

BEFORE THE NATIONAL GREEN TRIBUNAL WESTERN
ZONE BENCH , PUNE

Execution Application No.5/2023 (WZ)

In

In Appeal No.16/2022(WZ)

Suvarn Rajaram BandekarApplicant

Versus

GCZMA & Ors.Respondent(s)

AFFIDAVIT ON BEHALF OF RESPONDENT NO. 3

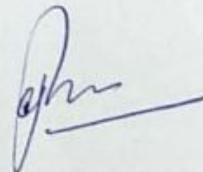
I, Shri Uday R. Prabhu Dessai, Major in age, Occupation: Service, R/A: Kakoda, Curchorem, South Goa, take oath and state on solemn affirmation as under:

The Respondent No.3 submits in the above matter as follows:

1) I say and submit that , as regards Para Nos.1 to 12, 14, 15 & 16 no comments are necessary from the Respondent no. 3.

2) With respect to the contents in Para-No.13 I say and submit as under :

a) The Respondent No.1 vide order No. GCZMA/SMWP/12-13/01/2349 dated 25/03/2022 issued direction under section 5 of the Environment (Protection) Act, 1986, read with rule 4 of the Environment (Protection) Rules 1986 directing Respondent No.5, 6,7, 8,9, 10, 11 & 12 to demolish all the existing structures located in survey No.16/7 of village Sernabatim and restore the land to its original condition, within 30 days. The Dy. Collector &



SDO, Salcete, Margao, South Goa to verify the structures are removed/demolished and in the event, it is not removed as per directives, then the Dy. Collector shall remove the said structures within a period of two weeks and recover the expenses incurred from violators. The copy of the direction is annexed here with and marked as Annexure "A".



b) Accordingly, Respondent no. 3 vide Memorandum No. DYC/SDO/ CRZ/ 4504/2022 /2605-I dated 01/04/2022 directed the Mamlatdar of Salcete, to ensure/verify that Respondent No. 5, 6 ,7 , 8, 9, 10, 11 &12 had demolished all the existing structures located in survey No.16/7 of village Sernabatim and restore the land to its original condition. The said memorandum is annexed herewith and marked as Annexure "B".

c) The Mamlatdar of Salcete vide letter No.MAM/SAL/AK/CRZ/ Demo/ 2022 /2145 dated 28/06/2022 had informed the Respondent no. 3 that inquiry was conducted through the Talathi of Colva village and it is reported that Respondent No.5, 6,7, 8,9, 10, 11 & 12 have not demolished all the existing structures located in the survey No. 16/7 of village Sernabatim and have not restored the land to its original state. The said letter is annexed herewith and marked as Annexure "C".

d) Subsequently, the Respondent no. 3 was in receipt of Appeal No.16/2022 (WZ) with LA. No. 50/2022(WZ) from this Hon'ble Tribunal.

e) It is submitted that the Respondent No.1 vide letter No. GCZMA/SAL/SERNA/12-13/01/2027 dated 06/12/2022 has informed that demolition order dated 25/03/2022 which was

passed by Respondent no.1 was challenged in an Appeal by the Respondent violators in Appeal bearing No. 16/2022 before Hon'ble National Green Tribunal, Pune vide judgment/order dated 21/10/2022 thereby dismissing the said appeal. Further informed that the Respondent violators challenged the said judgment/order dated 21/10/2022 passed by Hon'ble National Green Tribunal, Pune in Appeal bearing no. 16/2022 before the Hon'ble Supreme Court in Civil Appeal no. 8563/2022. The Hon'ble Supreme Court of India vide order dated 25/11/2022 was pleased to dismiss the said Civil Appeal no. 8563/2022 and requested to implement/execute the demolition order dated 25/03/2022 issued by Respondent no.1. The order of Hon'ble Supreme court is annexed herewith and marked as Annexure "D".

f) Accordingly, the Respondent no. 3 vide Memorandum No.SDO/SAL/CRZ /Demo/14534/2022/7943 dated 14/12/2022 & No.SDO/ SAL/ CRZ/Demo/14534/2022/8160 dated 22/12/2022 directed Mamlatdar of Salcete to conduct joint site inspection with Executive Engineer, WD-VI (Roads South), PWD, Fatorda, Margao Goa and representative of Goa Coastal Zone Management Authority, Panaji Goa. The said memorandum is annexed herewith and marked as Annexure "E" &"F".

g) After inspection of said structures, the Executive Engineer, WD-VI (Roads South), PWD, Fatorda, Margao Goa vide letter No. PWD/WDVI /ASW/F-140/584/2022-23 dated 03/01/2023 informed that structures to be demolished were G+1, G+2 and other structures and such demolition required specialised demolition agency and methodology and requested to direct Goa





Coastal Zone Management Authority, Panaji Goa to appoint consultant to ascertain the method & machinery required for demolition based on which estimate can be framed and tendered only after deposition of funds required for execution of work. The said communication is annexed herewith and marked as Annexure "G".

h) Accordingly, Respondent no.3 vide letter No.SDO/SAL/ CRZ/ Demo/14534 /2022/343-1 dated 16/01/2023 has requested the Respondent No.1 to appoint consultant to ascertain the methodology and to place funds at disposal of the Executive Engineer, WD V,I PWD, Fatorda, Margao Goa or work may be executed through concerned Government agencies at their level. The letter is annexed herewith and annexed as "H"

i) I further say and submit that Reminder letter No. SDO/SAL/CZ/Demo/14534/2022/930-1 dated 09/02/2023 was sent to the Respondent No.1 to take necessary action in the above matter. However, no response has been received. The Reminder letter is annexed herewith and annexure as "I"

j) In order to avoid contempt of Hon'ble Supreme Court the Respondent no. 3 had issued demolition order bearing No. SDO/SAL/DEMO/2023/06 dated 06/02/2023, which was fixed on 15/02/2023, to demolish all the existing structures located in Sy. No.16/7 of village Sernabatim, Salcete Goa carried out by Respondent No.5, 6, 7, 8, 9, 10, 11 & 12. The copy of the order is annexed herewith and annexed as Annexure J.

k) I say and submit that the Executive Engineer WD VI, PWD, Fatorda, Margao Goa, did not report at site. Hence the

demolition could not be carried out. When contacted, the office informed to place the funds at their disposal to carry out demolition.

l) I say and submit that accordingly, Respondent no. 3 vide letter No.SDO/SAL/CRZ/DEMO/14534/2022/1062-1 dated 16/02/2023 informed the same to the Respondent No.1 and once again requested to place funds at the disposal of the Executive Engineer, WD-VI (Roads) ,PWD, Fatorda, Margao Goa in order to enable the Respondent no. 3 to execute the orders. The Respondent no. 3 also requested the Respondent No.1 to execute the demolition work at their level and further informed that Respondent no. 3 shall provide them the necessary police protection and magisterial arrangement. The letter is annexed herewith and marked as Annexure "K").

m) I say and submit that the Respondent No.1, vide letter No. GCZMA/SAL/SERNA/12-13/01/2765 dated 08/03/2023 has requested Respondent no. 3 to demolish the said structures and to make arrangements to recover cost from violator as arrears of Land Revenue Code. The Respondent No.1, further informed to coordinate with concerned authorities including the Executive Engineer, WD-VI(Roads), PWD, Fatorda, Margao Goa and implement/execute the demolition order dated 25/03/2022 issued by GCZMA. A copy of the letter is annexed herewith and marked as Annexure "L".

n) Accordingly, the Respondent no. 3 vide letter No. SDO/SAL /CRZ/DEMO/2023/1505-1 dated 13/03/2023, once again requested GCZMA to place funds at the disposal of the



Executive Engineer, WD-VI(Roads), PWD, Fatorda, Margao Goa at the earliest in order to execute the demolition order. The Hon'ble National Green Tribunal, Pune has issued Notice to the Respondent No.3 and matter was posted for hearing on 08/05/2023. The Respondent no. 3 had issued demolition order second time bearing No. SDO/SAL/DEMO/2023/19 dated 29/03/2023, which was fixed on 17/04/2023. A copy of letter is annexed herewith and marked as Annexure "M".



o) I say and submit that the Respondent no. 3 again issued the demolition order for the second time vide order bearing no. SDO/SAL/DEMO/2023/19 dated 29.03.2023 which was fixed on 17.04.2023. The copy of the order is annexed herewith and marked as Annexure "N".

p) However, the Executive Engineer, WD-VI(Roads), PWD, Fatorda, Margao Goa vide letter No.PWD/WDVI/SDIV/F-14/2023-24/09 dated 10/04/2023 informed the Respondent no. 3 that an estimate to provide demolition Squad has been processed to the Government for sanction and requested to defer all major demolitions till the contractor to supply demolition squad is finalized after tendering procedure. The copy of the letter is annexed herewith and marked as Annexure "O".

q) I further say and submit that, the Mamlatdar of Salcete vide letter No. MAM/SAL/DEMOLITION/2023/1661 dated 17/04/2023 reported that the demolition of the said structures was not carried out as it was informed by the office of the Executive Engineer, WD-VI (Roads), PWD, Fatorda that they do not possess the requisite machinery to carry out the demolition of

the said structures. Hence, the above referred demolition order could not be executed. A copy of the said letter is annexed herewith and marked as Annexure "P".



r) Accordingly, the Respondent no. 3 vide letter No.SDO/SAL/CRZ/Demo/2023/2076 dated 18/04/2023 has informed the Respondent no. 1 that the above demolition was not carried out. A copy of the said letter is annexed herewith and marked as Annexure "Q".

s) I further say and submit that the present Respondent again for the third time issued demolition order bearing No. SDO/SAL/DEMO/2023/38 dated 25/04/2023, which was fixed on 04/05/2023. A copy of the same is annexed herewith and marked as Annexure "R".

t) I further say and submit that, the Mamlatdar of Salcete vide letter No.MAM/SAL/DEMOLITION/2023/1914 dated 04/05 /2023 informed that the demolition of the said structures was not carried out as it was informed by the office of the Executive Engineer, WD-VI(Roads), PWD, Fatorda, Margao that they do not possess the requisite machinery to carry out the demolition of the said structures. Hence, the above referred demolition could not be executed. A copy of the said letter is annexed herewith and marked as Annexure "S".

u) Accordingly, the Respondent no. 3 vide letter No.SDO/SAL/CRZ/Demo/2023/2408-I dated 05/05/2023 has informed the Respondent No.1 that the above demolition dated 25/04/2023 was not carried out. A copy of the said letter is annexed herewith and marked as Annexure "T".



v) However, the Executive Engineer, WD-VI(Roads), PWD, Fatorda, Margao vide letter No.PWD-WD-VI/ADM/F.69/23-24/447 dated 29/05/2023 had informed that estimate amounting Rs. 42,45,205/- has been submitted for sanction by the Government and requested to differ major demolitions till the work order is issued. A copy of the said letter is annexed herewith and marked as Annexure "U".

w) I say and submit that, the Respondent No.3 had issued 4th time demolition order bearing No.SDO/SAL/DEMO/2023/116 dated 29/08/2023, which was fixed on 12/09/2023. A copy of the said order is annexed herewith and marked as Annexure "V".

x) I say and submit that accordingly, the Respondent no.3 vide letter No.SDO/SAL/Demo/2023/4215 dated 13/09/2023 has informed the Respondent No.1 that the above demolition dated 29/08/2023 was not carried out and requested to deposit the funds at the disposal of the Executive Engineer, WD-VI(Roads), PWD, Fatorda, Margao. A copy of the said letter is annexed herewith and marked as Annexure "W".

y) I further say and submit that the Executive Engineer, WD-VI(Roads South), PWD, Fatorda, Margao Goa vide letter No. PWD/WDVI/ASW/F-140/470/2023-24 dated 11/09/2023 informed that their office is not having any work order for demolition squad. In case of urgency, GCZMA may be directed to deposit the amount of Rs.68,300/- per day. The demolition Squad shall consist of providing 2 JCB's, 2 tipper trucks and 20 labourers. Any other machinery/tools required for demolition

shall have to be arranged separately by the GCZMA. A copy of the same letter is annexed herewith and marked as Annexure "X".

z) I therefore, say and submit that the Respondent No. 3 had made every endeavour to comply with every order of this Tribunal. Hence this Affidavit.

Hence, I say that all the above mentioned contents are true and correct to the best of my personal knowledge, information and belief and hence I solemnly affirm the same on this the 17th day of November 2023 at Margao Goa.

[Handwritten Signature]
Affiant

I know the Affiant

Advocate

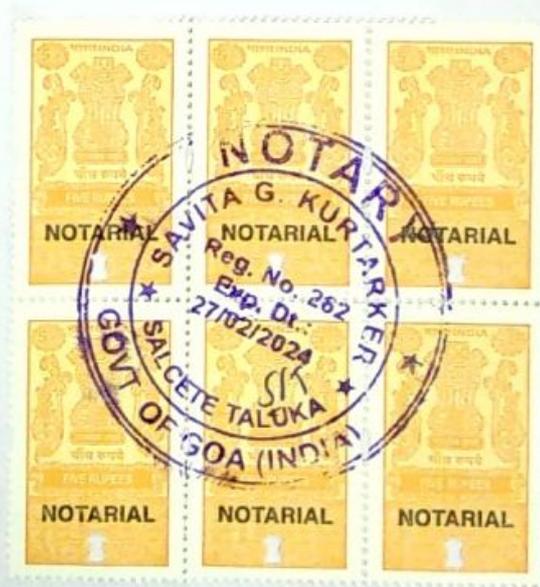


Solemnly affirmed before me by
Mr. Uday R. Prabhu Desai
~~who is identified to me by~~

to whom I personally know on
this 17th day of Nov, 2023

Reg No 20051/2023

[Handwritten Signature]
SAVITA G. KURTARKE
NOTARY
MARGAO-GOIA



GOA COASTAL ZONE MANAGEMENT AUTHORITY

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

4th floor, Dempo Towers, Patto, Panaji-Goa

E-mail: goacoastalzone@gmail.com

Ref. No. GCZMA/SAL/SERNA/12-13/01/2349

Date: 23/03/2022

MOST URGENT
NGT DIRECTIONAL MATTER

OFFICE OF DY COLLECTOR	13/03
SDO/SOM, B-GAD GOA	
Date	30/03/2022
Inward No	4504

DIRECTIONS UNDER SECTION 5 OF THE ENVIRONMENT (PROTECTION)
ACT, 1986. READ WITH RULE 4 OF THE ENVIRONMENT (PROTECTION)
RULES, 1986.

Sub: Directions to demolish structures in Survey no.16/7 Sernabatim, Salcete Goa.

- Ref: (1) Original application bearing no.23/2013 (renumbered to 480/2018) filed by Mr.Suvarn Bandekar before Hon'ble NGT,Pune.
(2) Order of demolition dated 05/12/2014 issued by GCZMA.
(3) Appeals bearing no.126/2018 (earlier appeal no.39/2014) and Appeal no.128/2018 (earlier appeal no.43/2014) before the Hon'ble National Green Tribunal.
(4) Order dated 13/12/2018 in Application no.23/2013 passed by the Hon'ble NGT, New Delhi.
(5) Letter/representation dated 14/01/2019 on behalf of original complainant.
(6) Order dated 20/12/2018 passed in Appeals bearing no.126/2018 (earlier appeal no.39/2014) and Appeal no.128/2018 (earlier appeal no.43/2014) before the Hon'ble National Green Tribunal, New Delhi.
(7) 202nd GCZMA meeting held on 29/05/2019.
(8) Minutes of 204th GCZMA meeting held on 11/06/2019.
(9) Minutes of 219th GCZMA meeting held on 28/01/2020 and 29/01/2020.
(10) Minutes of 220th GCZMA meeting held on 05/02/2020.
(11) Minutes of 222nd GCZMA meeting held on 04/03/2020.
(12) Minutes of 223rd GCZMA meeting held on 18/03/2020.
(13) Minutes of 230th GCZMA meeting held on 09/10/2020.
(14) Minutes of 233rd GCZMA meeting held on 29/10/2020.
(15) Minutes of 238th GCZMA meeting held on 26/11/2020.
(16) Minutes of 243rd GCZMA meeting held on 14/1/2021.
(17) Minutes of 246th GCZMA meeting held on 04/02/2021.
(18) Minutes of 264th GCZMA meeting held on 06/07/2021.
(19) Minutes of 267th GCZMA meeting held on 26/07/2021.
(20) Order dated 10/12/2021 in MA no.18/2021 before the Hon'ble National Green Tribunal.
(21) Minutes of 281st GCZMA meeting held on 23/12/2021.
(22) Minutes of 284th GCZMA meeting held on 06/01/2022.
(23) Minutes of 285th GCZMA meeting held on 13/01/2022.
(24) Minutes of 287th GCZMA meeting held on 27/01/2022.
(25) Minutes of 294th GCZMA meeting held on 03/03/2022.

WHEREAS, the original complainant Mr.Suvarn Bandekar had filed an application bearing no.23/2013 (renumbered to 480/2018) before the Hon'ble Green Tribunal, Pune inter alia seeking restitution of damaged sand dunes and removal of

structures belonging to the violator in property bearing survey No.16/7 of Sernabatim Village, Salcete Taluka.

AND WHEREAS, the office of GCZMA after holding inquiry in the matter had issued a demolition order dated 05/12/2014 to heirs of Mr.Armando Cardozo i.e a) Leticia Cardozo, b) Jovek Cardozo c) Maria Sunifer Cardozo d) Maria Sweta Cardozo e) Audrey Cardozo Fernandes f) James Sebastiao Fernandes for all the structures (except one structure) identified in property bearing survey No.16/7 of Sernabatim Village, Salcete Taluka.

AND WHEREAS, the said demolition order dated 05/12/2014 was challenged by the respondent in appeals bearing no.126/2018 (earlier appeal no.39/2014) and Appeal no.128/2018 (earlier appeal no.43/2014) before the Hon'ble National Green Tribunal.

AND WHEREAS, vide order dated 19/03/2016 both the appeals bearing no.126/2018 (earlier appeal no.39/2014) and Appeal no.128/2018 (earlier appeal no.43/2014) and application bearing no.23/2013 (renumbered to 480/2018) were tagged together heard before the Hon'ble NGT, Pune. The said the application and appeals were detached vide order dated 16/11/2018 by the Hon'ble NGT, New Delhi.

AND WHEREAS, The Hon'ble NGT, New Delhi vide order dated 13/12/2018 in Application no.23/2013 decided as follows "*after making submission for some time, the learned counsel for the applicant submits that he may be permitted to withdraw this original application with liberty to seek redress before the appropriate forum.*

Consequently, the original application (480/2018) is dismissed as withdrawn".

AND WHEREAS, vide representation dated 14/01/2019 the original complainant is inter alia seeking recovery of the cost of removal of illegal (new) road from the heirs of Armando Cardozo, directions towards execution of order dated 24/05/2012 regarding restoration of land in property bearing survey No.16/4A of

Sernabatim Village, Salcete Taluka and recovery of cost of restoration of land from the heirs of Armando Cardozo.

AND WHEREAS, the Hon'ble National Green Tribunal has vide order dated 20/12/2018 in said appeals interalia directed as follows : *"In these circumstances and the contentions raised by the learned counsel for the parties we are of the considered opinion that it would be appropriate and is a fit case which be remanded to the GCZMA for considering it afresh, after taking into consideration the material on record and considering the contentions of these parties.*

Consequently, we allow the appeals and set aside the order dated 5th December, 2014 and remind the case to Goa Coastal Zone Management Authority to reconsider the same and pass a reasoned order, after hearing both the parties and material on record".

AND WHEREAS, the matter was heard in various meetings viz are as follows:- 202nd GCZMA meeting held on 29/05/2019, 204th GCZMA meeting held on 11/06/2019, 219th GCZMA meeting held on 29/01/2020, 220th GCZMA meeting held on 05/02/2020, 222th GCZMA meeting held on 04/03/2020, 223th GCZMA meeting held on 18/03/2020, 230th GCZMA meeting held on 09/10/2020, 233rd GCZMA meeting held on 29/10/2020, 233rd GCZMA meeting held on 29/10/2020, 238th GCZMA meeting held on 26/11/2020, 243rd GCZMA meeting held on 14/01/2021 respectively.

AND WHEREAS, the matter was last heard in the 246th GCZMA meeting held on 04/02/2021. The proceedings in the said matter can be seen as follows:- *Adv N Vaze and Adv S Henriques appeared on behalf of complainant. Adv Parag Rao appeared for respondents. Ld adv for complainant pointed out to order dated 24/08/2011 passed by GCZMA with a clear direction to remove the illegal road. Further pointed out that a Writ Petition bearing no. 606/2011.*



Against the said order which was disposed by the Hon'ble High Court of Bombay at Goa with a direction contained in Para 9 of the judgment. The complainant further submitted that pursuant to the said judgement and a site inspection was carried out and illegal road was demolished.

At this juncture Ld adv for Respondent argued that the issue of the said illegal road is being unnecessarily re-opened by the complainant. The Respondents pointed out that complainant themselves had complaint in the year 2010 that the said illegal road was actually done by the local Village Panchayat. Respondent further submitted that the order dated 24/08/2011 was only to remove the said illegal road and directions to restore were issued to the concerned Collector. The respondent further submitted that the present proceedings are unwarranted.

Respondent submitted that the complainant herein had unconditionally withdrawn his application bearing no. 23/2013 before the Hon'ble NGT, Pune and no specific liberty was granted. As no liberty was granted by Hon'ble NGT, Pune the complainant cannot be allowed to do forum hunting. The respondent pointed out to the pleadings/prayers in the application bearing no. 23/2013 filed by the complainant before the Hon'ble NGT, Pune and the representation made before this Authority. The Respondent submitted that if such liberty is granted to the complainant the issue of review of order will arise. The Respondent further pointed out that this authority does not have power to review its order on merits. Respondent pointed out that authority is on oath before the Hon'ble High Court of Bombay at Goa that review of order is only possible in case of procedural lapses attributable to the authority. The Respondent further pointed out that Hon'ble High Court of Bombay at Goa has infact taken a view that the Authority does not have any power to review its own order.

Complainant rejoined stating that the present proceedings is not a review of the earlier order passed by the GCZMA. The application is only for execution of restitution of sand dunes pursuant to the order of GCZMA. The complainant submitted that the liberty was granted only to effectively to decide the aspect of restitution of sand dunes. Further pointed out to report prepared by the expert members Shri.



Raghunath Dhume and Dr. Antonio Mascaranhas which clearly indicates existing of sand dunes and the said report was filed on record before Hon'ble NGT, Pune in the application bearing no.23/2013."

AND WHEREAS, in the 246th GCZMA meeting held on 04/02/2021 it was decided as follows:-*"The Authority after hearing both the parties and taking into consideration the written and oral submissions made by both the parties decided to keep the matter for order on the point of penalty. As regards to illegal construction the same will be taken up for hearing separately."*

AND WHEREAS, the matter was placed for hearing in the 264th GCZMA meeting held on 06/07/2021. The Authority granted time on the request made by Adv Parag. Matter was posted for deciding the question of penalty to be imposed on Respondent and further for arguments on 22/07/2021 at 3.30 p. m on the illegal structures constructed by the Respondent. Further during 266th meeting held on 22/07/2021 due to paucity of time the matter is posted to 26/07/2021.

AND WHEREAS, the matter was placed for hearing in the 267th GCZMA meeting held on 26/07/2021. In the said meeting Adv Parag Rao remained present on behalf of Respondents and Adv R. Gracias remained present on behalf of Respondents 5 to 7. Complainant present through Adv S Henriques. Adv. Henriques stated that the matter was posted for deciding on the penalty to be imposed for the destruction caused to the Environment by construction the road. Adv Henriques stated that the report of the Goa State Biodiversity Board (GSBB) stated that the cost was amounting to Rs. 5,00,000/- hence accordingly the Authority may decide. Adv Parag Rao objected to the penalty to be imposed. He further stated that as per the report there are no factual finding that the road was constructed by the Respondent. He further stated that penalty would not arise as it was accepted by the Authority that the dunes are being restored naturally so there is no cost of restoration as the nature has taken its course. Adv Rao stated that additional reply has been filed and the Judgment has been taken on record

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and the same may be relied when deciding the penalty. The Authority heard the parties at length and posted the matter for orders on penalty.

