

**BEFORE THE NATIONAL GREEN TRIBUNAL,
(WESTERN BENCH) PUNE**

Original Application No. 18 of 2020

BETWEEN:

Nalini Da Rosa Fernandes

... Applicant

Versus

Goa Coastal Zone Management

Authority & Ors.

... Respondents

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Place: Pune

Date: 10.11.2021

Advocate for the Applicant

Adv. Samridhi S. Jain

A-10, LGF, Lajpat Nagar III, New Delhi-110024

Mbl: +91 9890210579

samridhi12318@@gmail.com



Lally

Solemnly affirmed before me by
Shri/Smt. Nalini Da Rosa Fernandes **92**
Who has been identified by His/Her/Advocate
PAN Card No. AEPD5665D
Known to me personally Mapusa, Bardez-Goa
Dated 10.11.2021
Lally
J. G. Deshpande B.A.L.L.B.
Advocate & Notary Public
Mapusa-Goa. Reg. No. 203
Regn. No. 9820/2021

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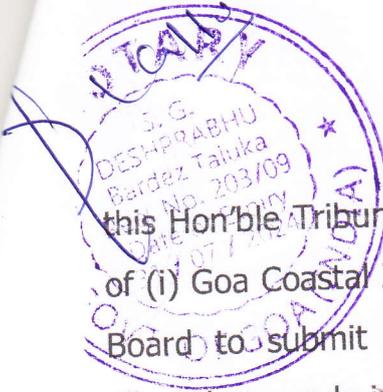
... Respondents

ADDITIONAL AFFIDAVIT ON BEHALF OF THE APPLICANT

I, Nalini Da Rosa Fernandes, Age: Adult, Occ: Business, R/at House No. 7/2F, Sauntavaddo, Calangute, Baga, Bardez, Goa- 403516, do hereby state on solemn affirmation state as follows-

1. That I am the Applicant in the above-mentioned Original Application and as such I am conversant with the facts and circumstances of the case and am competent to swear this affidavit.
2. Vide the present Application, the Applicant herein has challenged the illegal construction of Zinhos Beach Resort, Zinhos (L) Beach Resort and Zinhos I Beach Resort (hereinafter referred to as "Zinhos Beach Resort") located at Survey No. 243/13A and Survey No. 243/4, comprising of a Ground + 2 structure having 32 rooms and a swimming pool, at Saunta Vaddo, Calangute, Bardez- Goa undertaken post 1991, within the 'No Development Zone' of 200 meters from the High Tide Line in terms of the Coastal Regulation Zone Notification, 1991 and the Coastal Regulation Zone Notification, 2011, without the approval of Competent Authority.
3. That on 24.08.2020, the aforesaid Original Application was listed before this Hon'ble Tribunal for admission, wherein this Hon'ble Tribunal, vide its order dated 24.08.2020 was pleased to issue notices to the Respondents. Further,

Fernandes


 this Hon'ble Tribunal vide its order, also constituted a Committee consisting of (i) Goa Coastal Zone Management Authority and (ii) Goa Pollution Control Board to submit a factual and action taken report with regard to the allegations made in the present Original Application.

4. In terms of the order dated 24.08.2020 passed by this Hon'ble Tribunal, the Joint Committee comprising of the Goa Coastal Zone Management Authority and the Goa Pollution Control Board on 11.01.2021 submitted an Action Taken Report before this Hon'ble Tribunal. Vide the said Action Taken Report, the Joint Committee has annexed a Site Inspection Report of the Site Inspection conducted on 14.10.2020 at Zinhos Beach Resort, Calangute, Bardez, Goa in terms of the order dated 24.08.2020 passed by this Hon'ble Tribunal. In the said Inspection Report, the Joint Committee recommended the Land Survey Department to demarcate the NDZ Line of 100, 200 and 500 meters on the Survey Plan, in order to establish the status of the Zinhos Beach Resort.
5. In terms of the Joint Committee Report dated 14.10.2020, the Directorate of Settlement and Land Records, Panaji Goa on 14.12.2020 conducted a Site Inspection at Survey No. 243, Calangute, Bardez, Goa for identification of the illegal structures at the Impugned Site. During the Site Inspection on 14.12.2020, the Directorate of Settlement and Land Records relied on the Site Plan for the Survey No. 243 as prepared by the Government of Goa, Directorate of Settlement and Land Records, Panaji, Goa to show that the impugned construction was within the No Development Zone of the CRZ Notification. However, in the said Site Plan, the Directorate of Settlement and Land Records failed to demarcate the 200 meter High Tide Line in terms of the CRZ Notification. The Applicant on 28.01.2021 has obtained the copy of the Site Inspection Report dated 14.12.2020 conducted by the Directorate of Settlement and Land Records along with the Site Plan as prepared by the

N. N. Nandus



Government of Goa, Directorate of Settlement and Land Records through Right to Information Act.

