be put to any use."*

**AND WHEREAS** the matter was heard on 18/10/2022 by Hon'ble High Court of Bombay at Goa. The Hon'ble High Court of Bombay at Goa after hearing the matter vide order dated 18/10/2022 directed as follows:- "12. Accordingly, we direct the GCZMA and the Panchayat authorities to immediately hold a joint site inspection on Anjuna beach and to find out the status of not only the structures seen in the photographs but also the status of all such similar structures on Anjuna beach. Mrs Augusta D'Souza is perhaps right in her submission that even the other illegal structures cannot be allowed to remain on the beach.

13. According to us, it is rather difficult to accept that all these structures have come up either without the knowledge of the Panchayat or police authorities. In any case, we will examine this issue a little later. The Panchayat and the GCZMA should file before us a full report about the status of constructions on this Anjuna beach."

**AND WHEREAS** further vide order dated 19/10/2022 the Hon'ble High Court of Bombay at Goa has while disposing off the petition directed as follows:- "9. From the photograph placed in this case at least, prima facie, there seem to be several other structures that have come up in the No Development Zone or right on the Anjuna beach. Therefore, by our order dated 18th October 2022, we had directed the Panchayat and the GCZMA officials to hold a joint inspection and file a report on the status of all such constructions on the Anjuna beach.

10. However, we propose to dispose of this Petition by registering the material in this Petition as a Public Interest Litigation (Suo Motu) on the subject of illegal, unauthorized constructions on Anjuna beach. Therefore, the direction for joint inspection and submission of the report should be considered as a direction made in Public Interest Litigation (Suo Motu).

11. The Registry is directed to register a separate Public Interest Litigation (Suo Motu) in the above terms. The State of Goa, through the Chief Secretary, Village Panchayat of Anjuna – Caisua, Goa Coastal Zone Management Authority, and the Police Inspector, Anjuna Police Station, to be impleaded as the Respondents in the Public Interest Litigation (Suo Motu). Place the Public Interest Litigation (Suo Motu), after the same is registered and numbered, for consideration on 9th November 2022.

12. The learned Advocate General states that the report of the joint inspection and action taken report, if any, will be placed in Public Interest Litigation (Suo Motu) on 9th November 2022.

13. This Petition is disposed of with the above directions and accepting the above undertaking. Therefore, though this Petition is disposed of, the material therein and pleadings should be placed in the Suo Motu Petition.

14 *The issue of prima facie inaction on the part of the Authorities will now be examined in the Suo Motu Petition.*

15 *There shall be no order for costs."*

**AND WHEREAS** pursuant the directions of the Hon'ble High court of Bombay at Goa this Authority conducted by officials of GCZMA along with secretary of Village Panchayat Anjuna-Caisua with a joint site inspection from 28/10/2022 at 11.00 and onwards and the said exercise completed on 06/11/2022. The said officials submit a joint report to this Authority.

**AND WHEREAS** further vide order dated 01/03/2023 the Hon'ble High Court of Bombay at Goa has while disposing off the petition directed as follows:- At least prima facie, around 275 structures were found to be on the Anjuna beach and in NDZ area. It is the duty of the Goa Coastal Zone Management Authority (GCZMA), in the first place, to prevent the mushrooming of such constructions. In any case, after this material is placed on record by the Panchayat, it is certainly the duty of the GCZMA to inspect the beach/NDZ at Anjuna and initiate action in accord with law. 6. Learned Advocate General points out that the inspection which was carried out earlier was a joint inspection by the GCZMA and the Panchayat authorities. If this is the position, then, the GCZMA should also take action in accord with law particularly because the inspection report reveals that these structures were in the NDZ. 7 The GCZMA is therefore directed to take action in accord with law against these structures.

**AND WHEREAS** further vide order dated 11/04/2023 the Hon'ble High Court of Bombay at Goa has while disposing off the petition directed as follows:- Learned Advocate General states that the GCZMA will initiate action against the 175 structures for which the Panchayat has discharged the show cause notices. He states that the GCZMA will complete this action as expeditiously as possible and in any case within six months from today

**AND WHEREAS** further vide order dated 26/04/2023 the Hon'ble High Court of Bombay at Goa has while disposing off the petition directed as follows:- Accordingly, we quash and set aside the resolutions dated 13.01.2023, 06.02.2023, 20.02.2023, 14.03.2023, 15.03.2023 and 18.03.2023, which are tabulated herein above. Since we have set aside the above referred resolutions of the Panchayat, we deem it proper to direct the Village Panchayat of Anjuna-Caisua to decide and pass necessary orders on 175 show cause notices issued to the occupants/owners of these structures afresh, within period of two months from today. The legality of these structures shall be decided only in terms of Section 66 of the Act i.e. to determine whether the Panchayat has issued any construction license under Section 66 of the Act to these structures either under the Goa Panchayat Raj

Act or under the Goa (Regulation of Land Development and Building Construction) Act, 2008 and the Goa Land Development and Building Construction Regulations, 2010, and the procedure set out therein as referred to in this order. It is made clear that the production of house tax receipts or the trade license or electricity bills or water bills to prove the legality of the structures would be irrelevant for the purpose of passing an order on the show cause notice under Section 66 of the Act. The sole criteria for the Panchayat's decision under that provisions would be, whether it has issued a valid building license under the Act. Needless to say, that this decision would be always subject to the decision of the GCZMA on the legality of these structures under the CRZ notification and no discharge of the show cause notices can be granted on any other conditions.