AND WHEREAS, an M.A no.18/2021 was filed by the Original Applicant before the National Green Tribunal, Pune interalia being aggrieved by non-disposal of matter by the Authority. The National Green Tribunal, Pune vide order dated 10/12/2021 interalia directed the Authority to dispose off the matter before it on or before 15/02/2021.

AND WHEREAS, the matter was placed for hearing in the 281st GCZMA meeting held on 23/12/2021. The Proceedings in the said matter can be seen as under:- *"Adv Shailesh Henriques present for the Complainant, Respondent Jovek Cardozo present in person. The Respondent Mr.Jovek Cardozo sought time in the matter."*

AND WHEREAS, in the 281st GCZMA meeting held on 23/12/2021 it was decided as follows: *"The Authority noted that in the present matter there is a time bound direction to decided the matter on or before 15th February 2022 and hence condemned the attitude of the Respondent in seeking time in the matter. The Authority decided to grant time as last and final opportunity and posted the matter for hearing on 06/01/2022 at 3.00 pm"*.

AND WHEREAS, the matter was placed for hearing in the 284th GCZMA meeting held on 06/01/2022. The Proceedings in the said matter can be seen as under:- *"Adv SHenriques present for the Complainant, Respondent Mr. Jovek Cardozo present in person. Adv for the Respondent No.3 present. Respondent Mr. Jovek Cardozo sought time stating that his Advocate to unable to attend the hearing the same is objected by Adv S.Henriques. The Member Secretary brought to the notice of the Authority that Hon'ble NGT is monitoring the case and the matter is coming up before the Hon'ble NGT and the Authority needs to dispose off before 15/02/2022; the matter expeditiously."*



AND WHEREAS, the matter was placed for personal hearing in the 285th GCZMA meeting held on 13/01/2022. The Proceedings in the said matter can be seen as under:- "Ld. Adv. For Complainant Adv S Henriques present, Adv Parag Rao remained present on behalf of Respondents and Adv R. Gracias remained present on behalf of Respondents 5 to 7. The Authority pointed out that there are two issued to be decided (i) quantum of penalty and (ii) arguments on the structure. Adv Parag Rao sought time to argue on quantum. Arguments were advanced by both the parties on the illegal structures. Adv Henriques argued the matter he stated that pursuant to the directions of the Hon'ble NGT the Authority passed demolition order to all the structures except one structure. The property bearing Sy No 16/7 admeasures 3200 sq mts., around 80-85% of the property falls within 200 mts from HTL. Authority took cognisance of the illegalities in the year 2001, 2003 and 2005 and issued SCN. Directions in regards to the same structure were issued in 2005, 2012 and 2014. This Authority issued order to the DSLR to carry out survey mapping and plot the structures on the plan. Adv for the Complainant states that there is a continuous variation in size right from 2003, 2005 and 2014 throughout the period till 2014 even till date. The structures were erected without obtaining any construction licence/permission, conversion sanad. There are 9-11 structures total admeasuring 800 sq mts however, no permission are produced on record. There is an application to the Village Panchayat in 1984. There is a plan attached to the said application. The

AND WHEREAS, in the 284th GCZMA meeting held on 06/01/2022 it was decided as follows: "The Authority after hearing the parties being a direction matter and if failed to argue on the given opportunity then the matter will be heard granted last and final opportunity to the Respondent. Mr Jovek Cardozo to argue the matter and orders will be pass accordingly. It is also made clear by the Authority that both issue i.e imposing penalty for causing damage to environment and structures constructed in CRZ areas will be taken up for hearing together. The matter is posted on 13.01.2022 at 3.p.m."

plan produced does not correspond to the structure on site. The contention of the Complainant is that the plan is of the property situated at a different location and not where the structure in dispute is located. The eastern boundary of the property shows the main road however, on site there is no road. It is the case of the Complainant that the Licence issued is with reference to other property which is at a distance of 1km from the sea and the property in dispute is touching the beach. The Complainant states that this application dated 30/11/1984 is the foundational document of the Respondent. The Complainant states that on 29/03/1985 the Respondent obtained excise licence and the plan produced was the one attached to the application of the year 1984. The Complainant states that on the document dated 06/08/1985 it is clearly mentioned that the distance from the beach to the structure is 400 mts. The Complainant pointed out that the letter dated 30/11/1984 filed by the Respondent before the Village Panchayat was taken up in the Village Panchayat Meeting dated 02/12/1984 and it was decided to issue licence.

That on 16/11/1986 another application was filed at the Village Panchayat to grant them another house number to the structure for which Licence was obtained.

That Mr Cardozo filed an application in the year 2001 for correction of records of the survey plan, however the Respondent did not mention anything about the structures to be inserted. However, on the survey plan it shows only 25 sq mts.

The Complainant states that the matter was remanded back to the Authority to hear the parties afresh as the Contention of the Respondent was that all the documents were not considered at the time of passing the Order.

The Respondent Adv Rao stated that the SCN dated 29/01/2014 has to be decided. He further stated that the SCN was issued based on the Complaint filed by Mr. Suvarna Bandekar. Adv Rao stated that he filed his reply along with documents and the same were not considered when the Demolition order dated 05/12/2014 came to be issued. Adv Rao stated that the Inquiry Committee is favouring him. Adv Rao stated that he palced all his documents before the Hon'ble NGT and the Hon'ble NGT

remanded the matter before the Authority to consider the documents and pass a reasoned order after considering all the documents.

Adv Radharao stated that he will file his written arguments."

AND WHEREAS, in the 285th GCZMA meeting held on 13/01/2022 it was decided as follows: "The Authority heard the parties at length and directed all the Parties to file Written Arguments along with all the documents to be annexed to the Arguments which they seek to rely to prove their case. The parties to file Written Arguments on 20/01/2022 and matter posted for further arguments /clarification on 27/01/2022 at 3.00 pm."

AND WHEREAS, the matter was for personal hearing in the 287th GCZMA meeting held on 27/01/2022. The Proceedings in the said matter can be seen as under:- "Ld. Adv. for Complainant Adv S. Henriques present, Adv Parag Rao remained present on behalf of Respondent 5 to 7 and Adv Radharao. Gracias remained present on behalf of Respondents 1 & 2.

Advocate Parag Rao submitted that property in survey no. 16/7 was purchased by Respondents father in 1977. In 1984 there is NOC from the Village Panchayat plan has been submitted. Structures were existing prior 1991, there is excise license, and electricity bill from Electricity Department was obtained in 1986. House tax receipts are on record. All the documents are from the statutory Authority. He further stated that the written submissions produced by him be considered as his arguments.

Ld. Advocate for Complainant submitted written submissions and same be considered. He stated that Hon'ble NGT has directed GCZMA in 2018 to hear the matter and passed the order. He submitted that the plans provided by DSLR are totally different and are false and fabricated. There are no documents from statutory Authority authorising 800 sq mts constructions. No Panchayat NOC on record.

Adv Radharao Gracias submitted that structures in the property are much prior to 1991. Bar and rooms were existing prior to 1991 and there are documents on record to show and substantiate the existence of structures."

AND WHEREAS, in the 287th GCZMA meeting held on 27/01/2022 it was decided as follows: *"The Authority after hearing all the parties kept the matter for Orders"*.

AND WHEREAS, the matter was finally discussed and deliberated in the 294th GCZMA meeting held on 03/03/2022. In the said meeting it was decided as follows: *"In compliance to the said order dated 20/12/2018 the Authority has allowed oral arguments/Submissions as well as replies/ Written Arguments and Oral advanced by the parties on 13/01/2022 and 27/01/2022 with respect to the structures existing in Survey No. 16/7 of Sernabatim Village, Salcete, Goa.*

The Arguments advanced by the advocate for Complainant can be briefly seen as under:-

The Complainant has contended that the structures in Survey No. 16/7 was first noticed pursuant to a report dated 25/10/2000 from the Office of the Collector, South Goa at Margao, and in terms of which separate and independent structures admeasuring more than 750 sq.mtrs. were noticed all falling within the 200 mtrs. of the High Tide Line.

Pursuant to the aforesaid report, this Authority has issued various Show Cause Notices dated 02/05/2001, 09/09/2003, 10/12/2003 bearing No. GCZMA/S/85/2003-2004/248. The complainant stated that Authority earlier has passed an Order dated 20/05/2005 directing the demolition of all the structures.

The complainant stated that considered a number of the same documents that have now been produced by the Respondents in coming to the aforesaid finding that the structures existing in Survey No. 16/7 are illegal. The said Order dated 20/05/2005 was challenged by Mr. Armando Cardozo before the Hon'ble High Court of Bombay at Goa in Writ Petition 214/2005 which set-aside the aforesaid Order as a grievance was made that the Panchanama and Report was not furnished to Mr. Armando Cardozo with a direction that the matter shall be decided by this Authority after hearing the parties.

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As the matter was not taken up by the Authority a Petition bearing No. 218/2012 in the Hon'ble High Court of Bombay at Goa and same was allowed. Further another Misc. Civil Application bearing No. 309/2013 came to be filed seeking compliance of the directions earlier issued by the Hon'ble High Court of Bombay at Goa.

It was also argued by the Counsel that the aforesaid three Directions/ Orders were issued independent of and uninfluenced by any Resolutions taken by the Village Panchayat pursuant to the Directions passed in Suo Moto Writ Petition 02/2006 of the Hon'ble High Court of Bombay at Goa.

The Counsel for the Complainant has placed reliance the Survey Plan of Survey No. 16/7, the Plans dated 16/12/2010, 05/09/2012 and 27/03/2014 of the Directorate of Settlement and Land Records. The Counsel pointed out the vast difference between the two structures shown to be existing in the Government Survey Plan of Survey No. 16/7 dated 21/09/2010 viz-a-viz the other three Plans which show a large number of additional structures and also appear to have changed in size and dimension between 2010 and 2014. The Survey plans clearly indicates the structures are within NDZ and denoted them as 'new structures'

The Counsel for the Complainant has also pointed out and placed on record the Form I & XIV of Survey No. 76/1 and 16/7 wherein the area of the property bearing Survey No. 16/7 is 3200 sq.mtrs. The aforesaid properties are known as "AMBEAXIR - 76/1" and "PRAYA - 16/7" and licence/s taken in respect of the structure existing in Survey No. 76/1 have been placed on record to mislead/ suggest that the same are in respect of the structures existing in Survey No. 16/7 and the same can be observed from the Receipts and Electricity Bills produced by the Respondent wherein the word "AMBEAXIR" is mentioned.

The Counsel for the Complainant has placed reliance on all the documents which are enlisted above comprising of the Deed of Sale dated 03/01/1977 whereby the said property was purchased by Mr. Armando Cardozo and his Sister who are the predecessors of the present Respondents. The said document does not reflect or state the existence of any structure in the property bearing Survey No. 16/7.

The Counsel for the Complainant has also taken us through an Application dated 17/04/1981 filed by Mr. Armando Cardozo and Ms. Bertha Fernandes for Re-survey of the property purchased and change of name in the Survey records. The said proceedings show a tabulation consisting of eight Survey numbers, the previous area, the corrected area and remarks and an observation of the same reveals that in respect of Survey No. 16/7 there is a house admeasuring 25 sq.mtrs.

The Counsel for the Complainant thereafter pointed to an Application for correction filed by Mr. Armando Cardozo and which was decided by an Order dated 05/07/2001 wherein the area of the house is once again shown to be 25 sq.mtrs.

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The Counsel for the Complainant has pointed out to the letter dated 30/11/1984 by Mr. Armando Cardozo which is inwards on 02/12/1984 wherein an NOC for Bar and Restaurant is sought by Mr. Armando Cardozo and to which a sketch is annexed. The sketch when observed makes for a very interesting observation and was specifically pointed out to us wherein on one side it is noticed that there is "Sernabatim Beach Mud Road", and on the other side "to Sernabatim Main Road to Colva" and most importantly the distance is shown to be 450 mtrs. from the beach/ structure to the "to Sernabatim Main Road to Colva" which is not the situation at loco but would match the structure of Mr. Armando Cardozo existing in Survey No. 76/1 wherein the Excise Licence was granted.

The Counsel for the Complainant has also taken us to the letter dated 29/03/1985 to the Commissioner of Excise seeking licence by Mr. Armando Cardozo and to which the same aforesaid sketch is annexed.

The Counsel for the Complainant has laid great emphasis on the discrepancy and misrepresentation of the Plan/ Sketch as the same is being used by the Respondents to legitimize or show this Hon'ble Authority that the structure is a legal structure existing prior to 19/02/1991 which infact is incorrect and the same can be noted from the following documents i.e. letter dated 06/08/1985 and 26/08/1985 written by the Superintendent of Excise and Excise Inspector respectively wherein it is categorically stated as follows "I am to inform that the distance between the proposed premises and the beach is more than 400 mtrs.". The aforesaid falsehood is further fortified by the fact that the application dated 30/11/1984 and inwards on 02/12/1984 seeks an NOC for Bar and Restaurant and the Resolution passed is to issue licence for the proposed work, when infact the House Number for the Bar and Restaurant itself was granted on 16/11/1986 i.e. close to two years from the date on which an NOC was sought for from Panchayat and one year from the Application being made to the Excise for a Excise Licence.

The Counsel for the Complainant vehemently argued that all the aforesaid facts taken together clearly show that the licence granted was not in respect of a structure existing in Survey No. 16/7 but in another property bearing Survey No. 76/1 as neither does the sketch/ plan annexed to each of the applications tally with the ground location of the structure neither does the grant of house number tally with the procedure required for issue of Excise Licence for a premises.

The Counsel for the Complainant has impressed upon us the fact that this Authority has been called upon to decide the fate of a number of illegal independent structures, right from the year 2001 when this Authority issued the first Show Cause Notice and till date the Respondents have failed to produce any licence/ permission/ approval from a Competent Authority or the Conversion Sanad which would be of absolute

essentiality in view of the fact that almost the entire property falls within the 200 mtrs. of the High Tide Line.

It is the case of the Complainant in sum and substance that all the structures existing in Survey No. 16/7 are wholly illegal without the Permission/ Approval/ Construction Licence/Conversion Sanad from the Competent Authorities. Further that the structures— also not depicted in the Survey Plan.

Accordingly, this Authority thereafter permitted Advocate Parag S. Rao appearing for some of the Respondents to advance Oral Submissions based on the documents submitted which are as below.

Advocate Parag S. Rao has placed on record a voluminous documents as well as Written Submissions to support the case of the Respondents that all the structures that are seen and existing in property bearing Survey No. 16/7 are legal as the same are existing from prior to the year 1984.

Advocate Parag S. Rao has placed reliance heavily on two documents i.e. the Application dated 30/11/1984 alongwith a sketch and letter dated 29/03/1985 alongwith a sketch which according to the Ld. Counsel matches with the structures as seen on the Plans prepared by the Directorate of Settlement and Land Records.

Advocate Parag S. Rao thereafter took this Authority to the records of the Department of Excise and correspondence annexed to his Written Submissions whereby the Counsel argued that the said documents clearly show that the Excise Licence for Bar and Restaurant was given to a structure existing on the Sernabatim Beach.

Advocate Parag S. Rao also pointed out to the fact that the said records from the Excise Department pertain to a period prior to 19/02/1991 and therefore the CRZ Rule pertaining to the said structures would not apply to the structures that are existing in the property bearing Survey No. 16/7 as the Counsel argued that the records from the Excise Department are contemptarous to the period prior to 19/02/1991.

Advocate Parag S. Rao for some of the Respondents further took us through a number of Electricity Bills which are in respect of Xavier Bar and Restaurant, Ambeaxir, Sernabatim, Goa, and which also reflect a date of 12/12/1986 to impress upon this Authority that the structures are existing from a period prior to 19/02/1991.

Advocate Parag S. Rao has also relied upon records and certificates alongwith receipts issued by the Village Panchayat to try and impress upon this Authority that the structures are from the period prior to 19/02/1991 which are towards Trade Tax, House and Lighting Tax, etc.

Advocate Parag S. Rao has also taken us through the Affidavit dated 30/09/2010 filed by the Village Panchayat as well as the Affidavit dated 18/11/2009 filed by the Village Panchayat in the Hon'ble High Court of Bombay at Goa in Writ Petition 02/2006 to impress that the structures have already been subject matter of a proceeding.

Advocate Parag S. Rao has in addition taken us through the Report submitted by the Inquiry Committee dated 12/08/2014 which found the structures to be legal existing in property bearing Survey No. 16/7 and prior to 19/02/1991.

Advocate Parag S. Rao in his Written Submissions has also produced Orders of the Hon'ble High Court of Bombay at Goa in Writ Petition 71/2016, Order of the Hon'ble Supreme Court of India in Civil Appeal 9315-9316 of 2019 alongwith Plaints and Written Statements.

Advocate Parag S. Rao thereafter concluded his arguments to state that the records are contemptorous records from Statutory Authorities and therefore all the structures existing in the property bearing Survey No. 16/7 ought to be considered as legal in consonance with law and existing prior to 19/02/1991.

Accordingly, this Authority thereafter permitted Advocate Radharao Gracias appearing for some of the Respondents to advance Oral Submissions based on the documents submitted which are as below.

Advocate R. Gracias has concurred with the arguments canvassed by Advocate Parag S Rao.

Advocate R. Gracias pointed out to a document dated 04/04/2016 received under RTI to try and establish the fact that as off 1992 there were seven cottages existing in property bearing Survey No. 16/7.

Advocate R. Gracias contested the argument made by the Complainant as far as the Order dated 05/07/2001 passed by the Dy. Collector in so far as the Dy. Collector in terms of Law is only entitled to make corrections as permissible by the Land Revenue Code.

Advocate R. Gracias has thereafter brought to our attention the Order dated 19/09/2016 wherein the Hon'ble National Green Tribunal was pleased to allow the production of certain documents.

This Authority having heard the Counsels for the Complainant and Respondents respectively as well as perusing the Written Submissions and all documents placed on record is herein below as directed by the Hon'ble National Green Tribunal vide its Order dated 20/12/2018 and the Order dated 10/12/2021 is passing the following reasoned Order on the basis of the documents and arguments heard by the Authority.

The issue to be decided to be decided by Authority can be briefly as under:-

1) Whether the structures in property bearing Survey No. 16/7, Sernabatim, Goa were existing prior to 19/02/1991?

The Authority has noted that the property bearing Survey No. 16/7 almost entirely falls within 200 mtrs. of High Tide Line which is seen demarcated on the three Plans prepared by the Directorate of Settlement and Land Records and an observation of the Plan indicates that the structures also are within the 200 mtrs. of the High Tide Line. It is also a fact that the structures subject matter of the proceedings has been at large

before this Authority with various Show Cause Notices/ Directions and Orders being issued to the predecessor/ Respondents time and again.

The Authority has noted that the Respondents have throughout and even presently in the arguments canvassed and/or documents produced, have failed to produce any document which could be considered as a permission/ licence/ approval and/or Conversion Sanad from a Competent Authority so as to establish the legality of the structure/s existing in the property bearing Survey No. 16/7 admeasuring more than 750 sq.mtrs. and are independent structures.

The documents/ arguments canvassed before us also show that the property bearing Survey No. 16/7 admeasures totally 3200 sq.mtrs. and in terms of the Plans from the Directorate of Settlement and Land Records there are a number of structures in the said property which are independent and the Respondents have failed to place on record a licence/ permission/ approval of even a single structure.

The structures themselves admeasure more than 750 sq.mtrs. and it is inconceivable that the Respondents do not have even a single construction licence from the Village Panchayat prior to the year 1991 for any structure and interestingly the document dated 29/04/1992 shows that there was some construction in progress and in respect of which also no licence/ permission/ approval has been produced from the Competent Authority.

The Respondents in reply to the arguments advanced by the Complainant are relying mainly on the application made to the Village Panchayat in 1984 and the application dated 29/03/1985 made to the Commissioner of Excise both of which have a sketch annexed thereto.

This Authority has meticulously compared the aforesaid sketches viz-a-viz the Government Survey Plan and the Plans prepared by the Directorate of Settlement and Land Records and it is very apparent that the said sketches do not correspond to the property bearing Survey No. 16/7 as there is no main road touching the property bearing Survey No. 16/7, neither is the property admeasuring 450 mtrs. in length as stated in the aforesaid sketches. Moreover, the records from the Excise Department, whilst processing the grant of Excise Licence clearly show that the premises is 400 mtrs. away from the beach in terms of letter dated 26/08/1985.

Infact, the Survey Plan as well as the DSLR Plans show the existence of private properties on three sides with the Arabian Sea on the Western side. It therefore follows that the aforesaid documents which form the main contention of the Respondents to defend the legality of the structures does not in any manner assist the Respondents to establish that the structures are legal and existing from the year 1984 as the same pertain to some other location/ structure.

The Authority has also taken note of the fact that it is not disputed that the property subject matter of the proceedings was purchased in the year 1977 and there is no

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mention of a structure/s existing in Survey No. 16/7 in the Sale Deed. The said property after its purchase was subject matter of a re-survey vide an application dated 17/04/1981 and wherein in terms of a tabulation it is very evident that there is only one structure existing in Survey No. 16/7 admeasuring 25 sq.mtrs.

The Authority has also noted that some of the documents annexed to the reply cum-Submissions filed by the Respondents through Advocate Parag S. Rao and Advocate Radharao Gracias are very similar.

This Authority has thereafter perused the document dated 05/07/2001 produced by the Complainant which bring out the fact that even in 2001 when an application for correction was made and there was no attempt to place the correct material on record to suggest that the structures existing in property bearing Survey No. 16/7 as they alleged to have existed right from the year 1984, which was countered by Advocate for Respondents.

The Authority has in particular noted the fact that the Respondent Mr. Armando Cardozo had inwards an application dated 30/11/1984 for an NOC for Bar and Restaurant which was decided on 02/12/1984 wherein the licence for Bar and Restaurant was granted, but very interestingly the house number to the structure wherein the Bar and Restaurant was to be operated was granted on 16/11/1986 i.e. a period of two years after the NOC being granted which is not in consonance with law and therefore it can be safely assumed that the structure for which the licence was granted existed in Survey No. 76/1 (Ambeaxir) which is 400 mtrs. away from the Beach as stated by the letter dated 26/08/1985 of the Excise Department.

The Authority has taken note of the fact that the structures existing in property bearing Survey No. 16/7 have not only been part of Show Cause Notices, Directions and Orders from this Authority but have also been subject matter of Orders from the Hon'ble High Court of Bombay at Goa dated 20/07/2005, 09/08/2012 and 06/01/2014 and in each of the said Orders this Authority has been directed to decide the matter in accordance with law.

The Authority has also heard arguments made by the Counsel for the Respondents that in view of the Affidavits filed by the Village Panchayat of Sernabatim in Writ Petition 02/2006 therefore the matter stands resolved as far as the legality of the structures is concerned, however, a reading of the above mentioned Orders of the Hon'ble High Court of Bombay at Goa makes it very clear that this Authority has to independently decide the matter based on documents and records which fact is further fortified by the Order passed by the Hon'ble National Green Tribunal, Principal Bench, New Delhi, dated 20/12/2018.

The Authority has heard the vehement and forceful arguments made by the Counsels for the Respondents whereby documents such as Electricity Bills, Trade Tax and House & Lighting Tax Receipts, NOC from Panchayat, Resolutions and Excise

(M)

Challans have been placed on record to impress upon this Authority that all the structures existing in Survey No. 16/7 are legal existing prior to 19/02/1991 and infact according to the Respondents existing from 1984 or thereabouts.

This Authority has also minutely and meticulously gone through all the documents which are voluminous and produced by the Counsels for the Respondents but has not been satisfied that the structures are legal, lawful and existing from a period prior to 19/02/1991 as the said records do not mention or state the Survey Number or location in respect of which the said Electricity Bills, Trade Tax and House & Lighting Tax Receipts, NOC from Panchayat, Resolutions and Excise Challans have been issued and discarded as insufficient to prove that the structures are legal and existing prior to 19/02/1991 as in the peculiar facts of this matter the structures admeasure more than 750 sq.mtrs. all of which are within 200 mtrs. of the High Tide Line. A perusal of the DSLR Plans from 2010 to 2014 continues to show considerable variation for which no licence/ permission/ approval has been produced.