A copy of the Site Inspection Report dated 14.12.2020 conducted by the Directorate of Settlement and Land Records along with the Site Plan as prepared by the Government of Goa, Directorate of Settlement and Land Records, Panaji, Goa is enclosed herewith as **ANNEXURE A-1**.

6. As the Site Inspection Report dated 14.12.2020 prepared by the Directorate of Settlement and Land Records, Panaji, Goa did not demarcate the 200 meter High Tide Line in terms of the CRZ Notification on the Site Plan, the Advocate for the Applicant during the course of proceedings before the Goa Coastal Zone Management Authority on 25.02.2021 objected to the said Inspection Report. In view of the objection raised by the Advocate for Applicant, the Goa Coastal Zone Management Authority on 25.02.2021 directed the Directorate of Settlement and Land Records to demarcate the HTL, 200 meters line and the offending structures on the Site Plan.
7. In view thereof, on 26.03.2021 the Directorate of Settlement and Land Records further conducted a Site Inspection at Survey No. 243/4, 243/13 and 243/13-A to identify the illegal structures at the impugned site. During the Site Inspection on 14.12.2020, the Directorate of Settlement and Land Records relied on a Revised Site Plan for the Survey No. 243 as prepared by the Government of Goa, Directorate of Settlement and Land Records, Panaji, Goa to show that the impugned construction was within the No Development Zone of the CRZ Notification. The said Revised Site Plan, clearly demarcated the 200 meters CRZ Line as well as the High Tide Line. In the said Revised Plan, the impugned construction at Survey No. 243, Village Calangute, Bardez Goa is shown to be within 200 meters of the CRZ Line. The Applicant on 16.07.2021 has obtained the copy of the Site Inspection Report dated 26.03.2021 conducted by the Directorate of Settlement and Land Records along with the Revised Site Plan as prepared by the Government of Goa,

Nunands

Directorate of Settlement and Land Records through Right to Information Act.

A copy of the Site Inspection Report dated 26.03.2021 conducted by the Directorate of Settlement and Land Records along with the revised Site Plan as prepared by the Government of Goa, Directorate of Settlement and Land Records, Panaji, Goa is enclosed herewith as **ANNEXURE A-2**.

- 8. It is submitted that under the CRZ Notification, an area up to 200 meters from the High Tide Line on the landward side in case of seafront is to be earmarked as "No Development Zone". Thus, the Impugned Construction of Zinhos Beach Resort falling within the 200 meters of the High Tide Line, is within the No Development Zone and therefore illegal in terms of the CRZ Notification.
- 9. Thereafter, the aforesaid Original Application was listed before this Hon'ble Court on 15.09.2021, whereby the Advocate for the Applicant categorically submitted that in view of the demarcation undertaken by the Land Survey Department, the constructions of the Respondent No.2 to 4 were illegal. As the aforesaid Site Plans of the Directorate of Settlement and Land Records have not been brought on record by the Respondent Authority, the Applicant vide the Present Additional Affidavit is bringing the same on record for the just and fair adjudication of the present Original Application.

N Fernandes

DEPONENT

Identified by PAN Card No AFSPD5665D

VERIFICATION

Mapusa,

Verified at Goa, on this the *10th* day of November, 2021 that the contents of the present affidavit are true and correct to the best of my knowledge and belief.

BEFORE ME
 At MAPUSA, GOA ON *10/11/2021*
Lallo
S. G. Deshpabhu
 B.A.L.L.B
 Advocate & Notary Public
 Mapusa-Goa
 Reg. No 203
 Regn No *9821/2021*



N Fernandes

DEPONENT

Identified by PAN Card No AFSPD5665D

PROCEEDINGS OF SITE INSPECTION

ANNEXURE A-1

FILE NO:- 19/DSL/Resurvey-Cell/ CR2 -mapping 120137
DATE: 14/12/2020

SUB: 1) CRZ delineation
2) Survey/Mapping of Structures ✓

REF:- GCZMA/N/NGF-Matter/O.App.No.18/2020/20-21/12/17
advised 04/12/20

Village: calangute Taluka: Bardez Survey: 243 Sub. Div. No. _____

Parties /Officers Present:-

- 1) Satish Kumar G Nair 14/12/2020 o/o GCZMA.
- 2) ANGEL D. FERNANDES
- 3) Nalini da Rosa Fernandes Demands Complainant