**AND WHEREAS** the said matter was taken up on 333<sup>rd</sup> Meeting held on 02/03/2023 and the decision is as follows: after detailed discussion and due deliberation decided to issue necessary notices to concerned parties in order to comply with directions of the Hon'ble High Court of Bombay at Goa in PIL SUO MOTO No.02/2022.

**AND WHEREAS** upon close perusal of the said joint site inspection report submitted by officials of GCZMA along with secretary of Village Panchayat Anjuna-Caisua the following alleged illegal construction resulting violation of CRZ Notification 2011 is noticed:

Sr.no.	Name of the Party/alleged violator	Survey No/GPS reading / Village	Type of Construction	Distance from HTL
1.	Romeo Lane Resto-Bar/Club Its owner and representative Mr.Robert F. Coutinho and Mr.Vidur Sheth	213/5of Village Anjuna, Bardez Taluka 15° 35' 31.13" 73° 44' 01.63" 15° 35' 31.81" 73° 44' 01.99" 15° 35' 32.40" 73° 44' 00.94"	Laterite stone staircase leading to Restaurant Deck Metal fabricated G+1 with deck on top and kitchen /restaurant below with permanent plinth	Within NDZ area

**AND WHEREAS,** all proposed 're-construction/construction/development/repair', and other permissible activities between 100 mts. from the River, and 500 mts of the Sea require the prior approval of the GCZMA under the CRZ Notification, 2011.

AND WHEREAS the alleged construction/ activity appears to be without any prior approval of GCZMA as required under CRZ Notification, 2011.

NOW THEREFORE in exercise of the powers conferred by section 5 of the Environment (Protection) Act, 1986 read with sub-rule (3) (a) of rule 4 of the Environment (Protection) Rules, 1986, read with power vested with the GCZMA vide Order S.O. 6071 (E) dated 27/12/2022 issued by the Ministry of Environment & Forests, Government of India, the GCZMA, hereby directs you to **SHOW CAUSE** as to why a direction to demolish the structures and to restore the land to its original condition should not be issued to you and why environmental compensation shall not imposed on you for for cousing distruction of environment.

FURTHER TAKE NOTE THAT, you are required to file your reply along with compliance report and construction/reconstruction/repair licence/approvals, if any, issued by the concerned Authorities including GCZMA along with approved plan, as also documents to show the title to the Office of the GCZMA, having its Office at 4th Floor, Dempo Towers Patto, Panaji- Goa within 15 days from the receipt of the notice. Please take note that if you fail to submit your reply/appear along with the required documents, the GCZMA will come to the conclusion that you have no justification to carry out activities as above stated and the Authority shall proceed to issue final directions to you in this regard without any further notice which inter alia includes order of demolition of structures, disconnection of water / power supply etc.

*Gitte*  
(Dr. Sneha Gitte, IAS)  
Member Secretary (GCZMA)

To  
✓ Romeo Lane Resto-Bar/Club Its owner and representative Mr. Robert F. Coutinho and  
Mr. Vidur Sheth, Anjuna Bardez Goa 403509

Copy to:

1. The Collector & District Magistrate (North), Office of the Collector (North), Panaji -Goa... for information and necessary action.
2. The Dy. Collector and S.D.O of Bardez, Office of the Dy. Collector and S.D.O of Bardez, Mapusa-Goa... for information and necessary action.
3. The Secretary, Village Panchayat of Anjuna Bardez-Goa... with the direction to serve the violator and if failed to serve the violator by normal mode of services concerned panchayat hereby directed to serve the violator through affixation by pasting this notice on door or wall of subject matter structure and submit a compliance report to this office with immediate effect.

Sr.No	Village/ Taluka	Survey No	CRZ Zone	Name of premises	Details of Structure	Owner / Occupier	GPS Reading	Remarks
161	Anjuna Bardez	213/5	CRZ-III NDZ	Romeo Lane - Resto- Bar/Club	Temporary Structure of Bamboo/wood (at entrance)  Temporary Structure of Bamboo/wood (at entrance and leading to the restaurant deck)	Robert F. Coutinho Vidur Sheth	15° 35' 29.02" 73° 44' 05.84"  15° 35' 28.97" 73° 44' 05.62"  15° 35' 28.96" 73° 44' 05.39"  15° 35' 28.96" 73° 44' 05.39"  15° 35' 30.98" 73° 44' 01.79"	NOC issued by GCZMA vide No. GCZMA/Shac k-hut-cott- tent/17- 18/73/1484 dated 1/11/2021
162	Anjuna Bardez	213/5	CRZ-III NDZ	Romeo Lane Resto- Bar/Club	Laterite stone staircase leading to Restaurant Deck  Metal fabricated G+1 with deck on top and kitchen /restaurant below with permanent plinth	Robert F. Coutinho Vidur Sheth	15° 35' 31.13" 73° 44' 01.63"  15° 35' 31.81" 73° 44' 01.99"  15° 35' 32.40" 73° 44' 00.94"	