It may be noted that these documents produced by the Respondents infact were already considered by this Authority and were found to be not indicative of the existence of the structures prior to 19/02/1991 in the hearings held between 2001 to 2005.

The Authority has also taken note of the fact that during the course of submissions by the Counsel for Respondents it has been stated that apart from the Bar and Restaurant there are cottages/ rooms in the property bearing Survey No. 16/7 which are seen in the Plans made by the Directorate of Settlement and Land Records and which structures have varied in size and dimensions, area between 2010 and 2014 and for which the Respondents have failed to produce any permission/ licence/ approval for the said changes.

This Authority has also perused documents annexed to the Written Submissions of the Respondents such as Order of the Hon'ble High Court of Bombay at Goa in Writ Petition 71/2016, Order of the Hon'ble Supreme Court of India in Civil Appeal 9315-9316 of 2019, Plaint and Written Statement in Civil Suits 64/1992, Plaint of Civil Suit 153/1992 alongwith Site Plan of Survey No. 76/1, Order of the Hon'ble High Court of Bombay at Goa in Writ Petition 02/2006, the Electoral Rolls in respect of Colva Zilla Panchayat, Demolition Notices and replies, records from the Director of Panchayats all of which have no bearing in the matter to be decided by this Authority and are of no assistance to the Respondents in deciding the legality of the structures and are consequently discarded.

The Authority minutely observed the Electricity Bills and Panchayat Receipts produced on record wherein there is a mention of "AMBEAXIR" i.e. Survey No. 76/1 as seen in the Form I & XIV which according to the arguments advanced by the Complainant is where the Bar and Restaurant existed and the same tallies/ matches with the sketch annexed to the Applications dated 30/11/1984 and 29/03/1985.

hp

This Authority has perused the Written Submissions of the Complainant pertaining to the documents from the Village Panchayat of Sernabatim, Vanelim, Colva and Gandaulim wherein there are certain inconsistencies while issuing all kinds of Certificates, correspondence, etc. to the Respondents. It can be seen that the telephone number has changed four times and even an outward number for some of the said documents is not mentioned.

The Authority held and is of the view that Electricity Bills, Panchayat Receipts/ Certificates and/or Excise Challans are not sufficient nor relevant and cannot take the place of a licence/ approval/ permission from a Competent Authority and/or Conversion Sanad to arrive at a decision as to the legality of a structure/s in view of the fact that the CRZ Rules and Regulations of 1991 which has to be strictly construed specially in the present matter wherein the structures constructed in the No Development Zone (NDZ).

The Authority based on aforementioned findings/observation and after considering documents submitted alongwith the Written Submissions and Oral Arguments advanced by the respective Counsels opined that the Respondents have failed to submit any documents such as Permission from Competent authority, Construction Licence, Approved Plans, Original Survey Records/ Plans or Conversion Sanad in respect of any of the structures that are existing in property bearing Survey No. 16/7, are violative of CRZ Notification 2011 being illegal and unauthorised. Accordingly, the issue is answered in the negative.

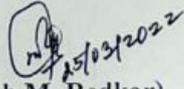
The said structures are constructed within No Development Zone (NDZ) of the CRZ area as depicted in the Plan submitted by the Directorate of Settlement and Land Records dated 27/03/2014 deserves no protection interms of the CRZ Notification 1991 and 2011.

The Authority hence resolved to issue Order directing all the Respondents/ legal heirs of Mr. Armando Cardozo to demolish all the structures located in Survey No. 16/7, Sernabatim, Salcete, Goa, viz. Compound wall on all three sides of the said property along two gates, Bar & Restaurant, Rooms/ Cottages, internal compound wall/ partitions, Storage Tank, Toilet W.C., Store room, Pump House and restore the land to its original state within 30 days failing which the concerned Dy. Collector & S.D.O Salcete to demolish the said structures and recover the cost as arrears of land revenue and submit a compliance report."

NOW THEREFORE, the GCZMA in exercise of the powers conferred under Section 5 of the Environment (Protection) Act, 1986 (Central Act 29 of 1986) read with sub-rule (3) (a) of Rule 4 of the Environment (Protection) Rules 1986, and read with power vested with the GCZMA vide Order S.O. 3975 (E) dated 31/10/2019 issued by the Ministry of Environment & Forests, Government of India, hereby directs

the Mr. Armando Cardozo (since deceased through Lr's) a) Mrs. Leticia Cardozo, b) Mr. Jovek Cardozo, c) Ms. Maria Sunifer Cardozo, d) Ms. Maria Sweta Cardozo, e) Mrs. Audrey Cardozo Fernandes, f) Mr. James Sebastiao Fernandes, g) Mr. Domnic Savio Pereira, h) Adv. Ashish Desai to demolish all the existing Structures located in Survey No. 16/7, Sernabatim, Salcete, Goa, and restore the land to its original condition, within 30 days from the date of receipt of this Order/ Directions. The Dy. Collector & S.D.O. of Salcete, Margao, South Goa to verify if the structures are removed/ demolished and in the event it is not removed as per these directives, than the Dy. Collector shall remove the said structures within a period of two weeks and recover the expenses incurred from Mr. Armando Cardozo (since deceased through Lr's) a) Mrs. Leticia Cardozo, b) Mr. Jovek Cardozo, c) Ms. Maria Sunifer Cardozo, d) Ms. Maria Sweta Cardozo, e) Mrs. Audrey Cardozo Fernandes, f) Mr. James Sebastiao Fernandes g) Mr. Domnic Savio Pereira, h) Adv. Ashish Desai as the arrears of land revenue and submit an compliance report.

For and on behalf of the
Goa Coastal Zone Management Authority


(Dashrath M. Redkar)

Member Secretary (GCZMA)

To,

1. Maria Leticia Cardozo, r/o H. No. 107/A, Ambeaxir, Sernabatim, Salcete, Goa.
2. Jovek Cardozo, r/o H. No. 107/A, Ambeaxir, Sernabatim, Salcete, Goa.
3. Mrs. Maria Audry Fernandes, r/o Flat No. S-5, 2nd Floor, Kurtarkar Vihar, Near Chapel, Aquem, Margao, Goa.
4. Mr. James Sebastiao Fernandes, r/o Flat No. S-5, 2nd Floor, Kurtarkar Vihar, Near Chapel, Aquem, Margao, Goa.
5. Ms. Maria Shweta Cardozo, r/o Flat No. A/302, CD Flower Valley, Behind Pai Palace Restaurant, Borda, Margao, Goa.
6. Mr. Domnic Savio Pereira, r/o Flat No. A/302, CD Flower Valley, Behind Pai Palace Restaurant, Borda, Margao, Goa.
7. Adv. Sunifer Cardozo, r/o B1, 2nd Floor, Pereira Residency, Near Chowgule College, Gogol, Fatorda, Margao, Goa.
8. Adv. Ashish Dessai, r/o B1, 2nd Floor, Pereira Residency, Near Chowgule College, Gogol, Fatorda, Margao, Goa.

Copy to:

1. The Collector & District Magistrate, (South), Office of the Collector (South), Mathany Saldanha, Administrative Complex, Margao-Goa..... for kind information and necessary action.
2. ✓ The Deputy Collector & S.D.O of Salcete, having office at Salcete.....to enforce the Order and to verify if the structure is removed/ demolished and in the event it is not removed as per these directives, then shall remove the said structure after the stipulated time of two weeks and recover the expenses incurred from the violators as land revenue including Order of disconnection of water/ power supply without any further notice.
3. The Secretary, Village Panchayat of Sernabatim, Vanelim, Colva and Gandaulim ... who shall co-ordinate with the Office of the Dy. Collector & S.D.O., Margao, Salcete and take necessary action in the matter.
4. Mr. Suvarn R. Bandekar, Suvarn Bandekar Building, P. O. Box No. 11, Vasco Da Gama, Goa - 403 802.....for kind information only.



OFFICE OF THE DEPUTY COLLECTOR & SDO, SALCETE, MARGAO - GOA
Room No.105, 1st Floor,
Matanhy Saldhana Administrative Complex,
Near KTC Bus Stand, Margao - Goa.
Phone: 0832-2794145, Fax:0832-2794402
Email:sdm-salcete.goa@nic.in

DYC/SDO/CRZ/4504/2022 12605-1

Dated: 01/04/2022

**Sub:- Directions to demolish structure in survey no. 16/7 of
Sernabatim Salcete Goa.**

Find enclosed herewith a copy of letter No. GCZMA/SAL/SERNA/12-13/01/2349 dated 25/03/2022 from the Member Secretary, Goa Coastal Zone Management Authority, C/o. Department of Science, Technology and Environment and Climate change (Govt. of Goa), 4th floor, Dempo Towers, Patto, Panaji Goa, on the above cited subject.

The Mamlatdar of Salcete is hereby directed to ensure/verify that Mr. Armando Cardozo (Since deceased through Lr's a) Mrs Leticia Cardozo b) Mr. Jovek Cardoo c) Ms. Maria Sunifer Cardozo d) Ms. Maria Sweta Cardozo e) Mrs. Audrey Cardozo Fernades f) Mr. James Sebastiao Fernandes g) Mr. Domnic Savio Pereira h) Adv. Ashish Desai to demolish all the existing structures located in survey no. 16/7 of village Sernabatim and restore the land to its original condition, within 30 days from the date of receipt of the order. If the structure are not demolished within the stipulated time, the Mamlatdar of Salcete is directed to submit a compliance report to the undersigned by 26/04/2022, so as to enable the undersigned to take appropriate action.

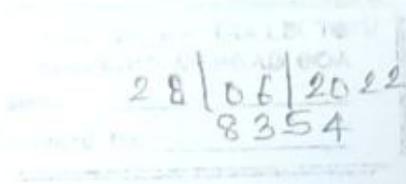
(Rasad G. Volvoikar)
Dy. Collector & SDO,
Margao Goa.

ok

To,
The Mamlatdar of Salcete,
Margao-Goa.

Encl: As above

Copy to:- 1. The Dy. Collector (Rev) South/ Member Secretary, South Goa, Margao.
2. The Member Secretary, Goa Coastal Zone Management Authority, C/o. Department of Science, Technology and Environment and Climate change (Govt. of Goa), 4th floor, Dempo Towers, Patto, Panaji Goa, for information.



No. MAM/SAL/AK/CRZ/Demo/2022/2145
Office of the Mamlatdar of Salcete
Margao-Goa

Date:- 28/06/2022.

To
The Dy. Collector & SDO-I
Salcete, Margao-Goa

Sub:- Directions to demolish structure in survey no.16/7 of
Sernabatim Salcete, Goa

Ref:- DY/SDO/CRZ/4504/2022/2605-I, dated 01/04/2022

Sir,

With reference to the above cited subject, it is to informed that inquiry was conducted through the talathi of Colva village and it is revealed that Mr. Armando Cardozo (since deceased through Lr's a) Mrs. Leticia Cardozo b) Mr. Jovek Carodoz c) Ms. Maria Sunifer Cardozo d) Ms Maria Sweta Cardozo e) Mrs Audrey Cardozo Fernandes f) Mr. James Sebastiao Fernandes g) Mr. Domnic SavioPereira h) Adv. Ashish Desai have not demolished all the existing structures located in the survey no. 16/7 of village Sernabatim and have not restored the land to its original state.

Submitted for information and necessary actions.

Yours Faithfully,

(Laxmikant R. Desai)
Mamlatdar of Salcete Taluka
Margao-Goa

GOA COASTAL ZONE MANAGEMENT AUTHORITY

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

4th floor, Dempo Towers, Patto, Panaji-Goa

E-mail: gcacoastalzone@gmail.com

Ref. No. GCZMA/SAL/SERNA/12-13/01/2027

Date:06/12/2022

To,
 ✓ The Deputy Collector & S.D.O
 Of Salcete, having office at
 Mathany Saldhana administrative
 Complex, Margao-Goa.

OFFICE OF THE DY. COLLECTOR	
SDO/SDM-I, Salcete, Margao-Goa	
Inward No.....	14966/M
Date:.....	08/12/2022

Rupa

Sub: Execution of directions to demolish structures in Survey
 no.16/7,Sernabatim, Salcete Goa.

Ref.: - Demolition order bearing no. GCZMA/SAL/SERNA/12-13/01/2349
 dated 25/03/2022.

With reference to abovementioned subject matter I am to inform you that,
 the Authority after detailed inquiry issued a demolition order referred to serial no.1
 thereby directing demolition of structures belonging to the Respondent violators in
 property bearing survey No.16/7 of Sernabatim Village, Salcete Taluka.

The said demolition order was challenged in an Appeal by the Respondent
 violators in Appeal bearing no.16/2022 before Hon'ble National Green Tribunal,
 Pune. The Hon'ble National Green Tribunal, Pune vide judgement/order dated
 21/10/2022 thereby dismissing the said appeal.

A copy of the judgement/order dated 21/10/2022 passed by Hon'ble National
 Green Tribunal, Pune in Appeal bearing no.16/2022 is annexed hereto and marked
 as Annexure "A".

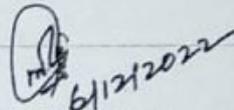
D

The Respondent violators challenged the said judgement/order dated 21/10/2022 passed by Hon'ble National Green Tribunal, Pune in Appeal bearing no.16/2022 before the Hon'ble Supreme Court in Civil Appeal no.8563/2022. The Hon'ble Supreme Court of India vide order dated 25/11/2022 was pleased to dismiss the said Civil Appeal no.8563/2022.

A copy of the order dated 25/11/2022 passed by Hon'ble Supreme Court of India in Civil Appeal bearing no. 8563/2022 is annexed hereto and marked as Annexure "B".

In light of the above, you are requested to implement/ execute the demolition order dated 25/03/2022 issued by the Authority in its letter and spirit.

Yours faithfully



(Dashrath M. Redkar)
Member Secretary (GCZMA)

Copy to:

1. **The Collector & District Magistrate,(South), Office of the Collector (South), Mathany Saldanha, Administrative Complex, Margao-Goa....for kind information and necessary action.**
2. **The Secretary, Village Panchayat of Sernabatim, Vanelim, Colva and Gandalim ...for kind information and necessary action.**
3. **Mr. Suvarn R. Bandekar, Suvarn Bandekar Building, P. O. Box No. 11, Vasco Da Gama, Goa – 403 802....for kind information only.**

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE

(By Video Conferencing)

Appeal No. 16/2022(WZ)

Caveat No. 05/2022(WZ)

I.A. No. 50/2022(WZ) & I.A. No. 99/2022(WZ)

IN THE MATTER OF:

MR. ARMAND CARDOZO

(Since deceased), through

1. **MR. JOVEK CARDOZO,**
Resident of House No. 107/A,
Ambeaxir Ward, Sernabatim,
Colva, Salcete, Goa- 403 708.
2. **MRS. MARIA LETICIA CARDOZO**
Ambeaxir Ward, Sernabatim,
Colva, Salcete, Goa- 403 708.

.....Appellant(s)

Versus

1. **Goa Coastal Zone Management Authority**
Through its Member Secretary
Office at C/o. Department of Science, Technology,
& Environment, Government of Goa,
Opposite Saligao Seminary, P.O.
Saligao, Bardez, Goa- 403 511.
2. **The Collector & District Magistrate,**
Office at 3rd floor, Matanna Saldana,
Administrative Complex, Near KTC Bus Stand,
Margao, Goa- 403 601.
3. **The Dy. Collector,**
Office at 1st floor, Matanna Saldana,
Administrative Complex,
Near KTC Bus Stand, Margao,
Goa- 403 601.
4. **The Secretary**
Village Panchayat of Sernabatim,
Velim, Colva and Gaudaulim,
Pin code- 403708.
5. **Mr. Suvarn Bandekar,**
Resident of Swatantra Path,
P.O. Box No. 11, Vasco-da-Gama,
Goa- 403 802.

.....Respondent(s)

Counsel for Appellant(s):

Mr. Parag Rao, Advocate along-with Mr. Shivshankar Swaminathan,
Advocates

Counsel for Respondent(s):

Mr. Surjendu S. Das, Advocate for R-1, 2 & 3
Mr. Shailesh Henriques, Advocate for R-5

PRESENT:

Hon'ble Mr. Justice Dinesh Kumar Singh (Judicial Member)
Hon'ble Dr. Vijay Kulkarni (Expert Member)

Reserved on : 06.09.2022
Pronounced on : 21.10.2022

JUDGMENT

1. The present Appeal has been filed by the Appellant under Section 16 read with Section 18(1) of the National Green Tribunal Act, 2010 against the order dated 25.03.2022 passed by Respondent No.1/GCZMA directing demolition of all existing structures located in Survey No. 16/7, Sernabatim Village, Salcete Taluka, Goa and restore the land to its original condition.
2. The facts in brief of this Appeal as per the Appellants are as follows:-
 - (i) On account of disputes having arisen between the Appellants and Respondent No. 6 in the present case Mr. Suvarn Bandekar (the Complainant before GCZMA) in respect of property bearing Survey No. 76/1, admeasuring approximately 43,600 sq. mtrs., the Complainant has been targeting the Appellants in respect of their structures existing on the said survey number. In fact, the said structures are argued to be in existence since 1984.
 - (ii) Earlier, the Complainant had filed two suits regarding the same land before Civil Judge Senior Division at Margao-Goa, alleging that fresh construction/new construction was being done by the

Appellants/their predecessor-in-title Mr. Armando Cardozo (father of the Appellant No.1).

(iii) The Appellant No.2 was a Mundkar of a residential house in the said property and with the permission of the father of complainant, other structures such as distillery, storage for toddy, storage for wood, cow shed and pigsty were permitted to be constructed by the predecessor-in-title of the Appellants.

(iv) The complainant had tried to seek demolition of additional structures except the residential house by instituting the above suits. In the entire suit, there was no mention about existence of any bar and restaurant or the father of the Appellant No.1 running a bar and restaurant from varandha of the residential house. The structures mentioned in the said suits have nothing to do with the structures existing in Survey No.16/7.

(v) According to Goa, Daman and Diu Mundkars (Protection from Eviction) Act, 1975, a Mundkar can construct in the property of Bhatkar that is landlord, with his permission and there is protection granted to such Mundkar from such eviction and he is entitled to purchase the dwelling house along with the area which may extend to about 300 sq.mtrs. in a village and 200 sq. mtrs in Municipal area. The late father of Appellant took defense of Mundkarship in the said suits and resultantly the issue of Mundkarship was referred to the Mamlatdar and the suits were stayed.

(vi) Further, it is submitted that by an application dated 17.04.1981, Mrs. Bertha Fernandes applied for re-survey of the Survey No.16/2. After an inquiry, order dated 25.03.1982 was passed in DC Case No. 43, inter-alia holding that as on the date Survey No.16/7 should be surveyed in the name of the late father of the Appellant No.1, having an area of 6400 sq. mtrs., house being 25

sq. mtrs. and well being sq. 25 mtrs. there-on. This is public document as the order is passed by the Public Officer, which could not be placed by inadvertence before the GCZMA/Respondent No.1. However, GCZMA had relied on an order dated 05.07.2001 passed by the Deputy Collector, which is being read out of context. Hence, the Appellants have sought leave to place on record the order dated 25.03.1982.

(vii) Further, it is submitted that the impugned order has been obtained by the complainant from Respondent No.1 submitting wrong facts to the effect that the father of the Appellant No.1 was running a bar and restaurant on Survey No. 76/1 from the varandha of his residential house and that this very license was used by the father of the Appellant No.1, for obtaining excise license in respect of Survey No. 16/7 at Sernabatim Beach (property in question).

(viii) Further, it is submitted that Respondent No.1 had issued show cause notice to the Appellant on 29.01.2014, based on complaint of Respondent No.5 (complainant) that unauthorized structures were constructed in Survey No.16/7.

(ix) The complainant had not placed on record such excise license before the Authority deliberately in order to conceal facts. The Respondent No.1 ought to have drawn adverse inference regarding such license in respect of Survey No.76/1 being in existence and the entire case that the license of Survey No.76/1 was being used for Survey No.16/7 ought to have been rejected at the very threshold.

(x) In response to the show cause notice, the Appellant had placed unimpeachable public document such as resolution passed by the Panchayat in which it resolved to grant NOC to Armando Cardozo in Survey No.16/7, pursuance to an application of NOC dated 30.11.1984 in respect of the structures in Survey No.16/7.

Survey plan of Survey No.16/7 was annexed with the said application which depicted the structures. He had also placed on record an application dated 29.03.1985 made to the excise department for granting excise license in respect of bar and restaurant in Survey No.16/7 which was issued on 20.08.1986.

(xi) Apart from this, documents such as house tax receipts, trade license, electricity bills, renewal of excise license, were all of prior to 1991 period, which were placed on record.

(xii) Further, it is submitted that based on the reply submitted by the Appellants, the Respondent No.1 referred the matter to the Inquiry Committee directing it to submit a report in respect of the structures existing in Survey No.16/7, which filed a detailed report on 12.08.2014. The Inquiry Committee took a survey plan prepared by Directorate of Settlement and Land Records (DSLRL) in the year 2014 as the base plan and depicted there-in the structures by marking the same under different letters, it marked bar and restaurant with shed under letter B, the cottages with rooms were designated as C, C1 and C2. Other structures such as shed, pump house, water tanks and wells were identified by describing the same. The Inquiry Committee after comparing the documents, the plans including the plan of the year 1984, 1985 and DSLRL plan of 2014 categorically held as follows:-

"Since the structure shown in the site plan of the report were existing at the time, the sketch was drawn in the year 1984 and in the year 1985, the structure B, Bar and Restaurant, structures C, C1 and C2 cottages with rooms and other structures namely shed, pump House, water tank, wells which are necessary for the activities of structure B, C, C1 and C2, those structures were existing prior to CRZ Notification 19 February 1991 and does not call for any interference from the Authority".

(xiii) It is further submitted that the structures as depicted in the plan of Survey No. 16/7 by the Appellants in the year 1984, in the year 1985 and the plan prepared by the DSLR in the year 2014 based on the existence of the structures as on that date, are identical in terms of numbers and shape.

(xiv) Further, it is submitted that the Respondent No.1 did not accept the Inquiry Committee's Report and held following in its meeting dated 18.11.2014:-

"...authority on perusal of documents available decided not to accept the findings of the Inquiry Committee since the licensee/permissions that is for sale of liquor, electricity and water" obtained by late Mr. Armando Cardozo is for operation of a bar at his residential place situated in Survey no. 76/1, Ambeshir at Sernabatim where he used to run a Bar in the varandha of his residential house and now the same license is being used for 11 structures situated in Survey No. 16/7 situated at Praya, Sernabatim village in ADZ area. In view of such set discrepancies, the authority after discussion and deliberation decided to call the parties for personal hearing before the authority seeking clarification in the matter and decide thereafter".

(xv) Thereafter, the Respondent No.1 passed an order dated 05.12.2014 holding that the Appellants had failed to submit any document such as construction license/permission, approved plans, original survey plans records/plans or convergence sanad to prove that the structures marked in the Inquiry Committee Report by letters C, C1 and C2 which are cottages with rooms and other structures, toilet, store room, pump house and two wells and storage tanks were in existence prior to 19.02.1991 and accepted that the bar and restaurant existed in Survey No. 16/7 and directed demolition of all other structures except the bar and the restaurant.

(xvi) Against the above order, the Appellants filed Appeal No. 43/2014 before the National Green Tribunal, Western Zone, Pune

which was later on transferred to the National Green Tribunal Principal Bench, New Delhi where it was re-numbered as Appeal No. 128/2018 and after hearing of the matter, vide order dated 20.12.2018, the matter was remanded to the Respondent No. 1, directing to consider the material on record.

(xvii) The Respondent No.1 after giving opportunity of hearing, passed the impugned order, ordering demolition of the entire structures existing on Survey No.16/7.

3. The grounds on the basis of which the challenge is made in the present Appeal is that:-

(i) Despite the Inquiry Committee having certified the existence of the structures, which was also accepted by the Respondent No.1 at least to the extent of the bar and restaurant, the other structures having been found to be existing next to the Bar and Restaurant, the finding was written that the sketches do not correspond to the property bearing Survey No. 16/7, which is uncalled for.