INFORMATION/COPY/COPIES/ISSUED
UNDER RIGHT TO INFORMATION ACT 2005
Vide Ref No 19/DSL/Resurvey-Cell/CR2-Res/21/04/1328
Date: 20/11/2021

14/12/2020

Parties Absent:-

INFORMATION OFFICER,
SUPERINTENDENT OF SURVEY & LAND
RECORDS PANAJI-GOA

Brief description of proceedings:-

vide above referenced Notice of site inspection dated 04/12/2020. of o GCZMA:- the site inspection was conducted in presence of GCZMA office representative, signed above. Accordingly as identified alongwith the GCZMA representative, A structure (6+2) alongwith the swimming pool was surveyed.

Signatures:
14/12/2020 (F.S.)
P&LR, Panaji
14/12/2020
D. F. Fernandes
D. S. Fernandes
14/12/2020



GOVERNMENT OF GOA
Directorate of Settlement and Land Records
PANAJI-GOA

INFORMATION/COPY/COPIES/ISSUE:
UNDER RIGHT TO INFORMATION ACT 2005
Vide Ref No. 19/DSL/Re-Cell/CRZ-Map/21/04/328
Dated: 28/1/2021

INFORMATION OFFICER/
SUPERINTENDENT OF SURVEY & LAND
RECORDS PANAJI-GOA



SITE PLAN

as per the notice of site inspection of Member Secretary, Goa Coastal
Zone Management Authority, vide their letter No.GCZMA/N/NGT-Matter
O.App No.18/2020/20-21/02/1217 dtd.04/12/2020 in respect of Survey No./
Sub Div No.243/13, 243/13-A and 243/4 of Village Calangute of Bardez Taluka.

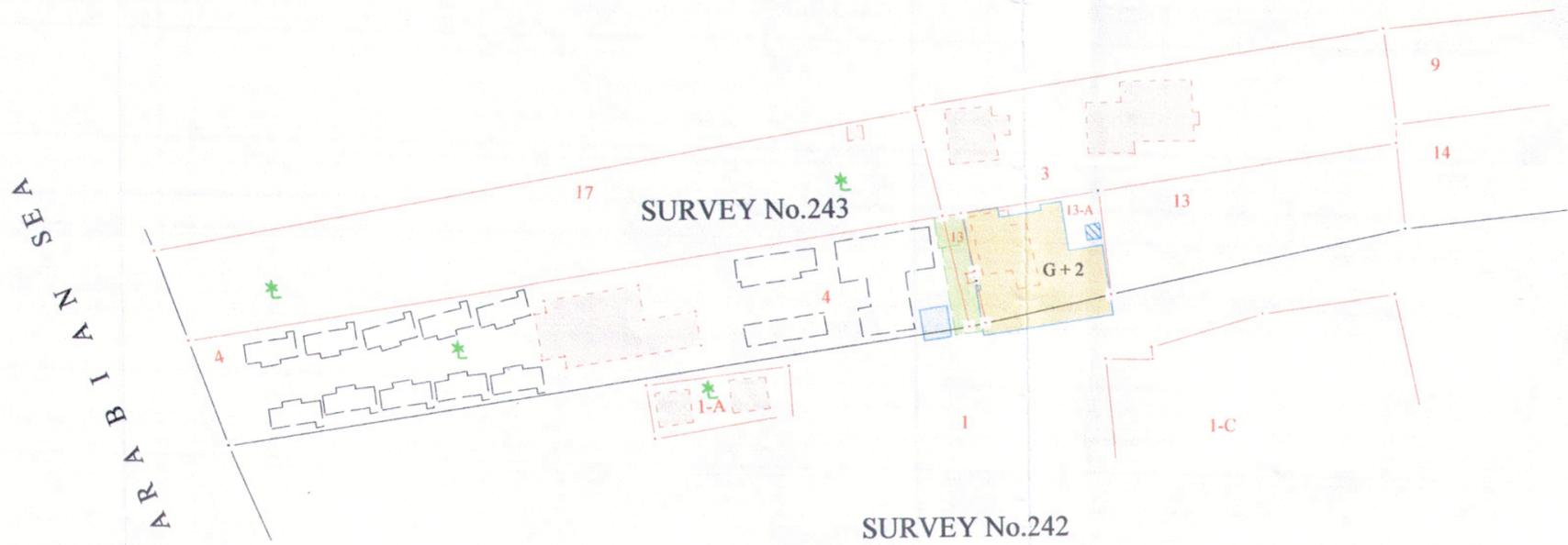
Scale :1:1000

NOTE:-

THE LEGALITY / ILLEGALITY OF STRUCTURES SHOWN ON THIS PLAN IS NOT KNOWN AND THEREFORE
THIS PLAN SHALL NOT BE USED FOR ANY PURPOSE SUCH AS DEVELOPMENT OF STRUCTURES, REVENUE
SURVEY MATTERS, OBTAINING LICENSES, PERMISSIONS, CONVERSION OF LAND, ETC. THIS PLAN SHALL

LEGEND

-  New structure
-  Temporary Shed
-  Structure as per Survey Plan
-  Plinth
-  Swimming Pool



Surveyed & Prepared by

Mandar M. Phadte (F.S.)

Rajesh Harmalkar (F.S.)

Verified by

Yeshwant Bicholkar

Yeshwant Bicholkar
(Head Surveyor)

TRUE COPY

Surveyed on :- 14/12/2020

FILE NO.19/DSL/Re- Cell/CRZ-Mapping/20/37

GOVERNMENT OF GOA
DIRECTORATE OF SETTLEMENT & LAND RECORDS,
PANAJI-GOA

Project
16/3/2021
INFORMATION OFFICER,
SUPERINTENDENT OF SURVEY & LAND
RECORDS PANAJI-GOA

PROCEEDINGS OF SITE INSPECTION

ANNEXURE A-2

FILE NO:- 19/DSLRL/Resurvey Cell/ CRZ-Mapping 120/37
DATE: 28/03/2021

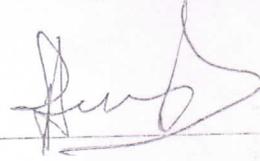
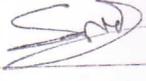
SUB: 1) CRZ delineation

2) Survey/Mapping of Structures ✓

REF:- GCZMA/NGT Matter/DA No. 18/2020/20-21/02/3051 dt. 18/03/2021

Village: Calangute Taluka: Bardez Survey: 243 Sub. Div. No. 4,13,13-A

Parties /Officers Present:-

- (1) Angelo Furtado 
- (2) Nalini da Rosa Fernandes
- (3) Satish Kumar G Nair 

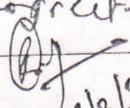
Parties Absent:-

Brief description of proceedings:-

vide letter No. GCZMA/NGT Matter/DA. No. 18/2020/20-21/3051
dt. 18/03/2021 of go GCZMA, Accordingly the undersigned
along with the representative of GCZMA Shri Satish
Kumar Nair, F.S visited the site and accordingly
measurements were taken in the presence of the
parties present at site at sr. No. (2) & sr. no.
(5). Accordingly order to submit the fresh plan
to the Authority i.e. GCZMA. Measurement of swimming pool
& shed were re-converted i.e. pool (5.0x10.20) & shed (3.20x10.50)

Signatures:




26/3/2021 (F.S)
DSLRL, Panaji


26/3/2021

Nalini da Rosa
Fernandes

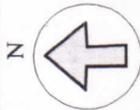


GOVERNMENT OF GOA
 Directorate of Settlement and Land Records
 PANAJI-GOA

INFORMATION COPIES ISSUED UNDER RIGHT TO INFORMATION ACT 2004
 Vide Ref No 19/Dis.L.Rc-go4/2011-22/2024 dt. 11/09/2024

D. Jayant
 16/7/2021

INFORMATION OFFICER,
 SUPERINTENDENT OF SURVEY & LAND RECORDS, PANAJI-GOA



REVISED SITE PLAN

Showing therein the location of structures as per re-survey conducted vide Notice of site inspection of Member Secretary, Goa Coastal Zone Management Authority, vide their letter No.GCZMA/NGT Matter/O.A No.18/2020/20-21/02/3051 dtd.18/03/2021 in respect of Survey No./ Sub Div No.243/13, 243/13-A and 243/4 of Village Calangute of Bardez Taluka.