(ii) Respondent No.1 failed to appreciate that the Panchayat and the excise department had conducted inspections before issuing NOC and excise license in respect of Survey No. 16/7 was issued which was later on renewed five times between 1986 to 1991, that is prior to 19.02.1991.

(iii) The Respondent No. 1, merely on the basis of the fact that the main Sernabatim Colva road was shown on a location plan on the eastern side and by referring to its distance as 450 meters, erroneously held that the structures were in Survey No. 76/1 and that the license issued for Bar and Restaurant also related to Survey No. 76/1 and not to Survey No. 16/7.

(iv) The Respondent No. 1 failed to appreciate that the mud road was shown as touching the Survey No. 16/7, on its southern side, which in fact is the road, which was passing through the property of the Respondent No. 5, which was allegedly dug up by the father of

the Appellant No. 1, for which proceedings were initiated under OA No. 23/2014 by the Respondent No.5 before this Tribunal. The existence of mud road clearly concludes the issue that the structures existed in Survey No. 16/7 and the license was also issued in respect of the same survey number.

(v) The Respondent No.1 failed to appreciate Rule 100 of the Goa Excise Duty Act, 1964 and Rules which provides that no Bar can be allowed to operate from a house or a part of the house. Therefore, there was no question of any license being issued in respect of the dwelling house of the Appellants in Survey No. 76/1.

(vi) It was incumbent upon the Appellant under Rule 90 of the Goa Excise Duty Act, 1964 and Rules, to show existence of the structures in the property in a plan, while applying for Excise License. Accordingly, the Appellant in its application dated 29.03.1985, had annexed the plan of Survey No. 16/7, where-in apart from the Bar and Restaurant all other structures were also depicted, which has been ignored by the Respondent No.1.

(vii) It is urged that the finding to the effect by Respondent No.1 that the structures shown in the plan of 1984 pertain to some other location/structure, by contending that road was shown on the eastern side or that the distance was mentioned as 450 meters in the length, is on the face of it, inferential. The Appellants has to submit in this regard that only 2 survey numbers which were discussed in the proceedings, were 16/7 and 76/1. In terms of area, location and size, the said 2 survey numbers are distinct and separate. Therefore, conclusion drawn that the structures are existing elsewhere i.e. in Survey No. 76/1 and the license in respect of Bar and Restaurant was also in Survey No. 76/1, which was being used for structures in Survey No.16/7, is a false finding.

(viii) The electricity bills were annexed which showed power consumption. Apart from that house tax receipts were filed in

respect of existing structures but all were discarded erroneously by the Respondent No.1. Had there been no structure existing why the electricity connection would have been taken and its bill would have been paid. The electric meter, in respect of Xavier Bar and Restaurant, is admittedly in Survey No. 16/7.

(ix) The Respondent No. 1 has committed the same mistake which it had committed in passing the earlier order dated 05.12.2014 by recording that the Appellants have failed to produce any document which could be considered as a permission/license/approval and or/conversion sanad from the competent authority to establish the legality of the structures existing in the property in question admeasuring more than 750 sq. mtrs.

(x) If at all, the Respondent No.1 had any doubts regarding the existence of the structures on Survey No. 16/7 or Survey No. 76/1, it was incumbent upon it to get an inspection carried out which would have brought correct position of the spot. The house number was also allotted in 1986, which would be sufficient to infer that license was granted in Survey No. 76/1, Ambeaxir which is 400 mtrs. away from the beach as stated in the letter dated 26.08.1985 of the excise department, hence, it is prayed that impugned order be set aside.

4. The stand taken by **Respondent No.1/GCZMA** in its Affidavit dated 19.08.2022 is as follows:-

(i) The Appellants are the owners of the property bearing Survey No. 16/7, admeasuring approximately more than 3200 sq. mtrs. (Subject Property) and are also owners of the property bearing Survey No. 76/1, wherein they are running Bar and Restaurant since prior to 1991 with requisite licenses/approvals/ permissions. However, the Appellants have not only been using the aforesaid licenses for the Subject

Property (Survey No. 16/7) but have also undertaken additional structures there-on after 1991, without obtaining prior approvals/permissions/licenses which is in violation of the Coastal Regulation Zone Notification, 2011.

- (ii) The Subject Property lies entirely within 200 meters of the High Tide Line (HTL), hence, falls in No Development Zone (NDZ) of the CRZ Area which is evident from three plans prepared by the Directorate of Settlement and Land Records (DSLRL) dated 16.12.2010, 05.09.2012 and 27.03.2014. Therefore, no construction shall be permitted within the said area.
- (iii) The Answering Respondent had issued to the Appellants various show cause notices for unauthorized structures and thereafter had referred the matter to the Inquiry Committee which conducted inspection and submitted its report on 12.08.2014 but its recommendations were not accepted for the reasons mentioned in the notice of personal hearing dated 05.12.2014 issued to the Appellants and ordered Appellants to demolish all the structures (except one structure) found identified on the subject property. The said order was challenged before the NGT and was set aside vide its order dated 20.12.2018, remanding the matter back to Respondent No.1 for reconsideration. Thereafter, again after hearing the parties and perusing the documents on record, the answering Respondent passed the impugned order directing the Appellant to demolish all the existing structures on the subject property and restore the land to its original condition.
- (iv) During the proceedings, the Respondent No.1 had given various opportunities to the Appellant to produce documents showing permission/license/approval and/or Conversion Sanad from a competent authority to establish the legality of the said structures but it had failed to provide the same.

- (v) The Appellants placed reliance on documents such as, application dated 29.03.1985 made to the Excise Department for Excise License, Excise License dated 20.08.1986, Application dated 30.11.1984 to the Panchayat for NOC for Bar and Restaurant which was decided on 02.11.1984, Government Survey Plan, plans prepared by the DSLR, receipts and licenses, but all these neither establish the legality of the structures nor do they prove that the structures existed from 1984 i.e. prior to 1991.
- (vi) It is further submitted that Appellants did not mention the survey numbers in respect of which the Electricity Bills, Trade Tax, House and Lighting Tax Receipts, NOC, Excise License etc. had been issued. Moreover, the plans made by DSLR between the years 2010 and 2014 show that the structures had varied in size and dimensions but the Appellants failed to produce any permission/license/approval for the said changes. In view of this, it was inconceivable to hold that the Appellants would not have a single construction license from the Village Panchayat prior to the year 1991 for the said structures.
- (vii) Even the Plans submitted by the Appellant did not correspond to the subject property as there was no main road touching the subject property nor is there any mention made of any structure existing on the subject property, in the sale deed.
- (viii) The averment of the Appellants that by inadvertence they could not place the order dated 25.03.1982 passed by the DC in case no. 43, which was in respect of re-survey of the subject property is erroneous. However, it is evident from the said order that there were only two structures existing on the Subject Property i.e. (i) House admeasuring 25 sq. mtrs.; and (ii) Well admeasuring 25 sq. mtrs.

- (ix) Further, it is submitted that license for Bar and Restaurant was granted on 02.12.1984, however, the house number found on the subject structure, where-in the Bar and Restaurant was to be operated, was granted on 16.11.1986, i.e. after two years from the date of NOC. It shows that the structure for which the license was granted existed in Survey No.76/1 and not in the subject property (Survey No. 16/7).
- (x) Even the Electricity Bills and the Receipts which have produced by the Appellants mentioned the name of field 'Ambeaxir', i.e. Survey No. 76/1. This is also mentioned in Form I and XIV at Page 443 of the Application. The said documents submitted by the Appellants pertain to the location of the Bar and Restaurant and the same is inconsistent with the plan annexed to the Applications dated 30.11.1984 and 20.03.1985.
- (xi) Based on the above facts, the demolition order was passed correctly, therefore, the appeal should be rejected.

5. The stand of the **Respondent No. 5** is as follows:-

- (i) The Appellants have failed to produce even a single permission/ license/approval from any of the competent authorities in respect of the 09 to 11 independent illegal structures of different sizes in survey no. 16/7. In fact one of the aforesaid illegal structure the "Xavier Bar and Restaurant" touches the Sernabatim Beach Coast, with all the other structures admeasuring 762 sq. mtrs. or there-about falling fully within 200 meters of the High Tide Line (HTL) and in fact 85% of the property bearing Survey No. 16/7 itself falls within the HTL.
- (ii) The survey no. 16/7 in fact is about 220 meters in length from the HTL (West to East) and admeasuring 3200 sq. mtrs., the sale deed which has been relied upon by the Appellant, by

which they have said to have purchased the property in question has no mention of any existing structure.

- (iii) A correction application was moved by the Appellant before the Deputy Collector, who vide order dated 05.07.2001, after holding an enquiry, found in existence over the said survey number 16/7, a well in existence as well as a house admeasuring 25 sq. mtrs.
- (iv) The sketch maps which were annexed with the application for NOC dated 30.11.1984 before Panchayat/Respondent No.4 and the application dated 29.03.1985 moved before the Commissioner of Excise for license, are not survey plans. The said sketch maps show that there is main road for Sernabatim to Colva on the eastern boundary of the property in question, whereas in fact Sernabatim-Colva main road does not at all touch Survey No. 16/7. Moreover, the length of the property in the east-west direction is shown to be 450 sq. mtrs. which is at variance with the actual distance and therefore, the said document cannot be relied upon and in fact they appeared to have been submitted with respect to obtaining NOC and license on some other property/survey number.
- (v) The illegal constructions were first noticed in the year, 2000 by the Deputy Collector, consequent to proceedings in Writ Petition No. 126/1996 made its communication to Respondent No.1, where-after Respondent No. 1 issued notices to the Appellants as well as Respondent No.4. Thereafter, Respondent No.1 carried out first site inspection and it was found that structures admeasured 762 sq. mtrs. consisting of restaurant, cottages and a building. Thereafter, Respondent No.1 issued a show cause notice to the Appellants with a direction to demolish the constructions which were in blatant violation of CRZ Notification. Thereafter, Respondent No.1 issued another notice

to the predecessor of the Appellants on 09.09.2003 and after personal hearing, passed an order on 20.05.2005, directing demolition of all the structures within one month. The Appellant's predecessor challenged the said order before the Hon'ble High Court of Bombay at Goa taking a plea that Collector's Report and Panchnama were not furnished to him, where-on Respondent No.1 was directed to hear the matter once again, by order dated 20.07.2005 passed by Hon'ble High Court.

(vi) Further, it is submitted that in Suo Moto Writ Petition No. 02/2006, the Hon'ble High Court of Bombay at Goa issued directions in respect of Survey No.16/7, for survey to be conducted by Directorate of Settlement and Land Records (DSLRL), where-after the plan dated 16.12.2010 was prepared by the DSLR showing 09 structures of various sizes in NDZ within 200 mtrs. from the HTL in the said survey land. Thereafter, Respondent No.4/Panchayat issued show cause notice for demolition of the said structures in the year 2008. Later on the Panchayat justified some of those structures finding them legal and decided to cancel the notice. The Panchayat is hand-in-glove with the Appellants, as it held that the old structures existed since prior to liberation of Goa when the same were purchased in 1997. The predecessor of the Appellant has produced license dated 04.12.1985 along with the sketch pertaining to a residential bungalow which has also been used to cover up for the illegal structures. The said bungalow does not lie in the land bearing Survey No.16/7 and is located somewhere close to the boundary of Benaullim Village.

(vii) The Respondent No. 4 has helped the Appellants in manipulating the documents and for this, it is submitted that a certificate was issued on 22.10.1986 to the effect that Armando

Cardozo is a resident of Sernabatim, Ambeaxir bearing house no. 107/2 and that the Panchayat had no objection to him to do minor repairs in the existing house bearing no. 107/2 at Ambeaxir Sernabtain. The certificate dated 19.06.2005 certifies that the House No. 107/3 is registered in the Panchayat Office record in the name of Armando Cardozo from the year 1987-88. However, it is seen that the said House No. 107/3 is changed to House No.107/2 in the year 1992-93 as per new assessment of houses and the necessary house taxes have been paid till 31.03.2005.

(viii) The third certificate pertains to no-dues dated 09.07.2003 which says that Smt. Bertha E. Fernandes, Proprietor of M/s. Camilson Beach Resort is running business activities of lodging units, Bar & Restaurant in premises bearing H.No.107/3 situated at Ambeaxir, Sernabatim and has no due outstanding.

(ix) From the above certificates, it is apparent that there are contradiction in those certificates as the predecessor of the Appellant Mr. Cardozo is a resident of Ambeaxir, bearing House No. 107/2 and has been issued a license to run Bar & Restaurant under Resolution No. 7 (b) dated 16.11.1986. As against this, the Certificate dated 19.06.2005 states that House No.107/3 is registered in the name of Mr. Cardozo, in year 1987-88 and is changed in the year 1992-93 from 107/3 to 107/2. When the House No.107/2 already existed on 22.10.1986 as per certificate dated 22.10.1986, where was the question of changing it again in the year 1992-93 as stated in the certificate dated 19.06.2005. Moreover, there is no reason given to change the House No. 107/3 to 107/2.

(x) Mr. Cardozo claimed that initially the house number which was allotted to the said structures/cottages was house no. 107/6 and that soon thereafter he set up Tourist Home in the said

structure after obtaining electricity connection for the said structures.

(xi) In replies dated 12.01.2001 and 22.10.2003 to the Respondent No. 4 in show cause notice notices dated 26.12.2000 & 18.10.2003, the predecessor-Mr. Cardozo has stated that one of the other structures situated in his said land and bearing House No. 107/7 is used for lodging of the guest for which electricity was required to be released, which stands changed to 107/4. This clearly shows that there is no co-relation between House Nos.107/7, 107/6 and 107/4. Further, Resolution No. 7(b) dated 16.11.1986 which finds mention in certificate dated 19.06.2005, does not refer to run Bar and Restaurant but refers to issuing House Number to his structure where the Bar and Restaurant is situated at Sernabatim beach, Ambeaxir. Instead, Resolution No. 3(f) dated 02.12.1984 refers to license from Bar and Restaurant at South Colva Beach proposed by Mr. Cardozo from Ambeaxir.

(xii) It is pertinent to note that the original structure of 25 sq. mtrs. which was allotted to the predecessor of the Appellant, Mr. Cardozo, got converted into massive structures thereafter, though there is not a single NOC and/or approval produced by the Appellants from any of the Authorities like the Town and Country Planning etc. nor is there is any conversion sanad.

(xiii) Further, it is submitted that in Survey No. 16/7 inspection was made on four different occasions by the Survey Department right from 2010 to 2020 either on High Court's directions or otherwise and each report/plan depicts a continuous change in shape and/or increase in size of the structures and for which no permission/approval/license was produced which was required under law which is in consonance with the directions issued by the Tribunal vide order dated 20.12.2018. In fact the

sketches produced by the Appellants alleged to be of the years 1984 and 1985 tally with the location of the house in the property bearing Survey No.76/1, where the bar and restaurant was situated for which license was originally granted. Even, the license issued by Food and Drug Authority on 12.03.1994 shows that it was granted for his residential structure. The documents filed by Appellants do not support the case of the Appellants as the same do not tally with the situation at the site. Moreover, the permissions/approvals which ought to have been produced, have not been produced.

(xiv) The Appellants solely relied on application dated 29.03.1985 and Letter dated 30.11.1984 while failing miserably to clarify the clear inconsistency in the said documents which is fatal in respect of the facts mentioned above. The various structures admeasuring 762 sq. mts. are independent structures having only one house number and not a single license/ permission/ approval from any of the competent authorities has been filed.

(xv) There has been an attempt on the part of the Appellant's predecessor i.e. Mr. Armando Cardozo and his legal heirs to pass off documents and various records pertaining to mundkarial house belonging to late Mr. Armando Cardozo located in Survey No. 76/1 of Sernabatim Village as if the same pertains to structures in property Survey No. 16/7. In fact property bearing Survey No. 76/1 of Sernabatim Village is called 'AMBEAXIR' and not a mundkarial house which is belonging to late Mr. Armando Cardozo, where-in he ran Xavier Bar & Restaurant.

(xvi) In contrast, contrast, the property bearing Survey No. 16/7 is called "PRAYA". The Survey No. 76/1 of Sernabatim Village is located about 500 to 1000 meters away from the Sernabatim Beach, whereas Survey No. 16/7 is located adjacent to the

Beach. Most of the documents relied upon by Mr. Armando Cardozo and his legal heirs are in respect of structures located in Survey No. 76/1 and the permissions are in respect of structures located at AMBEAXIR.

(xvii) In a lot of the bills/ receipts and other documents produced, the word Ambeaxir is found mentioned which would lead to the conclusion that the said record pertains to a structure in the property known as Ambeaxir which is property bearing Survey No. 76/1. The road leading to the Sernabatim Beach where the property bearing Survey No. 16/7 exists, itself was constructed between the years 1992 to 1996, prior to which there was only a footpath. The depiction of the structure on a plan is required for obtaining an Excise License but in the present case, the same does not tally with the plan produced, coupled with the letter dated 26.08.1985, where-in it is specifically stated that the structure/premises is 400 mtrs. away from the Sernabatim Beach. The electricity bills, house and lighting tax receipts or any other such documents cannot be considered, as already held by the Respondent No. 1 in a number of decisions to be taken as proof of valid permission for construction. In the case at hand as many as 9 to 11 structures are found to have been raised which are independent structures, yet having on a single house number while admeasuring more than 762 sq. mtrs. and yet not having a single license/permission/approval from any Competent Authority and all these structures are existing within 200 meters of High Tide Line.

(xviii) It is further submitted that number of inspections of the property in question have been conducted by Respondent No. 1/GCZMA right from 2001 onwards and from 2010 onwards

by Survey Department, which clearly shows that the illegalities have continued unabated, therefore, there is no question of another inspection being carried out by Respondent No. 1 as is being prayed by the Appellant as that would not serve any purpose. Even the DSLR has carried out inspections and said plans of 2010, 2012, 2014 and 2020 clearly show a clear variation of the structures and even in respect of the said changes, no permissions have been produced. The record shows that on 25.03.1982, there existed only one structure admeasuring 25 sq. mtrs. in the property bearing Survey No. 16/7 while it is claimed that within a period of 2 years, the said structure increased by 762 odd sq. mtrs. and that too without land conversion or any approvals or NOCs from any of the competent Authorities.

6. On the basis of the above pleadings, the only question that needs to be answered by us is whether the structures in the property bearing Survey No. 16/7, Sernabatim, Goa existed prior to 19.02.1991 ?

7. We have heard the arguments of the Learned Counsels for the parties and perused the record.

8. The Learned Counsel for the Appellants has vehemently argued that the Respondent No. 1/Authority has passed an order of demolition again without considering the documents produced by it in appropriate manner, ignoring the direction given by the NGT vide order dated 20/12/2018.

9. Our attention is drawn to the said order of this Tribunal dated 20.12.2018 where-in it is recorded that the Appellant did not produce any documents such as construction license permission, approved plan, original survey record/plan and conversion deed etc. to the Respondent No. 1 while the Appellant had placed before the Respondent No. 1 as well as the enquiring committee, the license granted by Excise Department

with maps attached to it and based on that, the enquiry committee submitted report in its favour yet the same was over looked without giving any reason by the Respondent No. 1 and therefore, the matter was remanded for re-consideration but instead of appropriate re-consideration, an illegal demolition order has been passed.

10. He drew our attention to the sale deed where-by the said property was purchased and thereafter attention has been drawn to the map prepared by the Directorate of Settlement and Land Records, Government of Goa annexed at page 394 of the paper book and indicated Survey No. 16/7 where-in the structures of the Appellants were existing. These structures were found in existence on 27.03.2014 and the survey maps with the structures shown in a map annexed with the application dated 30.11.1984, moved by Mr. Armando Cardozo before Sarpanch, Kolva, for grant of NOC for bar and restaurant license in Survey No. 16/7 in Sernabatim matched with these map annexed with an application given to the Commissioner of Excise on 29.03.1985, seeking license for retail sale of Indian made foreign liquor, hence it was argued by him that all these structures were there in the year 1985 and they were also shown in the Survey map of Directorate of Settlement and Land Records dated 27.03.2014. Therefore, these structures should be taken to have existed prior to 1991, hence cannot be demolished because CRZ Notification would not be applicable on them.

11. This argument was rebutted from the side of the Respondent No. 5 stating that the said map which has been annexed with the application dated 30.11.1984 and 19.03.1985 do not relate to the Survey No. 16/7 because on the eastern side of the said property, there is shown Sernabatim main road which is not shown in the map dated 27.03.2014 of DSLR.

12. Apart from that, the Appellant has also drawn our attention to the receipts on pages from 369 to 379 of the paper book which appear to be of the electricity bill receipts, house tax receipts and trade tax receipts etc. which all belong to the period prior to 1991 and are being stated to be of the house situated on the property in question and it is argued that it is enough proof to hold that the said structures were existing prior to 1991 and therefore, should not have been ordered to be demolished.

13. The Learned Counsel for the Respondent No. 5 as well as Respondent No. 1 vehemently argued that the said properties on the Survey Number in question were constructed post 1991 without any permission from competent authority and are falling within NDZ and therefore, no construction could have been done because of the said construction being in violation of CRZ Notification, 2011, hence they have been rightly been ordered to be demolished.

14. We have gone through the impugned Judgment carefully and find that the main question which was framed for consideration was whether structures in property bearing Survey No. 16/7, Sernabatim, Goa existed prior to 1991? It is the same question which we have also framed for consideration before us and the said question has been answered in negative by the authority after thorough consideration of the respective submissions. In fact whatever arguments have been raised before us have already been raised before the GCZMA, therefore, we have to see whether the findings given by the GCZMA in this matter are contrary to the evidence on record or are they in consonance with it?

15. The Authority has observed in the impugned order that it has found that the Survey No. 16/7 would fall almost entirely within 200 mtrs. of HTL which is seen demarcated on three plans prepared by the Directorate of Settlement and Land Records, a perusal of the plan would indicate that the structures in question were within 200 mtrs. of HTL. The Appellant

failed to produce any document which could have been considered as a permission/license/approval or conversion from the competent authority so as to establish that the structures were legally made which admeasured more than 750 sq. mtrs. and are independent structures. The total area of the said Survey Number is 3200 sq. mtrs. and in terms of the plans from Directorate of Settlement and Land Records, there were found large number of structures and the said property which are independent, which measures to be 750 sq. mtrs. in all in-conceivable that such huge structure would not have even a single construction license from the Village Panchayat prior to 1991.

16. The Appellant is relying upon the applications made to the Village Panchayat in 1984 and an application dated 29.03.1985 made to Commissioner of Excise, both of which have a sketch annexed to it. The Authority meticulously compared the aforesaid sketches viz-a-viz the Government Survey Plan and the plans prepared by the Directorate of Settlement and Land Records and found apparent that the said sketches did not correspond to the property bearing Survey No. 16/7 as there was no main road touching the property bearing Survey No. 16/7 nor did the property admeasure 450 sq. mtrs. in length as stated in the aforesaid sketches. In fact the Survey plan as well as the DSLR plans showed existence of private property on three sides with the Arabian Sea on the western side, therefore, they appear to be pertaining to some other location/structure and on that basis the Appellant was not found to have established that the structures in question existed prior to 1984.

17. We are also fully in agreement with this finding because it is only these above mentioned two documents which have been taken into consideration by the Authority which were vehemently pressed before us also and based on that, it was urged that the sketches annexed with the application moved before Village Panchayat in 1984 and the application dated 29.03.1985 moved before the Commissioner of Excise, both were

identical and established the correct position of the structures located in Survey No. 16/7, when compared with the map prepared by the Directorate of Settlement and Land Records on 27.03.2014. Therefore, all these structures which were found to be there in 1984-85 were also found existence in the year 2014 when the DSLR prepared this map and on that basis, the said structures should be treated to have been in existence prior to 1991 in the said survey number. We do not find the said argument convincing on the same ground which has been relied upon by the authorities as we also find that there two sketch maps annexed with the application moved before Village Panchayat and Commissioner of Excise, do not show Sernabatim main road to Colva towards the eastern side of the said Survey number while the said road is not shown in the survey map of 2014 and 2017. Therefore, we also arrive on the same conclusion that the sketch maps which are shown of the property in question do not appear to be of the disputed structure as there is difference in its boundary towards eastern side and accordingly, these pieces of evidences appear to have been rightly discarded by the authority.

18. The authority has also taken into consideration the undisputed fact that the subject matter property was purchased in the year 1977 but there is no mention made in the concerned sale deed of structures existing in Survey No. 16/7. The said property after it's purchase, was the subject matter of re-survey vide application dated 17.04.1981 and it was found then that there was only one structure existing in it admeasuring 25 sq. mtrs. How that structure came to be expanded to 750 sq. mtrs. later on, has not been explained properly by the Appellants as no permission from any Competent Authority has been shown to have been obtained for additional construction in order to add to the existing structure which was 25 sq. mtrs. earlier. The burden to proof this as to how the said structure came to be expanded to 750 sq. mtrs. lay upon the Appellants, which they have failed to discharge.

19. The authority has also noted that the application dated 30.11.1984 for NOC for bar and restaurant, was decided on 02.12.1984 and the license for bar was granted, which shows interestingly that the house number to the structure in which the bar and restaurant was to be operated, was granted on 16.11.1986 i.e. two years after the NOC having been granted, which is not inconsonance with law. Therefore, it can safely be assumed that the structure for which the license was granted, existed in Survey No. 76/1 (AMBEAXIR) which is 400 mtrs. away from the beach as is stated by the letter dated 26.08.1985 by the Excise Department.

20. As regards the reliance placed by the Appellants on the electricity bills, trade tax, house tax and lighting bill receipts, NOC from Panchayat, excise challans etc. which have been placed on record to prove that the structures in the Survey No. 16/7 existed prior to 1991, the Authority has mentioned in impugned order that they are not satisfied by the said documentary evidence as they do not mention the survey number or location in respect of which the said electricity bills, trade tax, house and lighting bill receipts and other documents have been issued and therefore, they were discarded as insufficient proof to hold that the structures in question existed prior to 1991 at the said place. We are totally in agreement with the said view/interpretation made by the Authority and hold that only on the basis of these documentary evidences it cannot be held that the disputed structures existed prior to 1991. The Learned Counsel for the Appellant has taken us through all these documents in detail but we find that these documents do not help the case of the Appellants in proving that the said structure existed since prior to 1991.

21. The final argument placed before us, was that after the remand order passed by this Tribunal for re-considering the matter all afresh and pass orders on merits, the same has not been done in letter and spirit, rather the authority has reproduced the same order which had been passed earlier regarding demolition. The said argument is not agreeable to

us because on comparing the two orders, we find that all the documents which were laid during the subsequent hearing before the authority, were considered in depth and a logical and well-reasoned order has been passed by it. We do not find any sufficient reason to interfere in the impugned order and find that this Appeal deserves to be rejected and is accordingly rejected.

22. All the connected applications also stands disposed of.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

23. After pronouncement of the above order, Mr. Parag Rao, Learned Counsel for the Appellant prays that the above order may be kept in abeyance for a period of one month as he has to file appeal before the Hon'ble Supreme Court. Accordingly, at his request, the above order shall remain in abeyance for one month from today.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

October 21, 2022
Appeal No. 16/2022(WZ)
Caveat No. 05/2022(WZ)
I.A. No. 50/2022(WZ) & I.A. No. 99/2022(WZ)
P.kr & JG

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

CIVIL APPEAL NO(S). 8563/2022

ARMAND CARDOZO (SINCE DECEASED), THROUGH
LEGAL HEIRS & ANR.

APPELLANT(S)

VERSUS

GOA COASTAL ZONE MANAGEMENT AUTHORITY & ORS.

RESPONDENT(S)

O R D E R

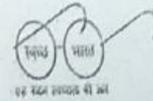
In view of the concurrent factual findings, we do not find any good ground and reason to interfere. Recording the aforesaid, the Appeal is dismissed.

.....J.
(SANJIV KHANNA)

.....J.
(J.K. MAHESHWARI)

NEW DELHI;
November 25, 2022.

Signature Not Verified
Digitally signed by
J.K. Maheshwari
Date: 2022.11.29
15:20:54 IST
Reason:



OFFICE OF THE DEPUTY COLLECTOR & SDO, SALCETE, MARGAO - GOA

Room No.105, 1st Floor,
Matanhy Saldhana Administrative Complex,
Near KTC Bus Stand, Margao - Goa.

Phone: 0832-2794145,

Email:sdm-salcete.goa@nic.in

Fax:0832-2794402

Dated: 14/12/2022

No.SDO/SAL/CRZ/Demo/14534/2022 7943-1

MEMORANDUM

- Sub: Request to depute official for joint site Inspection.
Ref: 1) GCZMA/SAL/SERNA/12-13/01/2349 dated 25/03/2022 &
GCZMA/SAL/SERNA/12-13/01/2027 dated 06/12/2022
2) GCZMA/SWMP/02/06/1440 dated 11/10/2022
3) GCZMA/SWMP/02/06/1458 dated 12/10/2022
4) GCZMA/SWMP/02/06/1459 dated 12/10/2022
5) GCZMA/SWMP/02/06/1569 dated 18/10/2022

Find enclosed herewith letter No.PWD/WD-VI/ADM/F/69/2022/23/1420 dated 01/12/2022 from the Executive Engineer, WD-VI, PWD, Fatorda, Margao Goa, on the above cited subject and copy of above referred orders issued by the Member Secretary, Goa Coastal Zone Management Authority, Panaji Goa are enclosed.

In this connection, the Mamlatdar of Salcete is hereby directed to personally inspect the site on 20/12/2022 at 9.30 a.m. alongwith the officials of GCZMA and the Executive Engineer of PWD and to assess the machinery and man power required to demolish the said structures and to submit the report to this office on 21/12/2022. The Mamlatdar of Salcete to coordinate with the Executive Engineer, WD-VI, PWD, Fatorda, Margao Goa Mobile No.9422057204 & Assistant Engineer Mobile No.9822163645 and the Member Secretary (GCZMA) Mobile No. 9422456712

(Uday R. Prabhu Dessai)
Dy. Collector & SDO,
Margao Goa

ok

Encl: As above.

To,
The Mamlatdar of Salcete
Margao Goa

Office of the Mamlatdar Salcete
Inward No:.....
Date:.....

- Copy to : 1) The Collector, South Goa District, Margao Goa.
2) The Member Secretary, Goa Coastal Zone Management Authority, C/o
Department of Environment and Climate change (Govt. of Goa), 4th floor,
Dempo Towers, Patto, Panaji Goa.
3) The Executive Engineer, Works Division VI (Roads) PWD, Fatorda, Margao, Goa.



OFFICE OF THE DEPUTY COLLECTOR & SDO, SALCETE, MARGAO - GOA

Room No.105, 1st Floor,
Matanhy Saldhana Administrative Complex,
Near KTC Bus Stand, Margao - Goa.

Phone: 0832-2794145,

Fax:0832-2794402

Email:sdm-salcete.goa@nic.in

No.SDG/SAL/CRZ/Demo/14534/2022 / 8160 T

Dated: 22/12/2022

MEMORANDUM

Sub: Request to depute official for joint site Inspection.

Ref: 1) GCZMA/SAL/SERNA/12-13/01/2349 dated 25/03/2022 &

GCZMA/SAL/SERNA/12-13/01/2027 dated 06/12/2022

2) GCZMA/SWMP/02/06/1440 dated 11/10/2022

3) GCZMA/SWMP/02/06/1458 dated 12/10/2022

4) GCZMA/SWMP/02/06/1459 dated 12/10/2022

5) GCZMA/SWMP/02/06/1509 dated 18/10/2022

With reference to this office Memorandum dated 14/12/2022, on the above cited subject, this office had issued joint site inspection on 20/12/2022 at 9.30 a.m.. However, the official from department of GCZMA had failed to visit the site. Therefore, the inspection is re-scheduled on 29/12/2022 at 9.30 a.m.

In this connection, the Mamlatdar of Salcete is hereby directed to inspect the site, which is re-fixed on 29/12/2022 at 9.30 a.m. alongwith the officials of GCZMA and the Executive Engineer of PWD, Fatorda and to submit the report to this office on 30/12/2022. The Mamlatdar of Salcete to coordinate with the Executive Engineer, WD-VI, PWD, Fatorda, Margao Goa Mobile No.9422057204 & Assistant Engineer Mobile No.9822163645 and the Member Secretary (GCZMA) Mobile No. 9422456712

(Uday R. Prabhu Dessai)
Dy. Collector & SDO,
Margao Goa

Encl: As above.

To,
The Mamlatdar of Salcete
Margao Goa

ok

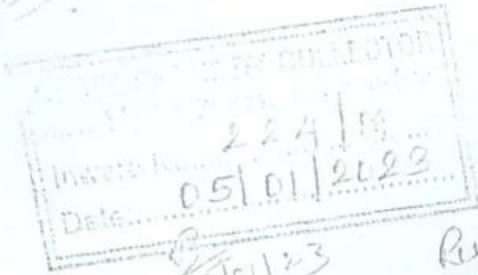
- Copy to : 1) The Collector, South Goa District, Margao Goa.
2) The Member Secretary, Goa Coastal Zone Management Authority, C/o
Department of Environment and Climate change (Govt. of Goa), 4th floor,
Dempo Towers, Patto, Panaji Goa.
3) The Executive Engineer, Works Division VI (Roads) PWD, Fatorda, Margao, Goa.

13
8/12/23
258

ANNEXURE "G"

No.P.W.D./DVI/ASW/F-140/SE4/2022-23
Government of Goa,
Office of the Executive Engineer,
Public Works Department,
Fatorda-Margao, Goa

Dated:- 03/01/2023.



To,
Dy. Collector & SDO,
Matanhy Saldhana Administrative Complex,
Near KTC Bus Stand, Margao, Goa.

Sub :- Regarding request to depute official for joint site inspection.

Ref :- No.SDO/SAL/CRZ/Demo/14534/2022/8160-I dt. 22/12/2022

Sir,

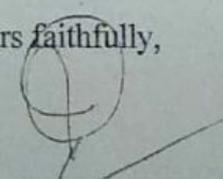
With reference to the above, the inspection was attended by representative of AE-IV attached to this Division along with representative of GCZMA and Mamlatdar on 29/12/2022 from 11.00 am onwards. The structures were identified by representative of GCZMA.

Further AE-IV reported that the structure to be demolished were G+1, G+2 and other structures. Such demolition require specialised demolition agency and methodology.

Therefore it is requested to direct the GCZMA to appoint a consultant to ascertain the method & machinery required for demolition based on which estimate can be framed and tendered only after deposition of funds required for execution of work.

Further the date of demolition may be decided only after the work is tendered and contractor is in place.

Yours faithfully,


EXECUTIVE ENGINEER- VI

Copy to:-

The Asst. Engineer- IV, WD-VI, PWD, Fatorda ...for information and needful.



OFFICE OF THE DEPUTY COLLECTOR & SDO, SALCETE, MARGAO - GOA

Room No.105, 1st Floor,
Matanhy Saldhana Administrative Complex,
Near KTC Bus Stand, Margao - Goa.
Phone: 0832-2794145,
Email:sdm-salcete.goa@nic.in

Fax:0832-2794402

No.SDO/SAL/CRZ/Demo/14534/2022/343-I

Dated: 16/01/2023

To,
The Member Secretary,
Goa Coastal Zone Management Authority,
C/o Department of Environment and Climate change
(Govt. of Goa), 4th floor, Dempo Towers,
Patto, Panaji Goa.

Sub: Execution of order passed by GCZMA

- Ref: 1) GCZMA/SAL/SERNA/12-13/01/2349 dated 25/03/2022 &
GCZMA/SAL/SERNA/12-13/01/2027 dated 06/12/022
2) GCZMA/SWMP/02/06/1440 dated 11/10/2022
3) GCZMA/SWMP/02/06/1458 dated 12/10/2022
4) GCZMA/SWMP/02/06/1459 dated 12/10/2022
5) GCZMA/SWMP/02/06/1509 dated 18/10/2022

Madam,

This is to kindly inform you that on receipt of your order referred above at Sr. No. 2 to 4, this office had issued demolition order bearing No.SDO/SALDEMO/2022/97 dated 22/11/2022 and No.SDO/SALDEMO/2022/100 dated 23/11/2022 & No.SDO/SALDEMO/2022/99 dated 23/11/2022 to demolish structures as directed in the above referred order at Sr. No. 2 to 4.

However, Executive Engineer, WD-VI (Roads South), PWD, Fatorda, Margao Goa vide letter No. PWD/WD-VI/ADM/69/2022-23/1420 dated 01/12/2022 informed this office that all demolitions are large in size, required heavy machinery, advanced measures and skilled manpower and requested to arrange inspection of the said structures so as to work out estimates for demolition and management of funds and also requested to arrange for advance inspection, incase of large structures and make provisions of funds before issuing demolition order and requested to fix it after arrangement of funds available. Copy of letter is enclosed herewith and marked as "Annexure A"

Accordingly, this office directed Manlatdar of Salcete to conduct joint site inspection with Executive Engineer, WD-VI (Roads South), PWD, Fatorda, Margao Goa and representative of Goa Coastal Zone Management Authority, Panaji Goa.

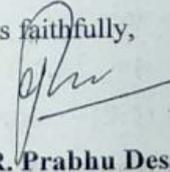
....2/-

After carried out inspection of said structures, the Executive Engineer, WD-VI(Roads South),, PWD, Fatorda, Margao Goa vide letter dated PWD/WDVI/ASW/F-140/584/2022-23 dated 03/01/2023 informed that structures to be demolished were G+1, G+2 and other structures and such demolition required specialised demotion agency and methodology and requested to direct Goa Coastal Zone Management Authority, Panaji Goa to appoint consultant to ascertain the method & machinery required for demolition based on which estimate can be framed and tendered only after deposition of funds required for execution of work. Copy of letter is enclosed herewith and marked as "Annexure B"

In view of above, it is requested to appoint consultant to ascertain the methodology and to prepare the estimate of demolition and for disposal of debris created out of demolition. You are also requested to make provision of funds and to deposit the entire estimated amount towards the same with the Executive Engineer, WD-VI (Roads South), PWD, Fatorda, Margao Goa or alternatively work may be executed through concerned Government agencies at your level. This office shall provide the requisite logistic support such as police protection and magisterial arrangement.

This is for kind information and necessary action.

Yours faithfully,



(Uday R. Prabhu Dessai)
Dy. Collector & SDO
Salcete, Margao Goa

ok

Encl: As above.

Copy to : 1) The Collector, South Goa District, Margao Goa.
2) The Executive Engineer, Works Division VI(Roads), PWD, Fatorda, Margao, Goa.

NGT & SUPREME COURT MATTER



OFFICE OF THE DEPUTY COLLECTOR & SDO, SALCETE, MARGAO - GOA
 Room No.105, 1st Floor,
 Matanhy Saldhana Administrative Complex,
 Near KTC Bus Stand, Margao - Goa.
 Phone: 0832-2794145, Email:sdm-salcete.goa@nic.in
 Fax:0832-2794402

No.SDO/SAL/CRZ/Demo/14534/2022) 09/30/23

Dated: 09/02/2023

To,
 The Member Secretary,
 Goa Coastal Zone Management Authority,
 C/o Department of Environment and Climate change
 (Govt. of Goa), 4th floor, Dempo Towers,
 Patto, Panaji Goa.

Sub: Execution of order passed by GCZMA
 Ref: 1) GCZMA/SAL/SERNA/12-13/01/2349 dated 25/03/2022 &
 GCZMA/SAL/SERNA/12-13/01/2027 dated 06/12/2022
 2) GCZMA/SWMP/02/06/1440 dated 11/10/2022
 3) GCZMA/SWMP/02/06/1458 dated 12/10/2022
 4) GCZMA/SWMP/02/06/1459 dated 12/10/2022
 5) GCZMA/SWMP/02/06/1509 dated 18/10/2022

Madam,

Kindly refer to this office letter of even number dated 16/01/2023, wherein it was requested to appoint consultant to ascertain the methodology and to prepare the estimate of demolition and for disposal of debris created out of demolition. You were also requested to make provision of funds and to deposit the entire estimated amount towards the same with the Executive Engineer, WD-VI(Roads South), PWD, Fatorda, Margao Goa or alternatively work may be executed through concerned Government agencies at your level.

Till date your report is awaited.

Therefore, it is once again kindly requested to take necessary action in the matter.

Yours faithfully,

(Signature)
 (Uday R. Prabhu Dessai)
 Dy. Collector & SDO
 Salcete, Margao Goa

Encl: As above.

Copy to : 1) The Collector, South Goa District, Margao Goa.
 2) The Executive Engineer, Works Division VI(Roads), PWD, Fatorda,
 Margao Goa.

No. SDO/SAL/DEM0/2023/06
Office of the Deputy Collector &
In-charge Demolition Squad,
Sub Division, Margao - Goa.

O R D E R

WHEREAS, the Member Secretary, Goa Coastal Zone Management Authority, C/o Department of Environment and Climate change, (Govt. of Goa), 4th floor, Dempo Towers, Patto, Panaji Goa vide order No. GCZMA/SAL/SERNA/12-13/01/2349 dated 25/03/2022 issued direction to Mr. Armando Cardozo (since deceased through LRR's) (a) Mrs Leticia Cardozo (b) Mr. Jovek Cardozo (c) Ms. Maria Sunifer Cardozo (d) Ms. Maria Sweta Cardozo (e) Mrs. Audrey Cardozo Fernandes (f) Mr. James Sebastiano Fernandes (g) Mr. Domnic Savio Pereira (h) Adv. Ashish Desai to demolish all the existing structures located in Sy. No. 16/7 of village Sernabatim, Salcete Goa and to restore the land to its original condition, within 30 days.

AND WHEREAS, the copy of said order is marked to the Dy. Collector & SDO, Salcete, to enforce the Order and to verify if the structures are removed/demolished and in the event it is not removed as per directives, than the Dy. Collector shall remove the said structures after the stipulated time of two weeks.

AND WHEREAS, this office had issued Memorandum dated 01/04/2022 to the Mamlatdar of Salcete, directing to ensure/verify that Mr. Armando Cardozo (since deceased through LR's) (a) Mrs Leticia Cardozo (b) Mr. Jovek Cardozo (c) Ms. Maria Sunifer Cardozo (d) Ms. Maria Sweta Cardozo (e) Mrs. Audrey Cardozo Fernandes (f) Mr. James Sebastiano Fernandes (g) Mr. DomnicSavio Pereira (h) Adv. Ashish Desai has demolished all the existing structures located in Sy. No. 16/7 of village Sernabatim Salcete Goa and have restored the land to its original condition.

AND WHEREAS, the Mamlatdar of Salcete vide letter No.MAM/SAL/AK/CRZ/Demo/2022/2145 dated 28/06/2022 has informed that inquiry was conducted through the Talathi of Colva village and it is revealed that Mr. Armando Cardozo (since deceased through LR's) (a) Mrs Leticia Cardozo (b) Mr. Jovek Cardozo (c) Ms. Maria Sunifer Cardozo (d) Ms. Maria Sweta Cardozo (e) Mrs. Audrey Cardozo Fernandes (f) Mr. James Sebastiano Fernandes (g) Mr. Domnic Savio Pereira (h) Adv. Ashish Desai have not demolished all the existing structures located in the survey no. 16/7 of village Sernabatim and the land is not restored to its original condition.

AND WHEREAS, the Member Secretary, Goa Coastal Zone Management Authority, C/o Department of Environment and Climate change, (Govt. of Goa), 4th floor, Dempo Towers, Patto, Panaji Goa, vide letter No. GCZMA/SAL/SERNA/12-13/01/2027 dated 06/12/2022 has informed that demolition order dated 25/03/2022 which was passed by their office was challenged in an Appeal by the Respondent violators in Appeal bearing No. 16/2022 before Hon'ble National Green Tribunal, Pune vide judgment/order dated 21/10/2022 thereby dismissing the said appeal. Further informed that the Respondent violators challenged the said judgment/order dated 21/10/2022 passed by Hon'ble National Green Tribunal, Pune in Appeal bearing no. 16/2022 before the Hon'ble Supreme Court in Civil Appeal no. 8563/2022. The Hon'ble Supreme Court of India vide order dated 25/11/2022 was pleased to dismiss the said Civil Appeal no. 8563/2022 and requested to implement/execute the demolition order dated 25/03/2022 issued by their office.

In view of above I, Uday R. Prabhu Dessai, Sub Divisional Magistrate /In-charge of Demolition Squad, South Goa hereby grant the Demolition squad on 15/02/2023 at 9.30 a.m. onwards and order the following Authorities/Agencies as under:

The Dy. Superintendent of Police, S.D.P.O. Margao, Goa, to make necessary arrangements to depute 10 Police Constables and 5 Female Constables alongwith one Officer of P.I. rank, 2 PSI since there is likelihood of law and order problem. They may be directed to report at the Village Panchayat of Sernabatim, Vanelim, Colva and Gandaulim at 9.30 am on the above mentioned date, in order to proceed to the site.

The Mamlatdar of Salcete is directed to remain present at site on the above mentioned date & time, to co-ordinate with all the authorities/agencies till the completion of the demolition. The Mamlatdar of Salcete is directed to draw the minutes of demolition with the names & signature of the authorities present and to submit the compliance report immediately on completion of demolition.

Cont....2/-

The Joint Mamlatdar-I of Salcete to remain present and to perform the duties of the Executive Magistrate and to take care of law and order problem on the above mentioned date and time.

The Member Secretary, Goa Coastal Zone Management Authority, C/o Department of Environment and Climate change, (Govt. of Goa), 4th floor, Dempo Towers, Patto, Panaji Goa shall be responsible for identifying the structures to be demolished/removed. He shall further ensure that demolition of any structures which is stayed by order of any competent court shall not be carried out. He shall depute his representative to identify the structures to be demolished on the day of demolition. The deputed representative shall be directed to report to the Executive Magistrate/Mamlatdar of Salcete at 9.30am on the above mentioned date to proceed to the demolition site.

The Executive Engineer, Works Division VI(Roads) PWD, Fatorda, Margao to provide 20 Labourers, 2 JCB, 2 trucks, tools and required machinery on the above scheduled date and time for the purpose of demolition and they shall be directed to report to the Village Panchayat of Sernabatim, Vanelim, Colva and Gandaulim on 15/02/2023 at 9.30am in order to proceed to the site for demolition.

The Executive Engineer, Works Division VI(Roads) PWD, Fatorda, Margao shall identify the debris dump site along the highway road and transport debris of the demolition to the identified dumping sites and restore the land to its original state and report compliance.

The Assistant Engineer, Sub Div- I, W D XVI, Benaulim Office, Electricity Department, Aquem Margao to provide the services of one electrician along with one lineman on the above date and time for disconnection of electricity supply and direct him to report to the Office of Village Panchayat of Sernabatim, Vanelim, Colva and Gandaulim on 15/02/2023 at 9.30a.m. in order to proceed to the site for demolition.

The Executive Engineer WD-IX(PHE), PWD, Fatorda, Margao Goa to provide the services of 2 Plumbers on the above date and time for disconnection of water supply and direct them to report to the Village Panchayat of Sernabatim, Vanelim, Colva and Gandaulim on 15/02/2023 at 9.30a.m. in order to proceed to the site for demolition.

The Secretary, Village Panchayat of Sernabatim, Vanelim, Colva and Gandaulim is directed to remain present to assist the demolition Squad till the demolition process is over on the above date and time.

If demolition is not completed within a day, the demolition shall continued on next day, the authorities/agencies should co-ordinate among themselves and complete the demolition.

Given under my hand and Seal of this Office on this 6th day of February, 2023.

(Uday R. Prabhu Dessai)

Deputy Collector & In-charge Demolition
Squad, Sub Division, Margao – Goa.