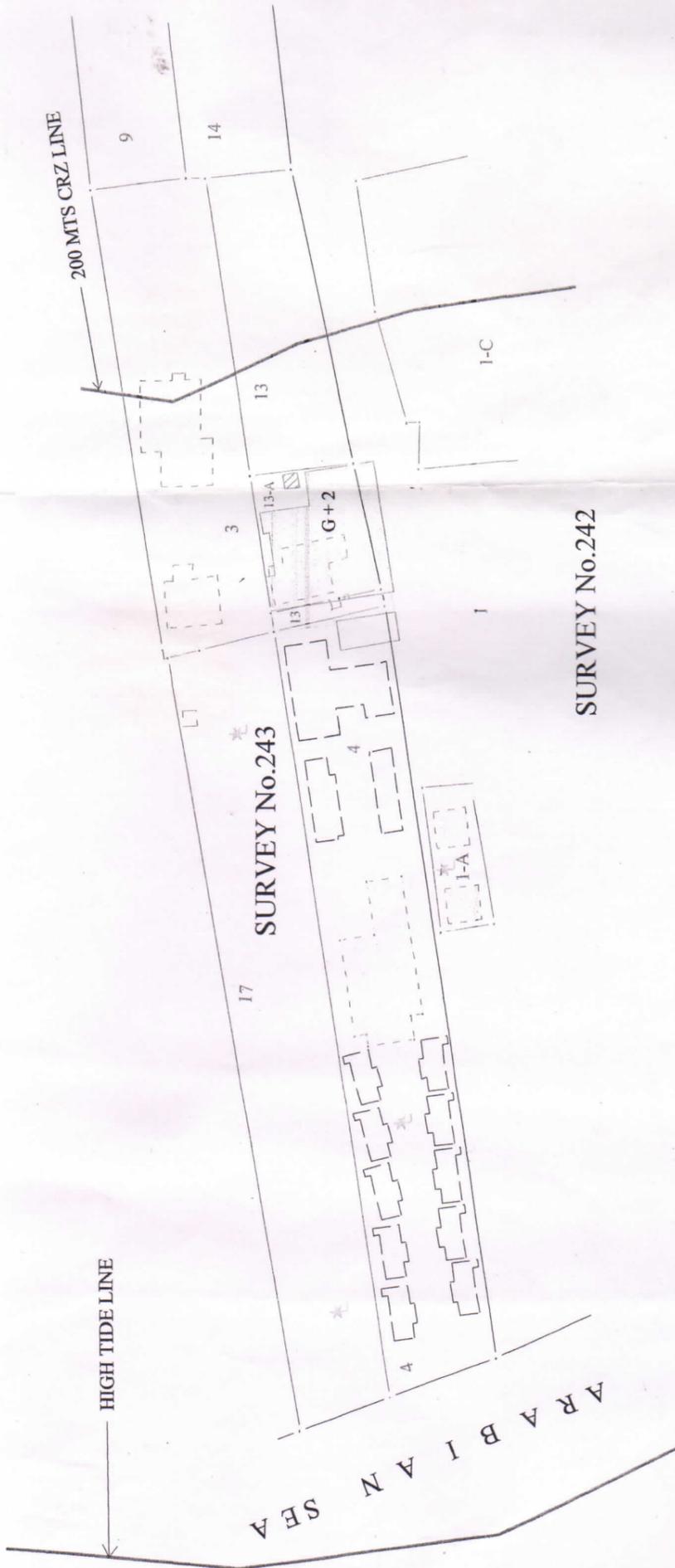
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NOTE:-

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LEGEND

	New structure
	Temporary Shed
	Structure as per Survey Plan
	Plinth
	Swimming Pool



Verified by
Yeshwant Bicholkar
 Yeshwant Bicholkar
 (Head Surveyor)

Surveyed & Prepared by
Rajesh Harmalkar
 Rajesh Harmalkar (F.S.)

Additional Affidavit in OA No. 18/2020 between Nalini Da Rosa Fernandes V. GCZMA & Ors.

[Details](#)

To: fawia31@gmail.com, ruchiragupta2010@gmail.com, shivandesai@hotmail.com, Cc: nalinif fernandes

Sir/Ma'am,
I appear on behalf of the Applicant in the aforementioned matter.
With reference to the aforementioned matter, PFA herewith a copy of the Additional Affidavit on behalf of the Applicant to be filed before the Hon'ble National Green Tribunal, Western Zone, Pune.
Kindly consider this email as service of the Additional Affidavit and acknowledge the receipt of the same.



Additional
Affidav...ant.pdf

Thanks & Regards,

Samridhi Jain, Advocate,
Supreme Court of India
A-10, LGF, Lajpat Nagar III,
New Delhi-110024.
Mob- 9890210579
[Email: samridhi12318@gmail.com](mailto:samridhi12318@gmail.com)