To,

1. The Member Secretary, Goa Coastal Zone Management Authority, C/o Department of Environment and Climate change, (Govt. of Goa), 4th floor, Dempo Towers, Patto, Panaji Goa
2. The Dy. Superintendent of Police, S.D.P.O. Margao, Goa.
3. The Mamlatdar of Salcete, Margao, Goa.
4. The Joint Mamlatdar-I of Salcete.
5. The Executive Engineer, Works Division VI(Roads) PWD, Fatorda, Margao, Goa.
6. The Assistant Engineer, Sub Div- I, W D XVI, Benaulim Office, Electricity Department, Aquem Margao
7. The Executive Engineer WD-IX(PHE), PWD, Fatorda, Margao Goa.
8. The Police Inspector, Colva Police Station.
9. The Secretary, Village Panchayat of Sernabatim, Vanelim, Colva and Gandaulim, Salcete Goa.

Copy Submitted to favor of information to:

1. O.S.D to CM, Secretariat Porvorim Goa.
2. The Collector, South Goa District, Margao.

MOST URGENTNGT & SUPREME COURT MATTER

OFFICE OF THE DEPUTY COLLECTOR & SDO, SALCETE, MARGAO - GOA

Room No.105, 1st Floor,

Matanhy Saldhana Administrative Complex,

Near KTC Bus Stand, Margao - Goa.

Phone: 0832-2794145,

Fax:0832-2794402

Email:sdm-salcete.goa@nic.in

No.SDO/SAL/CRZ/Demo/14534/2022/1062-I

Dated: 16/02/2023

To,
The Member Secretary,
Goa Coastal Zone Management Authority,
C/o Department of Environment and Climate change
(Govt. of Goa), 4th floor, Dempo Towers,
Patto, Panaji Goa.

Sub: Execution of order passed by GCZMA

Ref: 1) GCZMA/SAL/SERNA/12-13/01/2349 dated 25/03/2022 &
GCZMA/SAL/SERNA/12-13/01/2027 dated 06/12/022

2) GCZMA/SWMP/02/06/1440 dated 11/10/2022

3) GCZMA/SWMP/02/06/1458 dated 12/10/2022

4) GCZMA/SWMP/02/06/1459 dated 12/10/2022

5) GCZMA/SWMP/02/06/1509 dated 18/10/2022

Madam,

With reference to above referred orders, this office vide letters No.SDO/SAL/CRZ/Demo /14534/2022/343-I dated 16/01/2023 & No. SDO/SAL/CRZ/Demo /14534/2022/930 -I dated 09/02/2023 has requested you to appoint consultant to ascertain the methodology and to prepare the estimate of demolition and for disposal of debris created out of demolition and also requested to your good office to place the funds at the disposal of the Executive Engineer, WD-VI (Roads) PWD, Fatorda, Margao Goa as requested by PWD(Roads). However, no action has been taken by your good office. (copy enclosed as per "Annexure A & B")

In order to execute your order referred at sr.no.1, this office had issued demolition order bearing No. SDO/SAL/DEMO/2023/06 dated 06/02/2023, which was fixed on 15/02/2023 in order to demolish all the existing structures located in Sy. No. 16/7 of village Sernabatim, Salcete Goa carried out by Mr. Armando Cardozo (since deceased through LRR's) (a) Mrs Leticia Cardozo (b) Mr. Jovek Cardozo (c) Ms. Maria Sunifer Cardozo (d) Ms. Maria Sweta Cardozo (e) Mrs. Audrey Cardozo Fernandes (f) Mr. James Sebastiano Fernandes (g) Mr. Domnic Savio Pereira (h) Adv. Ashish Desai. (copy enclosed per Annexure C")

...2/-

ANNEXURE D

265

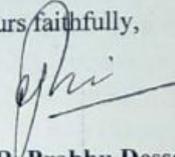
- 2 -

However, the Executive Engineer, WD-VI (Roads), PWD, Fatorda, Margao Goa did not reported at the site with his team and requested to take action on their letter No.PWD/WDVI/ASW/F-140/584/2022-23 dated 03/01/2023 to make arrangement of funds. (copy enclosed as per "Annexure D")

In view of above, demolition could not be carried out on 15/02/2023.

Therefore, you are once again kindly requested to place the funds at the disposal of the Executive Engineer, WD-VI (Roads), PWD, Fatorda, Margao Goa in order to enable this office to execute the above referred orders or alternatively demolition work may be executed at your level. This office shall provide you the necessary police protection and magisterial arrangement.

Yours faithfully,



(Uday R. Prabhu Dessai)
Dy. Collector & SDO
Salcete, Margao Goa

alc

Encl: As above.

Copy to : 1) The Collector, South Goa District, Margao Goa.
2) The Executive Engineer, Works Division VI(Roads), PWD, Fatorda.

GOA COASTAL ZONE MANAGEMENT AUTHORITY

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

4th floor, Dempo Towers, Patto, Panaji-Goa

E-mail: goacoastalzone@gmail.com

Ref. No. GCZMA/SAL/SERNA/12-13/01/2765

Date: 9/03/2023

To,
 ✓ The Deputy Collector & S.D.O
 of Salcete, having office at
 Mathany Saldhana administrative
 Complex, Margao-Goa.

OFFICE OF THE DY. COLLECTOR	
SDO/SDM-I, Salcete, Margao-Goa	
Inward No.	2658/M
Date:	10/03/2023

18/03

Rupa

Sub: Execution of directions to demolish structures in Survey
 no.16/7, Sernabatim, Salcete Goa.

- Ref.: -1) Demolition order bearing no. GCZMA/SAL/SERNA/12-13/01/2349 dated 25/03/2022.
- 2) Your Letter bearing no. SDO/SAL/CRZ/DEMO/14534/2022/343-I dated 16/01/2023.
 - 3) Your letter bearing no. SDO/SAL/CRZ/DEMO/14534/2022/930-I dated 09/02/2023.
 - 4) Your Letter bearing no. SDO/SAL/CRZ/DEMO/14534/2022/1062-I dated 16/02/2023.
 - 5) Your Letter bearing no. SDO/SAL/CRZ/DEMO/2023/1156-I.

With reference to abovementioned subject matter it is to inform you that, the Authority after detailed inquiry issued a demolition order referred to serial no.1 thereby directing demolition of structures belonging to the Respondent violators in property bearing survey No.16/7 of Sernabatim Village, Salcete Taluka.

The said demolition order was challenged in an Appeal by the Respondent violators in Appeal bearing no.16/2022 before Hon'ble National Green Tribunal, Pune. The Hon'ble National Green Tribunal, Pune vide judgement/order dated 21/10/2022 thereby dismissing the said appeal.

The Respondent violators challenged the said judgement/order dated 21/10/2022 passed by Hon'ble National Green Tribunal, Pune in Appeal bearing no.16/2022 before the Hon'ble Supreme Court in Civil Appeal no.8563/2022. The Hon'ble Supreme Court of India vide order dated 25/11/2022 was pleased to dismiss the said Civil Appeal no.8563/2022.

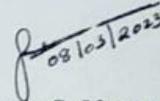
In the directions referred to at serial no.1 issued by this authority, its clearly recorded "The Authority hence resolved to issue Order directing all the Respondents/ legal heirs of Mr. Armando Cardozo to demolish all the structures located in Survey

No. 16/7, Sernabatim, Salcete, Goa, viz. Compound wall on all three sides of the said property along two gates, Bar & Restaurant, Rooms/ Cottages, internal compound wall/ partitions, Storage Tank, Toilet W.C., Store room, Pump House and restore the land to its original state within 30 days failing which the concerned Dy. Collector & S.D.O Salcete to demolish the said structures and recover the cost as arrears of land revenue and submit a compliance report. Thus it is evident that cost of the demolition is required to be recovered from the violator as arrears of Land Revenue Code by your office.

A copy of the directions dated 25/03/2022 issued by this Authority which is self explanatory is annexed hereto and marked as Annexure "A".

In the view of the above you, you are required to make necessary arrangements to recover cost from violator as arrears of Land Revenue Code. Further also coordinate with concerned authorities including the Executive Engineer, WD-VI (Roads), PWD, Fatorda, Margao-Goa and implement/ execute the demolition order dated 25/03/2022 issued by the Authority in its letter and spirit.

Yours faithfully

 03/03/2023

(Dr. Geeta S. Nagvenkar)
Member Secretary (GCZMA)

Copy to:

1. The Collector & District Magistrate, (South), Office of the Collector (South), Mathany Saldanha, Administrative Complex, Margao-Goa.....for kind information and necessary action.
2. The Executive Engineer, WD-VI (Roads), PWD, Fatorda, Margao-Goa... for kind information and necessary action.
3. Mr. Suvarn R. Bandekar, Suvarn Bandekar Building, P. O. Box No. 11, Vasco Da Gama, Goa - 403 802....for kind information only.



OFFICE OF THE DEPUTY COLLECTOR & SDO, SALCETE, MARGAO - GOA

Room No.105, 1st Floor,
Matanhy Saldhana Administrative Complex,
Near KTC Bus Stand, Margao - Goa.
Phone: 0832-2794145,
Email:sdm-salcete.goa@nic.in

Fax:0832-2794402

No.SDO/SAL/CRZ/Demo/2023 / 1505-1

Dated: 13/03/2023

To,
The Member Secretary,
Goa Coastal Zone Management Authority,
C/o Department of Environment and Climate change
(Govt. of Goa), 4th floor, Dempo Towers,
Patto, Panaji Goa.

Sub: Execution of directions to demolish structures in survey No. 16/7,
Sernabatm, Salcete

- Ref: 1) Demolition order bearing No.GCZMA/SAL/SRNA/12-
13/01/2349 dated 25/03/2022
2) Letter No. GCZMA/SAL/SERNA/12-12/01/2027 dated 06/12/0022
3) Demolition order No. SDO/SAL/DEMO/2023/06 dated 06/2/2023

Madam,

With reference to the above cited subject, it is to inform you that your good office vide letter No. GCZMA/SAL/SERNA/12-12/01/2027 dated 06/12/0022 (copy enclosed) requested this office to execute demolition order No.GCZMA/SAL/SERNA/12-13/01/2349 dated 25/03/2022.

Accordingly, this office had issued demolition order bearing No. SDO/SAL/DEMO/2023/06 dated 06/02/2023, which was fixed on 15/02/2023 in order to demolish all the existing structures located in Sy. No. 16/7 of village Sernabatim, Salcete Goa carried out by Mr. Armando Cardozo (since deceased through LRs) (a) Mrs Leticia Cardozo (b) Mr. Jovek Cardozo (c) Ms. Maria Sunifer Cardozo (d) Ms. Maria Sweta Cardozo (e) Mrs. Audrey Cardozo Fernandes (f) Mr. James Sebastiano Fernandes (g) Mr. Domnic Savio Pereira (h) Adv. Ashish Desai.

However, PWD did not reported at the site in view of their letter No. PWD/WD/VI/ADM/F69/2022-23/1420 dated 01/12/2022 and letter dated PWD/WD/VI/ASW/F-140/584/2022-23 dated 03/01/2023 which were already brought to your notice. (Copy enclosed)

This office vide letter dated 16/02/2023 reported the same to you and requested your good office to place the funds at the disposal of the Executive Engineer, WD-VI(Roads), PWD, Fatorda, Margao Goa in order to enable this office to execute the order or alternatively demolition work may be executed at your level.

So also office of the Collector vide letter dated 01/03/2023 requested your good office to place the revolving funds at the disposal of the Executive Engineer, WD-VI(Roads), PWD, Fatorda, Margao Goa in order to execute the demolition orders or otherwise the GCZMA may execute the demolition orders directly at its own end and this office will provide necessary police protection and magisterial arrangement.

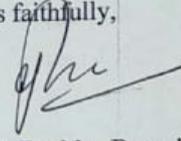
Cont...2/-

In spite of above facts, you have again requested this office to demolish all the existing structures located in Sy. No. 16/7 of village Sernabatim, Salcete Goa without taking any action on out letter dated 16/02/2023 and 01/03/2023.

Recovery of the cost from violator as requested by you as the arrears of land revenue is subsequent issue but firstly funds are required to be placed by you with PWD to demolish the said structures.

In view of above, you are once again requested to place funds at the disposal of the Executive Engineer, WD-VI(Roads), PWD, Fatorda, Margao Goa at the earliest in order to execute the demolition orders or otherwise GCZMA may execute demolition orders directly at its own end and this office will provide necessary police protection and magisterial arrangement.

Yours faithfully,



(Uday R. Prabhu Dessai)
Dy. Collector & SDO
Salcete, Margao Goa.

o/c

Encl: as above

Copy: 1. The Collector, South Goa District, Margao Goa.
2. Mr. Suvarn R. Bandekar, Suvarn Bandekar Building, P.O.Box.11, Vasco Da Gama, Goa.

CONFIDENTIAL

No. SDO/SAL/DEMO/2023/19
Office of the Deputy Collector &
In-charge Demolition Squad,
Sub Division, Margao – Goa.

O R D E R

WHEREAS, the Member Secretary, Goa Coastal Zone Management Authority, C/o Department of Environment and Climate change, (Govt. of Goa), 4th floor, Dempo Towers, Patto, Panaji Goa vide order No. GCZMA/SAL/SERNA/12-13/01/2349 dated 25/03/2022 issued direction to Mr. Armando Cardozo (since deceased through LRs) (a) Mrs Leticia Cardozo (b) Mr. Jovek Cardozo (c) Ms. Maria Sunifer Cardozo (d) Ms. Maria Sweta Cardozo (e) Mrs. Audrey Cardozo Fernandes (f) Mr. James Sebastiano Fernandes (g) Mr. Domnic Savio Pereira (h) Adv. Ashish Desai to demolish all the existing structures located in Sy. No. 16/7 of village Sernabatim, Salcete Goa and to restore the land to its original condition, within 30 days.

AND WHEREAS, the copy of said order is marked to the Dy. Collector & SDO, Salcete, to enforce the Order and to verify if the structures are removed /demolished and in the event it is not removed as per directives, than the Dy. Collector shall remove the said structures after the stipulated time of two weeks .

AND WHEREAS, this office had issued Memorandum dated 01/04/2022 to the Mamlatdar of Salcete, directing to ensure/verify that Mr. Armando Cardozo (since deceased through LR's (a) Mrs Leticia Cardozo (b) Mr. Jovek Cardozo (c) Ms. Maria Sunifer Cardozo (d) Ms. Maria Sweta Cardozo (e) Mrs. Audrey Cardozo Fernandes (f) Mr. James Sebastiano Fernandes (g) Mr. Domnic Savio Pereira (h) Adv. Ashish Desai has demolished all the existing structures located in Sy. No. 16/7 of village Sernabatim Salcete Goa and have restored the land to its original condition.

AND WHEREAS, the Mamlatdar of Salcete vide letter No.MAM/SAL/AK/CRZ/Demo/2022/2145 dated 28/06/2022 has informed that inquiry was conducted through the Talathi of Colva village and it is revealed that Mr. Armando Cardozo (since deceased through LR's (a) Mrs Leticia Cardozo (b) Mr. Jovek Cardozo (c) Ms. Maria Sunifer Cardozo (d) Ms. Maria Sweta Cardozo (e) Mrs. Audrey Cardozo Fernandes (f) Mr. James Sebastiano Fernandes (g) Mr. Domnic Savio Pereira (h) Adv. Ashish Desai have not demolished all the existing structures located in the survey no. 16/7 of village Sernabatim and the land is not restored to its original condition.

AND WHEREAS, the Member Secretary, Goa Coastal Zone Management Authority, C/o Department of Environment and Climate change, (Govt. of Goa), 4th floor, Dempo Towers, Patto, Panaji Goa, vide letter No. GCZMA/SAL/SERNA/12-13/01/2027 dated 06/12/2022 has informed that demolition order dated 25/03/2022 which was passed by their office was challenged in an Appeal by the Respondent violators in Appeal bearing No. 16/2022 before Hon'ble National Green Tribunal, Pune vide judgment/order dated 21/10/2022 thereby dismissing the said appeal. Further informed that the Respondent violators challenged the said judgment/order dated 21/10/2022 passed by Hon'ble National Green Tribunal, Pune in Appeal bearing no. 16/2022 before the Hon'ble Supreme Court in Civil Appeal no. 8563/2022. The Hon'ble Supreme Court of India vide order dated 25/11/2022 was pleased to dismiss the said Civil Appeal no. 8563/2022 and requested to implement/execute the demolition order dated 25/03/2022 issued by their office.

AND WHEREAS, the demolition Squad was granted by this office vide Order No: SDO/SAL/DEMO/2023/06 dated 06/02/2023 which was fixed on 15/02/2023.

AND WHEREAS, vide letter No. MAM/SAL/DEMOLITION/2023/839 dated 15/02/2023, the Mamlatdar of Salcete has reported that the demolition of the said structures was not carried out as, only the personnel from Electricity department and representative of GCZMA were present for demolition and Police personnel PWD WD-VI(Roads) failed to report to carry out the demolition of said structures.

Cont...2/-

AND WHEREAS, the complainant has filed Execution Application No.05/2023 filed in the Hon'ble National Green Tribunal, Western Zone Bench, Pune and Hon'ble National Green Tribunal, Pune has issued Notice to this office and matter is posted for hearing on 08/05/2023.

AND WHEREAS, the joint inspection was conducted by the Executive Engineer, WD-VI, PWD., Fatorda, Margao, Mamlatdar of Salcete & GCZMA, Panaji in order to plan the demolition and to assess the machinery and manpower required to demolish the above structure. However, the PWD, vide letter dated 03/01/2023 informed that structures to be demolished were G+1, G+2 and other structures.

In view of above I, **Uday R. Prabhu Dessai**, Sub Divisional Magistrate /In-charge of Demolition Squad, South Goa hereby once again grant the Demolition squad on 17/04/2023 at 9.30 a.m. onwards and order the following Authorities/Agencies as under:

The **Dy. Superintendent of Police, S.D.P.O. Margao, Goa**, to make necessary arrangements to depute 10 Police Constables and 5 Female Constables alongwith one Officer of P.I. rank, 2 PSI since there is likelihood of law and order problem. They may be directed to report at the **Village Panchayat of Sernabatim, Vanelim, Colva and Gandaulim** at 9.30 am on the above mentioned date, in order to proceed to the site.

The **Mamlatdar of Salcete** is directed to remain present at site on the above mentioned date & time, to co-ordinate with all the authorities/agencies till the completion of the demolition. The Mamlatdar of Salcete is directed to draw the minutes of demolition with the names & signature of the authorities present and to submit the compliance report immediately on completion of demolition.

The **Joint Mamlatdar-I of Salcete** to remain present and to perform the duties of the Executive Magistrate and to take care of law and order problem on the above mentioned date and time.

The **Member Secretary, Goa Coastal Zone Management Authority, C/o Department of Environment and Climate change, (Govt. of Goa), 4th floor, Dempo Towers, Patto, Panaji Goa** shall be responsible for identifying the structures to be demolished/removed. She shall further ensure that demolition of any structures which is stayed by order of any competent court shall not be carried out. She shall depute his representative to identify the structures to be demolished on the day of demolition. The deputed representative shall be directed to report to the Executive Magistrate/Mamlatdar of Salcete at 9.30am on the above mentioned date to proceed to the demolition site.

The **Executive Engineer, Works Division VI(Roads) PWD, Fatorda, Margao** to provide 20 Labourers, 2 JCB, 2 trucks, poclain, tools and required machinery on the above scheduled date and time for the purpose of demolition and they shall be directed to report to the **Village Panchayat of Sernabatim, Vanelim, Colva and Gandaulim** on 17/04/2023 at 9.30 am in order to proceed to the site for demolition.

The **Executive Engineer, Works Division VI(Roads) PWD, Fatorda, Margao** shall identify the debris dump site along the highway road and transport debris of the demolition to the identified dumping sites and restore the land to its original state and report compliance.

The **Assistant Engineer, Sub Div- I, W D XVI, Benaullim Office, Electricity Department, Aquem Margao** to provide the services of two electricians along with one linemen on the above date and time for disconnection of electricity supply and direct him to report to the **Office of Village Panchayat of Sernabatim, Vanelim, Colva and Gandaulim** on 17/04/2023 at 9.30a.m.inorder to proceed to the site for demolition.

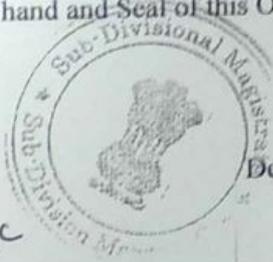
Cont....3/-

The Executive Engineer WD-IX(PHE), PWD, Fatorda, Margao Goa to provide the services of two Plumbers on the above date and time for disconnection of water supply and direct them to report to the Village Panchayat of Sernabatim, Vanelim, Colva and Gandaulim on 17/04/2023 at 9.30a.m. in order to proceed to the site for demolition.

The Secretary, Village Panchayat of Sernabatim, Vanelim, Colva and Gandaulim is directed to remain present to assist the demolition Squad till the demolition process is over on the above date and time.

If demolition is not completed within a day, the demolition shall continued on next day, the authorities/agencies should co-ordinate among themselves and complete the demolition.

Given under my hand and Seal of this Office on this 29th day of March, 2023.



(Uday R. Prabhu Dessai)
Deputy Collector & In-charge Demolition
Squad, Sub Division, Margao - Goa.

To,

1. The Member Secretary, Goa Coastal Zone Management Authority, C/o Department of Environment and Climate change, (Govt. of Goa), 4th floor, Dempo Towers, Patto, Panaji Goa
2. The Dy. Superintendent of Police, S.D.P.O. Margao, Goa.
3. The Mamlatdar of Salcete, Margao, Goa.
4. The Joint Mamlatdar-I of Salcete.
5. The Executive Engineer, Works Division VI(Roads) PWD, Fatorda, Margao, Goa.
6. The Assistant Engineer, Sub Div- I, W D XVI, Benaullim Office, Electricity Department, Aquem Margao
7. The Executive Engineer WD-IX(PHE), PWD, Fatorda, Margao Goa.
8. The Police Inspector, Colva Police Station.
9. The Secretary, Village Panchayat of Sernabatim, Vanelim, Colva and Gandaulim, Salcete Goa.

Copy Submitted to favor of information to:

1. O.S.D to CM, Secretariat Porvorim Goa.
2. The Collector, South Goa District, Margao.

OFFICE OF THE ASSISTANT ENGINEER,
SUB - DIVISION-IV, WORK DIVISION-VI (ROADS),
PUBLIC WORKS DEPARTMENT,
FATORDA, MARGAO - GOA.

No.PWD/WDVI/SDIV/F-14/2023-24/09

Date :- 10/04/2023.

✓ To,
The Deputy Collector (SDO),
Demolition Squad Incharge,
Mathany Saldhana Complex,
Margao-Goa.

OFFICE OF THE DY. COLLECTOR	
SDO/SOM-I, Salcaia, Margao-Goa	
Inward No.	3620/M
Date	10/04/2023

10/06

Rupa

Sub: - Demolition Order.

Ref No: - 1) Order No:- SDO/SAL/DEMO/2023/19 dt 29/03/2023.
2) Letter No:- PWD/WDVI/ADM/F.27/2022-23/2107 dt
28/03/2023.

Sir,

Please refer to letter at reference No. 2 issued by the Executive Engineer WD VI PWD wherein it is mentioned that an estimate to provide demolition squad has been processed to the Government for sanction and to defer all major demolitions.

You are therefore requested to defer the demolition of the above mentioned structure till the Contractor to supply demolition squad is finalized after tendering procedure.

Yours Faithfully



Assistant Engineer-IV

Copy to:- 1. EE-VI, PWD, Fatorda - Margao for information.

MOST URGENT

**OFFICE OF THE MAMLATDAR & EXECUTIVE MAGISTRATE, SALCETE,
MARGAO-GOA**

Room No. 114, 1st Floor, Matanhy Saldanha Administrative Complex, Margao-Goa.

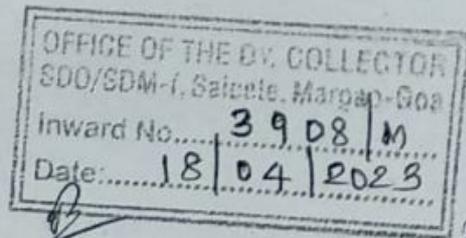
Phone No: 0832-2794114

Email: mam-salcete.goa@nic.in

No. MAM/SAL/DEMOLITION/2023//166/

Dated: 17/04/2023

To
The Dy. Collector &
Incharge of Demolition Squad,
Sub-Division, Margao-Goa



18/04

Rupa

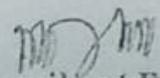
Ref- Order No. SDO/SAL/DEMO/2023/19, dated 29/03/2023.

Sir,

With respect to the above referred Demolition Order pertaining to the demolition of all structures located in Sy. No. 16/7 of village Sernabatim, it is to submit that the demolition of the said structures was not carried out as, it was informed by the office of the Executive Engineer, W.D-VI (roads), PWD, Fatorda that they do not possess the requisite machinery to carry out the demolition of the said structures. Hence, the above referred demolition order could not be executed.

This is submitted for information and necessary action.

Yours Faithfully,


(Laxmikant R. Desai)
Mamlatdar of Salcete
Margao-Goa



OFFICE OF THE DEPUTY COLLECTOR & SDO, SALCETE, MARGAO - GOA

Room No.105, 1st Floor,
Matanhy Saldhana Administrative Complex,
Near KTC Bus Stand, Margao - Goa.

Phone: 0832-2794145,

Fax:0832-2794402

Email:sdm-salcete.goa@nic.in

No.SDO/SAL/CRZ/Demo/2023 [2076-1]

Dated: 18/04/2023

To,
The Member Secretary,
Goa Coastal Zone Management Authority,
C/o Department of Environment and Climate change
(Govt. of Goa), 4th floor, Dempo Towers,
Patto, Panaji Goa.

Sub: Execution of directions to demolish structures in survey No. 16/7,
Sernabatm, Salcete

Ref: 1) Demolition order bearing No.GCZMA/SAL/SRNA/12-
13/01/2349 dated 25/03/2022
2) Letter No. GCZMA/SAL/SERNA/12-12/01/2027 dated 06/12/0022
3) Demolition order No. SDO/SAL/DEMO/2023/06 dated 06/2/2023

Madam,

With reference to the above cited subject, it is to inform you that your good office vide letter No. GCZMA/SAL/SERNA/12-12/01/2027 dated 06/12/0022 (copy enclosed) requested this office to execute demolition order No.GCZMA/SAL/SERNA/12-13/01/2349 dated 25/03/2022 .

Accordingly, this office had issued demolition order bearing No. SDO/SAL/ DEMO/2023/19 dated 29/03/2023, which was fixed on 17/04/2023 in order to demolish all the existing structures located in Sy. No. 16/7 of village Sernabatim, Salcete Goa carried out by Mr. Armando Cardozo (since deceased through LRR's) (a) Mrs Leticia Cardozo (b) Mr. Jovek Cardozo (c) Ms. Maria Sunifer Cardozo (d) Ms. Maria Sweta Cardozo (e) Mrs. Audrey Cardozo Fernandes (f) Mr. James Sebastiano Fernandes (g) Mr. Domic Savio Pereira (h) Adv. Ashish Desai.

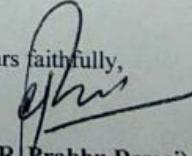
However, the Executive Engineer, WD-VI(Roads), PWD, Fatorda, Margao Goa vide letter No.PWD/WDVI/SDIV/F-14/2023-24/09 dated 10/04/2023 informed that an estimate to provide demolition squad has been processed to the Government for sanction and requested to defer all major demolitions till the contractor to supply demolition squad is finalized after tendering procedure. (Copy enclosed)

Further, the Mamlatdar of Salcete vide letter No. MAM/SAL/DEMOLITION/2023/1661 dated 17/04/2023 reported that the demolition of the said structures was not carried out as it was informed by the office of the Executive Engineer, WD-VI(Roads), PWD, Fatorda that they do not process the requisite machinery to carry out the demolition of the said structures. Hence, the above referred demolition order could not be executed. (copy enclosed)

This is for kind information.

ok

Yours faithfully,


(Uday R. Prabhu Dessai)
Dy. Collector & SDO
Salcete, Margao Goa.

Encl: as above

Copy: 1. The Collector, South Goa District, Margao Goa.
2. Mr. Suvarn R. Bandekar, Suvarn Bandekar Building, P.O.Box.11, Vasa

MOST URGENT
SUPREME COURT/NGT MATTER

CONFIDENTIAL

No. SDO/SAL/DEMO/2023/38
Office of the Deputy Collector &
In-charge Demolition Squad,
Sub Division, Margao - Goa.

Ref: 1) Order No. SDO/SAL/DEMO/2023/06 dated 06/02/2023
2) Order No. SDO/SAL/DEMO/2023/19 dated 29/03/2023

O R D E R

WHEREAS, the Member Secretary, Goa Coastal Zone Management Authority, C/o Department of Environment and Climate change, (Govt. of Goa), 4th floor, Dempo Towers, Patto, Panaji Goa vide order No. GCZMA/SAL/SERNA/12-13/01/2349 dated 25/03/2022 issued direction to Mr. Armando Cardozo (since deceased through LR's) (a) Mrs Leticia Cardozo (b) Mr. Jovek Cardozo (c) Ms. Maria Sunifer Cardozo (d) Ms. Maria Sweta Cardozo (e) Mrs. Audrey Cardozo Fernandes (f) Mr. James Sebastiano Fernandes (g) Mr. Domnic Savio Pereira (h) Adv. Ashish Desai to demolish all the existing structures located in Sy. No. 16/7 of village Sernabatim, Salcete Goa and to restore the land to its original condition, within 30 days.

AND WHEREAS, the copy of said order is marked to the Dy. Collector & SDO, Salcete, to enforce the Order and to verify if the structures are removed /demolished and in the event it is not removed as per directives, than the Dy. Collector shall remove the said structures after the stipulated time of two weeks .

AND WHEREAS, this office had issued Memorandum dated 01/04/2022 to the Mamlatdar of Salcete, directing to ensure/verify that Mr. Armando Cardozo (since deceased through LR's (a) Mrs Leticia Cardozo (b) Mr. Jovek Cardozo (c) Ms. Maria Sunifer Cardozo (d) Ms. Maria Sweta Cardozo (e) Mrs. Audrey Cardozo Fernandes (f) Mr. James Sebastiano Fernandes (g) Mr. Domnic Savio Pereira (h) Adv. Ashish Desai has demolished all the existing structures located in Sy. No. 16/7 of village Sernabatim Salcete Goa and have restored the land to its original condition.

AND WHEREAS, the Mamlatdar of Salcete vide letter No.MAM/SAL/AK/CRZ/Demo/2022/2145 dated 28/06/2022 has informed that inquiry was conducted through the Talathi of Colva village and it is revealed that Mr. Armando Cardozo (since deceased through LR's (a) Mrs Leticia Cardozo (b) Mr. Jovek Cardozo (c) Ms. Maria Sunifer Cardozo (d) Ms. Maria Sweta Cardozo (e) Mrs. Audrey Cardozo Fernandes (f) Mr. James Sebastiano Fernandes (g) Mr. Domnic Savio Pereira (h) Adv. Ashish Desai have not demolished all the existing structures located in the survey no. 16/7 of village Sernabatim and the land is not restored to its original condition.

AND WHEREAS, the Member Secretary, Goa Coastal Zone Management Authority, C/o Department of Environment and Climate change, (Govt. of Goa), 4th floor, Dempo Towers, Patto, Panaji Goa, vide letter No. GCZMA/SAL/SERNA/12-13/01/2027 dated 06/12/2022 has informed that demolition order dated 25/03/2022 which was passed by their office was challenged in an Appeal by the Respondent violators in Appeal bearing No. 16/2022 before Hon'ble National Green Tribunal, Pune vide judgment/order dated 21/10/2022 thereby dismissing the said appeal. Further informed that the Respondent violators challenged the said judgment/order dated 21/10/2022 passed by Hon'ble National Green Tribunal, Pune in Appeal bearing no. 16/2022 before the Hon'ble Supreme Court in Civil Appeal no. 8563/2022. The Hon'ble Supreme Court of India vide order dated 25/11/2022 was pleased to dismiss the said Civil Appeal no. 8563/2022 and requested to implement/execute the demolition order dated 25/03/2022 issued by their office.

AND WHEREAS, the demolition Squad was granted by this office vide Order No: SDO/SAL/DEMO/2023/06 dated 06/02/2023 which was fixed on 15/02/2023.

AND WHEREAS, vide letter No. MAM/SAL/DEMOLITION/2023/839 dated 15/02/2023, the Mamlatdar of Salcete has reported that the demolition of the said structures was not carried out as, only the personnel from Electricity department and representative of GCZMA were present for demolition and Police personnel PWD WD-VI(Roads) failed to report to carry out the demolition of said structures.

Cont 2/-

AND WHEREAS, the complainant has filed Execution Application No.05/2023 filed in the Hon'ble National Green Tribunal, Western Zone Bench, Pune and Hon'ble National Green Tribunal, Pune has issued Notice to this office and matter is posted for hearing on 08/05/2023.

AND WHEREAS, the joint inspection was conducted by the Executive Engineer, WD-VI, PWD., Fatorda, Margao, Mamlatdar of Salcete & GCZMA, Panaji in order to plan the demolition and to assess the machinery and manpower required to demolish the above structure. However, the PWD, vide letter dated 03/01/2023 informed that structures to be demolished were G+1, G+2 and other structures.

AND WHEREAS, the demolition Squad was granted by this office vide Order No.SDO/SAL/DEMO/2023/19 dated 29/03/2023 which was fixed on 17/4/2023.

AND WHEREAS, PWD did not reported at the site. Therefore, demolition could not be carried out.

In view of above I, **Uday R. Prabhu Dessai**, Sub Divisional Magistrate /In-charge of Demolition Squad, South Goa hereby once again grant the Demolition squad on **04/05/2023** at **9.30 a.m.** onwards and order the following Authorities/Agencies as under:

The **Dy. Superintendent of Police, S.D.P.O. Margao, Goa**, to make necessary arrangements to depute 10 Police Constables and 5 Female Constables alongwith one Officer of P.I. rank, 2 PSI since there is likelihood of law and order problem. They may be directed to report at the **Village Panchayat of Sernabatim, Vanelim, Colva and Gandaulim** at **9.30 am** on the above mentioned date, in order to proceed to the site.

The **Mamlatdar of Salcete** is directed to remain present at site on the above mentioned date & time, to co-ordinate with all the authorities/agencies till the completion of the demolition. The Mamlatdar of Salcete is directed to draw the minutes of demolition with the names & signature of the authorities present and to submit the compliance report immediately on completion of demolition.

The **Joint Mamlatdar-I of Salcete** to remain present and to perform the duties of the Executive Magistrate and to take care of law and order problem on the above mentioned date and time.

The **Member Secretary, Goa Coastal Zone Management Authority, C/o Department of Environment and Climate change, (Govt. of Goa), 4th floor, Dempo Towers, Patto, Panaji Goa** shall be responsible for identifying the structures to be demolished/removed. She shall further ensure that demolition of any structures which is stayed by order of any competent court shall not be carried out. She shall depute his representative to identify the structures to be demolished on the day of demolition. The deputed representative shall be directed to report to the Executive Magistrate/Mamlatdar of Salcete at **9.30am** on the above mentioned date to proceed to the demolition site.

The **Executive Engineer, Works Division VI(Roads) PWD, Fatorda, Margao** to provide 20 Labourers, 2 JCB, 2 trucks, poclain, tools and required machinery on the above scheduled date and time for the purpose of demolition and they shall be directed to report to the **Village Panchayat of Sernabatim, Vanelim, Colva and Gandaulim** on **04/05/2023** at **9.30 am** in order to proceed to the site for demolition.

The **Executive Engineer, Works Division VI(Roads) PWD, Fatorda, Margao** shall identify the debris dump site along the highway road and transport debris of the demolition to the identified dumping sites and restore the land to its original state and report compliance.

Cont....3/-

The Assistant Engineer, Sub Div- I, W D XVI, Benaulim Office, Electricity Department, Aquem Margao to provide the services of two electricians along with one linemen on the above date and time for disconnection of electricity supply and direct him to report to the Office of Village Panchayat of Sernabatim, Vanelim, Colva and Gandaulim on 04/05/2023 at 9.30a.m. in order to proceed to the site for demolition.

The Executive Engineer WD-IX(PHE), PWD, Fatorda, Margao Goa to provide the services of two Plumbers on the above date and time for disconnection of water supply and direct them to report to the Village Panchayat of Sernabatim, Vanelim, Colva and Gandaulim on 04/05/2023 at 9.30a.m. in order to proceed to the site for demolition.

The Secretary, Village Panchayat of Sernabatim, Vanelim, Colva and Gandaulim is directed to remain present to assist the demolition Squad till the demolition process is over on the above date and time.

If demolition is not completed within a day, the demolition shall continued on next day, the authorities/agencies should co-ordinate among themselves and complete the demolition.

Given under my hand and Seal of this Office on this 25th day of April, 2023.



(Uday R. Prabhu Dessai)
Deputy Collector & In-charge Demolition
Squad, Sub Division, Margao - Goa.

1. The Member Secretary, Goa Coastal Zone Management Authority, C/o Department of Environment and Climate change, (Govt. of Goa), 4th floor, Dempo Towers, Patto, Panaji Goa
2. The Dy. Superintendent of Police, S.D.P.O. Margao, Goa.
3. The Mamlatdar of Salcete, Margao, Goa.
4. The Joint Mamlatdar- I of Salcete.
5. The Executive Engineer, Works Division VI(Roads) PWD, Fatorda, Margao, Goa.
6. The Assistant Engineer, Sub Div- I, W D XVI, Benaulim Office, Electricity Department, Aquem Margao
7. The Executive Engineer WD-IX(PHE), PWD, Fatorda, Margao Goa.
8. The Police Inspector, Colva Police Station.
9. The Secretary, Village Panchayat of Sernabatim, Vanelim, Colva and Gandaulim, Salcete Goa.

Copy Submitted to favor of information to:

1. O.S.D to CM, Secretariat Porvorim Goa.
2. The Collector, South Goa District, Margao.

196
5/5/23

MOST URGENT

279

ANNEXURE "S"



**OFFICE OF THE MAMLATDAR & EXECUTIVE MAGISTRATE, SALCETE,
MARGAO-GOA**

Room No. 114, 1st Floor, Matanhy Saldanha Administrative Complex, Margao-Goa.

Phone No:0832-2794114

Email: mam-salcete.goa@nic.in

No. MAM/SAL/DEMOLITION/2023/1914

Dated: 04/05/2023

To
The Dy. Collector &
Incharge of Demolition Squad,
Sub-Division, Margao-Goa

OFFICE OF THE DY. COLLECTOR SDO/SDM-1, Salcete, Margao-Goa Inward No. 4410/M Date: 04/05/2023
--

Rupa

Ref- Order No. SDO/SAL/DEMO/2023/38, dated 25-04-2023

Sir,

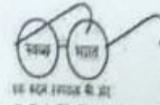
With respect to the above referred Demolition Order pertaining to the demolition of all structures located in Sy. No. 16/7 of village Sernabatim, it is to submit that the demolition of the said structures was not carried out as, it was informed by the office of the Executive Engineer, W.D-VI (roads), PWD, Fatorda that they do not possess the requisite machinery to carry out the demolition of the said structures. Hence, the above referred demolition order could not executed.

This is submitted for information and necessary action.

Yours Faithfully,

(Laxmikant R. Desai)
Mamlatdar of Salcete
Margao-Goa

Copy to :- The Collector/ District Magistrate, South Goa District, Margao, Goa for information.



OFFICE OF THE DEPUTY COLLECTOR & SDO, SALCETE, MARGAO - GOA

Room No.105, 1st Floor,

Matanhy Saldhana Administrative Complex,

Near KTC Bus Stand, Margao - Goa.

Phone: 0832-2794145,

Fax:0832-2794402

Email:sdm-salcete.goa@nic.in

No.SDO/SAL/CRZ/Demo/2023/2408-I

Dated: 05/05/2023

To,
The Member Secretary,
Goa Coastal Zone Management Authority,
C/o Department of Environment and Climate change
(Govt. of Goa) , 4th floor, Dempo Towers,
Patto, Panaji Goa.

Sub: Execution of directions to demolish structures in survey No. 16/7,
Sernabatm, Salcete

Ref: 1) Demolition order bearing No.GCZMA/SAL/SRNA/12- 13/01/2349
dated 25/03/2022
2) Letter No. GCZMA/SAL/SERNA/12-12/01/2027 dated 06/12/0022
3) Demolition order No. SDO/SAL/DEMO/2023/06 dated 06/2/2023

Madam,

With reference to the above cited subject, it is to inform you that your good office vide letter No. GCZMA/SAL/SERNA/12-12/01/2027 dated 06/12/0022 (copy enclosed) requested this office to execute demolition order No.GCZMA/SAL/SERNA/12-13/01/2349 dated 25/03/2022 .

Accordingly, this office had issued demolition order bearing No. SDO/SAL/ DEMO/2023/38 dated 25/04/2023 , which was fixed on 04/05/2023 in order to demolish all the existing structures located in Sy. No. 16/7 of village Sernabatim, Salcete Goa carried out by Mr. Armando Cardozo (since deceased through LRR's) (a) Mrs Leticia Cardozo (b) Mr. Jovek Cardozo (c) Ms. Maria Sunifer Cardozo (d) Ms. Maria Sweta Cardozo (e) Mrs. Audrey Cardozo Fernandes (f) Mr. James Sebastiano Fernandes (g) Mr. Domnic Savio Pereira (h) Adv. Ashish Desai. (copy enclosed)

However, the Mamlatdar of Salcete vide letter No. MAM/SAL/DEMOLITION/2023/1914 dated 04/05/2023 reported that the demolition of the said structures was not carried out as it was informed by the office of the Executive Engineer, WD-VI(Roads), PWD, Fatorda that they do not process the requisite machinery to carry out the demolition of the said structures. Hence, the above referred demolition order could not be executed. (copy enclosed)

This is for kind information.

Yours faithfully,

ok

(Ravishekhar G. Nipanikar)
Dy. Collector & SDM-II, Salcete
Holding Additional charge of
Deputy Collector & SDO
Salcete, Margao Goa.

Done 05/05/23
Received

Encl: as above

Copy: 1. The Collector, South Goa District, Margao Goa.
2. Mr. Suvarn R. Bandekar, Suvarn Bandekar Building, P.O.Box.11, Vasco Da Gama, Goa.

284
30/5/18

OFFICE OF THE DY. COLLECTOR SDD/SUM-I, Salcete, Margao-Goa
Inward No. 5018/M
Date: 29/05/2023

29/5
Rupa

No.PWD-WDVI/ADM/F.69/23-24/447
Government of Goa,
Office of the Executive Engineer,
Work Division VI, (R/S) P.W.D.,
Fatorda, Margao - Goa.

Dated:- 29/05/2023.

To,
The Dy. Collector &
In - Charge Demolition Squad,
Sub Division, Margao - Goa.

- Ref:- 1) Order No.SDO/SAL/DEMO/2023/38 dt.25th April 2023.
2) Order No.SDO/SAL/DEMO/2023/06 dt.06/02/2023.
3) Order No.SDO/SAL/DEMO/2023/19 dt.29/03/2023.
4) No.PWD/WDVI/ADM/F.27/2022-23/2107 dt.28/03/2023.

Sir,

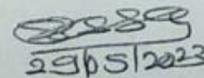
With reference to above; this is to bring to your notice that the structures to be demolished are G+1, G+2 and other structures which require specialized machinery & manpower.

It is not possible to demolish multistoried structure with JCB machine available with the agency of this office. The said fact was brought to your notice vide the above referred letter at Sr.No.4.

It is also to inform you that an estimate amounting Rs.42,45,205/- has been submitted for sanction by the Govt. (copy enclosed)

Therefore you are requested to please note the same & differ any major demolitions till the above work order is issued.

Yours Faithfully,


29/5/2023

Executive Engineer-VI.
PWD, Fatorda- Margao.

Encl:- As above

Copy for information to:-

- 1) The Collector & District Magistrate South Goa District Margao Goa.
- 2) The Assistant Engineer-I, II, IV & III, WDVI, PWD, Fatorda & Vasco da Gama... for information.

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Ind. Div. No. DA/Ad for Form 27/2022-23/2107
Government of Goa,

Office of the Assistant Engineer
S.D IV W.D. VI, P.W.D.
FATORDA, MARGAO
Inward No. 2513
Dated: 28/03/2023

Office of the Executive Engineer,
Works Division VI (Roads South),
Public Works Department,
Fatorda, Margao-Goa.
Dated:- 28/03/2023
R-14

To,
The Deputy Collector & Demolition Incharge,
Office of Collectorate,
Margao-Goa

Sub:- Providing demolition squad to multistoried structures.

Sir,

With reference to above, it is to mention that this office was providing demolition squad for minor structures consisting of JCB excavator and trucks. However multistoried structures are not possible to be demolished by JCBs and require specialized equipments like poclains and cutters. Clarification was sought about role of PWD for undertaking demolitions unconnected with it and it has been clarified by the Under Secretary that such demolitions are to be taken up by PWD from their own funds.

Accordingly an estimate for Rs. 42,45,205/- has been prepared and granted Technical Sanction by the undersigned and sent to Government for Administrative Approval after which it will be tendered and awarded.

Therefore you are requested to please note the same and differ any major demolitions till the above work order is issued. The minor single storied demolitions can be carried out through present set up as usual.

leshi
Mesta
Grant
A. M.

Yours faithfully,

(Prasad Panandikar)
Executive Engineer VI

Encl:- Copy of Report for Administrative Approval.

Copy for information to:-

- 1) The Collector and District Magistrate, Margao-Goa.
- 2) The Assistant Engineer, SD-I, WD-VI, PWD, Fatorda, Margao-Goa.
- 3) The Assistant Engineer, SD-II, WD-VI, PWD, Fatorda, Margao-Goa.
- 4) The Assistant Engineer, SD-III, WD-VI, PWD, Vasco.
- 5) The Assistant Engineer, SD-IV, WD-VI, PWD, Fatorda, Margao-Goa.

Demolition
file

**GOVERNMENT OF GOA,
OFFICE OF THE EXECUTIVE ENGINEER,
WORKS DIVISION - VI (ROADS - SOUTH)
PUBLIC WORKS DEPARTMENT,
FATORDA - MARGAO, GOA.**

TECHNICAL SANCTION ORDER NO: - PWD/WDVI/ASW/F-20/ 116 /2022-23.

Technical Sanction is hereby accorded for the work of "Providing demolition squad under WD-VI, PWD for various demolitions ordered by the Deputy Collector & In charge Demolition Squad for F.Y. 2023-24, Margao - Goa" at an estimated cost of Rs.39,58,233.00 (Rupees Thirty nine Lakh lakhs fifty eight thousand two hundred thirty three only) including 18% GST & 5% Contingencies.

Budget Head: - 2053/800/01/50 (Deposit by Collector, South)


EXECUTIVE ENGINEER -VI.

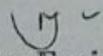
TECHNICAL COMMENTS:

The Division office relied upon the measurements of the estimate worked out by sub division and availability of land as per the report submitted by sub division, and countersigned the certificates based on information furnished by Asst. Engineer. Care should be taken that quantities do not exceed the estimated quantities and avoid extra items during the course of execution.

Dated: 24/03 /2023

Place: - Fatorda Margao Goa.

Copy to: - 1) The Asst. Engineer, SD - IV, WDVI, PWD, Fatorda.


Junior Engineer

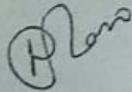
Assistant Engineer

Executive Engineer

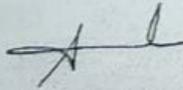
Name of Work:- Providing demolition squad under WD-VI, PWD for various demolitions ordered by the Deputy Collector & In-charge Demolition Squad for F. Y. 2023-24, Margao - Goa.

ABSTRACT

Sr. No.	Description	Unit	Quantity	Rate	Amount
1	<u>Rate Analysis No.I</u> Excavator (3D) with Driver & Fuel	day	60.00	11500.00	690000.00
2	<u>Rate Analysis No.II</u> Hydraulic rock breaker with driver & fuel	day	45.00	14950.00	672750.00
3	<u>Rate Analysis No.III</u> Tipper	day	90.00	5175.00	465750.00
4	<u>Rate Analysis No.IV</u> (Unskilled) Chowkidar, Hedge cutter, Mali,	per day	1200.00	793.50	952200.00
5	<u>Rate Analysis No.V</u> Loader	day	60.00	6900.00	414000.00
Total					3194700.00
Add 18% GST ... Rs.					575046.00
					3769746.00
Add 5% Contingencies... Rs.					188487.30
Total..Rs.					3958233.30
Say.. Rs.					3958233.00
Add 7.25% Cartage charges					286971.89
					4245204.89
					4245205.00



Junior Engineer



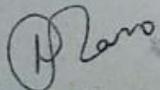
Assistant Engineer

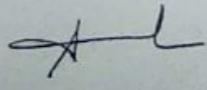
Executive Engineer

Name of Work:- Providing demolition squad under WD-VI, PWD for various demolitions ordered by the Deputy Collector & In-charge Demolition Squad for F.Y. 2023-24, Margao - Goa.

RATE ANALYSIS

Sr. No.	Description	Amount in Rs
1	<u>Rate Analysis No.I</u> Item no.2002 GSR 2023 Excavator (3D) with Driver & Fuel Rs.10000.00 day Add 15% contractor profit	10000.00
		1500.00
		11500.00 Total
2	<u>Rate Analysis No.II</u> Item no.2003 GSR 2023 Hydraulic rock breaker with driver & fuel Rs.13000.00 day Add 15% contractor profit	13000.00
		1950.00
		14950.00 Total
3	<u>Rate Analysis No.III</u> Item no.2005 GSR 2023 Tipper Rs.4500.00 day Add 15% contractor profit	4500.00
		675.00
		5175.00 Total
4	<u>Rate Analysis No.IV</u> Item no.1701(B) GSR 2023 (Unskilled) Chowkidar, Hedge cutter, Mali, Rs.460.00 per day Add 50% on labour component Add 15% contractor profit	460.00
		230.00
		690.00
		103.50
		793.50 Total
5	<u>Rate Analysis No.V</u> Item no.2004 GSR 2023 Loader Rs.6000.00 day Add 15% contractor profit	6000.00
		900.00
		6900.00 Total


Junior Engineer


Assistant Engineer

Executive Engineer



No. SDO/SAL/DEMO/2023/116
Office of the Deputy Collector &
In-charge Demolition Squad,
Sub Division, Margao – Goa.

- Ref: 1) Order No. SDO/SAL/DEMO/2023/06 dated 06/02/2023
2) Order No. SDO/SAL/DEMO/2023/19 dated 29/03/2023
3) Order No. SDO/SAL/DEMO/2023/38 dated 25/04/2023

O R D E R

WHEREAS, the Member Secretary, Goa Coastal Zone Management Authority, C/o Department of Environment and Climate change, (Govt. of Goa), 4th floor, Dempo Towers, Patto, Panaji Goa vide order No. GCZMA/SAL/SERNA/12-13/01/2349 dated 25/03/2022 issued direction to Mr. Armando Cardozo (since deceased through LRr's) (a) Mrs Leticia Cardozo (b) Mr. Jovek Cardozo (c) Ms. Maria Sunifer Cardozo (d) Ms. Maria Sweta Cardozo (e) Mrs. Audrey Cardozo Fernandes (f) Mr. James Sebastiano Fernandes (g) Mr. Domnic Savio Pereira (h) Adv. Ashish Desai to demolish all the existing structures located in Sy. No. 16/7 of village Sernabatim, Salcete Goa and to restore the land to its original condition, within 30 days.

AND WHEREAS, the copy of said order is marked to the Dy. Collector & SDO, Salcete, to enforce the Order and to verify if the structures are removed /demolished and in the event it is not removed as per directives, than the Dy. Collector shall remove the said structures after the stipulated time of two weeks .

AND WHEREAS, this office had issued Memorandum dated 01/04/2022 to the Mamlatdar of Salcete, directing to ensure/verify that Mr. Armando Cardozo (since deceased through LR's (a) Mrs Leticia Cardozo (b) Mr. Jovek Cardozo (c) Ms. Maria Sunifer Cardozo (d) Ms. Maria Sweta Cardozo (e) Mrs. Audrey Cardozo Fernandes (f) Mr. James Sebastiano Fernandes (g) Mr. Domnic Savio Pereira (h) Adv. Ashish Desai has demolished all the existing structures located in Sy. No. 16/7 of village Sernabatim Salcete Goa and have restored the land to its original condition.

AND WHEREAS, the Mamlatdar of Salcete vide letter No.MAM/SAL/AK/CRZ/ Demo/2022/2145 dated 28/06/2022 has informed that inquiry was conducted through the Talathi of Colva village and it is revealed that Mr. Armando Cardozo (since deceased through LR's (a) Mrs Leticia Cardozo (b) Mr. Jovek Cardozo (c) Ms. Maria Sunifer Cardozo (d) Ms. Maria Sweta Cardozo (e) Mrs. Audrey Cardozo Fernandes (f) Mr. James Sebastiano Fernandes (g) Mr. Domnic Savio Pereira (h) Adv. Ashish Desai have not demolished all the existing structures located in the survey no. 16/7 of village Sernabatim and the land is not restored to its original condition.

AND WHEREAS, the Member Secretary, Goa Coastal Zone Management Authority, C/o Department of Environment and Climate change, (Govt. of Goa), 4th floor, Dempo Towers, Patto, Panaji Goa, vide letter No. GCZMA/SAL/SERNA/12-13/01/2027 dated 06/12/2022 has informed that demolition order dated 25/03/2022 which was passed by their office was challenged in an Appeal by the Respondent violators in Appeal bearing No. 16/2022 before Hon'ble National Green Tribunal, Pune vide judgment/order dated 21/10/2022 thereby dismissing the said appeal. Further informed that the Respondent violators challenged the said judgment/order dated 21/10/2022 passed by Hon'ble National Green Tribunal, Pune in Appeal bearing no. 16/2022 before the Hon'ble Supreme Court in Civil Appeal no. 8563/2022. The Hon'ble Supreme Court of India vide order dated 25/11/2022 was pleased to dismiss the said Civil Appeal no. 8563/2022 and requested to implement/execute the demolition order dated 25/03/2022 issued by their office.

AND WHEREAS, the Mamlatdar of Salcete vide Memorandum No.SDO/SAL/CRZ/DEMO/14534/2022/7943-I dated 14/12/2022 directed to conduct the joint site inspection alongwith official of GCZMA and the Executive Engineer, WD-VI, PWD., Fatorda, Margao to assess the machinery and manpower required to demolish the structures in Sy.No.16/7 of village Sernabatim and to submit the report.

Cont....2/-

AND WHEREAS, the Executive Engineer, WD-VI, PWD., Fatorda, Margao vide letter No.PWD/WDVI/ASW/F-140/584/2022-23 dated 03/01/2023 reported that inspection was carried alongwith representative of GCZMA and Mamlatdar of Salcete on 29/12/2022 from 11.00 a.m. onward and the said structure were identified by representative by GCZMA and the, Executive Engineer, WD-VI, PWD., Fatorda, Margao reported that structure to be demolished were G+1, G+2 and other structures. Such demolition required specialized demolition agency and methodology. Therefore, GCZMA to appoint consultant to ascertain the method & machinery required for demolition based on which estimate can be framed and tendered only after deposition of funds required for execution of work. Further, the date of demolition may be decided only after the work is tendered and contractor is in place.

AND WHEREAS, the demolition Squad was granted by this office vide Order No: SDO/SAL/DEMO/2023/06 dated 06/02/2023 which was fixed on 15/02/2023

AND WHEREAS, vide letter No. MAM/SAL/DEMOLITION/2023/839 dated 15/02/2023, the Mamlatdar of Salcete has reported that the demolition of the said structures was not carried out as, only the personnel from Electricity department and representative of GCZMA were present for demolition and Police personnel the Executive Engineer, WD-VI, PWD., Fatorda, Margao, failed to report to carry out the demolition of said structures.

AND WHEREAS, the complainant had filed Execution Application No.05/2023 filed in the Hon'ble National Green Tribunal, Western Zone Bench, Pune and Hon'ble National Green Tribunal, Pune has issued Notice to this office and matter was posted for hearing on 08/05/2023.

AND WHEREAS, the demolition Squad was once again second time granted by this office vide Order No.SDO/SAL/DEMO/2023/19 dated 29/03/2023 which was fixed on 17/4/2023.

AND WHEREAS, the Executive Engineer, WD-VI, PWD., Fatorda, Margao, did not reported at the site. Therefore, demolition could not be carried out.

AND WHEREAS, the demolition Squad was once again third time granted by this office vide Order No.SDO/SAL/DEMO/2023/38 dated 25/04/2023 which was fixed on 04/05/2023.

AND WHEREAS, the Mamlatdar of Salcete vide letter No. MAM/SAL/DEMOLITION/2023/1914 dated 04/05/2023, reported that the demolition could not be carried out as the Executive Engineer, WD-VI, PWD., Fatorda, Margao did not reported at the site.

AND WHEREAS, the Executive Engineer, WD-VI, PWD., Fatorda, Margao vide letter No.PWD-WD-VI/ADM/F.69/23-24/447 dated 29/05/2023 informed that structures to be demolished are G+1, G+2 and other structures which require specialized machinery & manpower. Further informed that they have prepared estimate amounting Rs. 42,45,205/- has been submitted for sanction by the Government and requested to differ the demolition.

AND WHEREAS, in Execution Application No.05/2023(WZ) in Appeal No.16/2022 (WZ), the matter is posted for hearing on 30/10/2023 before NGT, Pune.

Therefore. I, **Uday R. Prabhu Dessai**, Sub Divisional Magistrate /In-charge of Demolition Squad, South Goa hereby once again fourth time grant the Demolition squad on **12/09/2023 at 9.30 a.m.** onwards and order the following Authorities/Agencies as under:

The **Dy. Superintendent of Police, S.D.P.O. Margao, Goa**, to make necessary arrangements to depute 10 Police Constables and 5 Female Constables alongwith one Officer of P.I. rank, 2 PSI since there is likelihood of law and order problem. They may be directed to report at the **Village Panchayat of Sernabatim, Vanelim, Colva and Gandaolim at 9.30 am** on the above mentioned date, in order to proceed to the site.

The **Mamlatdar of Salcete** is directed to remain present at site on the above mentioned date & time, to co-ordinate with all the authorities/agencies till the completion of the demolition. The Mamlatdar of Salcete is directed to draw the minutes of demolition with the names & signature of the authorities present and to submit the compliance report immediately on completion of demolition.

Cont...3/-

The Joint Mamlatdar-VI of Salcete to remain present and to perform the duties of the Executive Magistrate and to take care of law and order problem on the above mentioned date and time.

The Member Secretary, Goa Coastal Zone Management Authority, C/o Department of Environment and Climate change, (Govt. of Goa), 4th floor, Dempo Towers, Patto, Panaji Goa shall be responsible for identifying the structures to be demolished/removed. The Member Secretary, Goa Coastal Zone Management Authority, Panaji shall further ensure that demolition of any structures which is stayed by order of any competent court shall not be carried out. The Member Secretary, Goa Coastal Zone Management Authority, Panaji shall depute his representative to identify the structures to be demolished on the day of demolition. The deputed representative shall be directed to report to the Executive Magistrate/Mamlatdar of Salcete at 9.30a.m. on the above mentioned date to proceed to the demolition site.

The Executive Engineer, Works Division VI (Roads) PWD, Fatorda, Margao to provide 20 Labourers, 2 JCB, 2 trucks, poclain, tools and required machinery on the above scheduled date and time for the purpose of demolition and they shall be directed to report to the Village Panchayat of Sernabatim, Vanelim, Colva and Gandaulim on 12/09/2023 at 9.30 am in order to proceed to the site for demolition.

The Executive Engineer, Works Division VI (Roads) PWD, Fatorda, Margao shall identify the debris dump site along the highway road and transport debris of the demolition to the identified dumping sites and restore the land to its original state and report compliance.

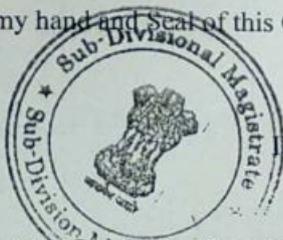
The Assistant Engineer, Sub Div-I, WD XVI, Benaullim Office, Electricity Department, Aquem Margao to provide the services of two electricians along with one firemen on the above date and time for disconnection of electricity supply and direct him to report to the Office of Village Panchayat of Sernabatim, Vanelim, Colva and Gandaulim on 12/09/2023 at 9.30a.m. in order to proceed to the site for demolition.

The Executive Engineer WD-IX(PHE), PWD, Fatorda, Margao Goa to provide the services of two Plumbers on the above date and time for disconnection of water supply and direct them to report to the Village Panchayat of Sernabatim, Vanelim, Colva and Gandaulim on 12/09/2023 at 9.30a.m. in order to proceed to the site for demolition.

The Secretary, Village Panchayat of Sernabatim, Vanelim, Colva and Gandaulim is directed to remain present to assist the demolition Squad till the demolition process is over on the above date and time.

If demolition is not completed within a day, the demolition shall continue on next subsequent day. The authorities/agencies should co-ordinate among themselves and complete the demolition.

Given under my hand and Seal of this Office on this 29th day of August, 2023.



(Uday R. Prabhu Dessai)

Deputy Collector & In-charge Demolition Squad, Sub Division, Margao - Goa.

To,

1. The Member Secretary, Goa Coastal Zone Management Authority, C/o Department of Environment and Climate change, (Govt. of Goa), 4th floor, Dempo Towers, Patto, Panaji Goa
2. The Dy. Superintendent of Police, S.D.P.O. Margao, Goa.
3. The Mamlatdar of Salcete, Margao, Goa.
4. The Joint Mamlatdar- VI of Salcete.
5. The Executive Engineer, Works Division VI(Roads) PWD, Fatorda, Margao, Goa.
6. The Assistant Engineer, Sub Div- I, W D XVI, Benaullim Office, Electricity Department, Aquem Margao
7. The Executive Engineer WD-IX(PHE), PWD, Fatorda, Margao Goa.
8. The Police Inspector, Colva Police Station.
9. The Secretary, Village Panchayat of Sernabatim, Vanelim, Colva and Gandaulim, Salcete Goa.

Copy Submitted to favor of information to:

1. O.S.D to CM, Secretariat Porvorim Goa.
2. The Collector, South Goa District, Margao.



OFFICE OF THE DEPUTY COLLECTOR & SDO, SALCETE, MARGAO - GOA

Room No.105, 1st Floor,
Matanhy Saldhana Administrative Complex,
Near KTC Bus Stand, Margao - Goa.

Phone: 0832-2794145,

Fax:0832-2794402

Email:sdm-salcete.goa@nic.in

No.SDO/SAL/Demo/7092/2023/ 4215

Dated: 13/09/2023

To,
The Member Secretary,
Goa Coastal Zone Management Authority,
C/o Department of Environment and Climate change
(Govt. of Goa), 4th floor, Dempo Towers,
Patto, Panaji Goa.

Sub: Execution of directions to demolish structures in survey No. 16/7, Sernabatim, Salcete Goa.

Ref: GCZMA/SAL/SERNA/12-13/01/2349 dated 25/03/2022 & GCZMA/SAL/SERNA/12-13/01/2027 dated 06/12/2022

Madam,

Kindly refer to your order No.GCZMA/SAL/SERNA/12-13/01/2349 dated 25/03/2022 and to your letter bearing No. GCZMA/SAL/SERNA/12-13/01/2027 dated 06/12/2022 wherein it was requested to implement/execute the demolition order dated 25/03/2023, in this regard it is submitted as under:

- 1) Demolition order No.SDO/SAL/DEMO/2023/06 dated 06/02/2023 was issued by this office fixing the demolition on 15/02/2023. (Copy marked as Exhibit "A"). However, demolition could not be carried out as the Executive Engineer, WD-VI(Roads), PWD, Fatorda did not reported at the site with their team and requested to take action on their letter dated PWD/WD-VI/ASW/F-140/584/2022-23 dated 03/01/2023 and the same has been reported to good office vide letter dated 16/02/2023 . (Copy marked as Exhibit "B").
- 2) This office vide order No. SDO/SAL/DEMO/2023/19 dated 29/03/2023 had again fixed demolition for the 2nd time on 17/04/2023 (Copy marked as Exhibit "C"). However, the Executive Engineer, WD-VI(Roads), PWD, Fatorda vide letter No. PWD/WD-VI/SDIV/F-14/2023-24/09 dated 10/04/2023 informed that an estimate to provide demolition squad has been processed to the Government for sanction and requested to defer all major demolitions till the contractor to supply demolition squad is finalized after tendering procedure. (Copy marked as Exhibit "D").
- 3) Further, Mamlatdar of Salcete vide letter No.MAM/SAL/DEMOLITION/2023/1661 dated 17/04/2023 reported that the demolition of the said structures was not carried out as it was informed by the office of the Executive Engineer, WD-VI(Roads), PWD, Fatorda that they do not possess the requisite machinery to carry out the demolition order of the said structures.

Cont...2/-

Hence, the above referred demolition order could not be executed. (Copy marked as Exhibit "E"). The report of the same has been submitted to your good office vide letter dated 18/04/2023. (Copy marked as Exhibit "F").

This office vide order No. SDO/SAL/DEMO/2023/38 dated 25/04/2023 had again fixed demolition for the 3rd time on 04/05/2023. (Copy marked as Exhibit "G"). However, the Mamlatdar of Salcete vide letter No. MAM/SAL/DEMOLITION/2023/1914 dated 04/05/2023 reported that the demolition of the said structures was not carried out as it was informed by the office of the Executive Engineer, WD-VI(Roads), PWD, Fatorda that they do not possess the requisite machinery to carry out the demolition of the said structures. Hence, the above referred demolition order could not be executed. (Copy marked as Exhibit "H"). The report of the same has been submitted to your good office vide letter dated 05/05/2023. (Copy marked as Exhibit "I").

- 4) This office vide order No. SDO/SAL/DEMO/2023/116 dated 29/08/2023 had again fixed demolition for the 4th time on 12/09/2023. (Copy marked as Exhibit "J"). However, the Executive Engineer, WD-VI(Roads), PWD, Fatorda, Margao vide letter No. PWD/WDVI/F.69/2023-24/886 dated 06/09/2023 inform that their office was providing demolition squad for minor structures consisting of JCB, Trucks and labourers. He further informed that multi storied structure are not possible to be demolished by JCB and requires specialized equipments like poclains and cutter wherein their office does not have the demolition squad. However, estimate amounting to Rs. 42,45,205/- is submitted to the Government for Administrative Approval. In case of urgency it is requested to undersigned to direct the GCZMA to deposit the amount of Rs.68,300/- per day with the Executive Engineer, WD-VI(Roads), PWD, Fatorda, Margao. Further, informed that demolition squad shall consist of providing 2 JCB's, 2 Tipper Trucks and 20 labourers only. Any other machineries/tools required for the demolition shall have to be arranged separately by the GCZMA. The demolition squad hired by their office is from private agencies and therefore the period of hiring has to be specified. The Executive Engineer, WD-VI(Roads), PWD, Fatorda, Margao requested to GCZMA to reassess the requirement of demolition squad and also specify the required period considering the methodology of demolition proposed to be undertaken by GCZMA and requested to defer further demolitions till the tendering process is over and work is awarded to the contractor. (Copy marked as Exhibit "K").

In view of above, you are requested to deposit the funds at the disposal of the Executive Engineer, WD-VI, PWD, Fatorda, Margao Goa.

Yours faithfully,

(Uday R. Prabhu Dessai)

Deputy Collector & In-charge Demolition
Squad, Sub Division, Margao – Goa.

Encl: As above.

Copy to : 1. The Collector, South Goa District, Margao Goa.

2. Advocate Shailesh S. Henriques, No.133, 1st floor, Anand Chambers, F.L.Gomes Road, Vasco-da-Gama with reference to his letter dated 11/09/2023 addressed to the Member Secretary, GCZMA, Panaji and copy endorsed to this office.

No.PWD/WDVI/ASW/F-140/470/2023-24
 Government of Goa,
 Office of the Executive Engineer,
 Public Works Department,
 Fatorda-Margao, Goa.

Dated:- 11/09/2023.

15/7/23

OFFICE OF THE DY. COLLECTOR	
SDO/SDM-I, Salcate, Margao-Goa	
Inward No.	7287/M
Date	14/09/2023

15/09

Repa

To,
 The Deputy Collector & In-charge Demolition Squad,
 Sub Division, Margao - Goa

Sub :- Regarding Work order for demolition squad.

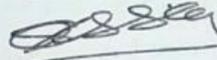
Ref :- 1) SDO/SAL/DEMO/2023/116 dt. 29/08/2023.
 2) 41/CRZ/REV/Demolish/2023-24/2046 dt. 29/08/2023

Sir,

With reference to the above referred letter at serial no.1, the concerned Assistant Engineer IV has informed that this office is not having any work order for demolition squad. Letter No.41/CRZ/REV/Demolish/2023-24/2046 dt. 29/08/2023 is enclosed for perusal.

However in case of urgency Dy. Collector may direct the GCZMA to deposit the amount of Rs.68,300/- per day. The demolition squad shall consist of providing 2 JCB's, 2 tipper trucks and 20 labourers. Any other machinery/tools required for the demolition shall have to be arranged separately by the GCZMA.

Yours faithfully,



EXECUTIVE ENGINEER- VI

Enclose: Copy of above referred letter at serial no.2.

Copy to :-

The Assistant Engineer SD-IV, WD-VI, Fatorda – Margao.....for needful

ADm

Pls send copies to AE-I/II/III/IV/ASO-II

15/09/2023

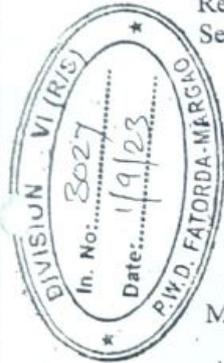
Pl. circulate among the
 tech. staff

15/09

OFFICE OF THE COLLECTOR OF SOUTH GOA DISTRICT
Matanhy Saldanha Administrative Complex, Revenue Branch,
Room No. 338, Margao - Goa

Phone No.:0832-2794381 Email id:dycrev-south.goa@nic.in Fax No.08322794402
 No.41/CRZ/REV/Demolish/2023-24/2046 Dated: 24/08/2023.
 29

To,
The Under Secretary (Revenue-I)
 Revenue Department, Government of Goa,
 Secretariat, Porvorim - Goa.



Sub: Modalities for demolition of illegal structures in private properties.
Ref: Following letters of this office:-

- 1.41/CRZ/REV/MISC/2022/6749 dated 13/05/2022.
- 2.41/CRZ/REV/Demolish/2022/10814 dated 11/08/2022.
- 3.41/CRZ/REV/Demolish/2022/1186 dated 18/04/2023.
- 4.41/REV/CRZ/Modalities/2022/481 dated 06/06/2023.

Madam,

Kindly refer to this office letter dt.13/05/2022 wherein, it was requested to finalize SOP/ Mechanism to be adopted for demolition of big structures as & when directed to be demolished by any court/ GCZMA or as per order of any Govt. Dept. & vide letter dated 11/08/2022 had requested your good office to direct the concerned departments/ local bodies to make budgetary provision to demolish the illegal structures if demolition squad is called or to provide the heavy machinery such as cranes, JCB, machine with breaker, earthmovers trucks tools & equipments under Disaster Management Act and same may be placed at the disposal of PWD-WD-VI (roads) for use & maintenance and the same machinery/ tools may be used for disaster management as well as by demolition squad for demolition.

Further in reply to your office order dt.06/06/2023 this office vide letter dt.18/04/2023 had stated that demolition is sought by various departments in execution of directions issued by the GCZMA/ NGT, High Court/ Tribunal or any other relevant authority & not as per directions issued by the Collector. The Collector is only facilitating the execution of directions of the Courts/ Tribunal. We had proposed, that the expenses for carrying out concerned demolition shall be borne by concerned department since there is no provision for the Collector to recover the amount spent on execution of demolition except as arrears of land

ADM
 Pls send copies to AE-I/II/III/IV/Asst-II
 Pl. circulate among the
 tech. staff
 01/09/2023