

**IN THE NATIONAL GREEN TRIBUNAL, WESTERN
ZONE BENCH, PUNE.**

APPEAL No.563/2025 WZ

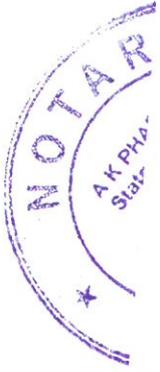
MOHAN PANDURANG HALARNKAR	... APPELLANTS
<i>Versus</i>	
GOA COASTAL ZONE MANAGEMENT AUTHORITY & 4 ORS.	... RESPONDENTS

**AFFIDAVIT-IN-REJOINDER ON BEHALF OF
APPELLANT TO THE REPLY OF RESPONDENT NO.1.**

MAY IT PLEASE THIS HON'BLE TRIBUNAL:

I, Mr. Mohan Pandurang Halarnkar, 65 years of age, married, Indian National, residing at H. no. 1374, Piracho Khazan, Morjim, Pernem Goa, the Appellant above named, having perused the Affidavit in reply of the Respondent No.1 and having understood the content thereof do hereby respond on solemn affirmation state and submit as under:

- 1) I say that at the cost of Repetition and to avoid reiteration of facts, the facts pleaded in the Appeal memo may be



treated as reproduced herein for the sake of convenience and brevity.

- 2) At the outset, all allegation and/or contentions contained in the Reply filed by the Respondent No. 1 which are inconsistent with the case set out by the Appellant are denied. Nothing contained in the Reply filed by the Respondent No. 1 shall be deemed to be admitted for want of specific traverse.
- 3) I say that the content of para 1, 2 and 3 are disputed. It is submitted that in view of the term of the GCZMA having expired on 26/12/2025, the Respondent No. 1 couldn't have filed the reply affidavit in absence of the reconstitution of the GCZMA.
- 4) The contents of para 4 and 5 are matter of record.
- 5) The contents of para 6 is admitted. It is however submitted that no such prior permission of the GCZMA is required for construction / repair / reconstruction for structures that were existing prior to 1991 prior to the CRZ Notification coming into force. It is *arguendo* that the Appellant as pleaded belongs to the fisherman

community and are also carrying out fishing activities and hence it is unambiguous that the norms for regulation of activities permissible under CRZ Notification carves out specific exemption towards construction / reconstruction of dwelling units of traditional coastal communities, fisherfolk who may be permitted within 100-200 mts from HTL. However, the structure of the Appellant lies beyond 200 mts i.e. within 200 to 500 mts from HTL.

- 6) The contents of para 7 are disputed. It is stated that the Appellant is a mundkar/occupant of a portion of plot admeasuring around 300 sq. mts., out of the larger property bearing Survey No. 119/3 of Village Morjim, Taluka Pernem. The Respondent No. 5 (Complainant) is the bhatkar/landlord of the larger property. The Appellant states that in the mundkarial plot, there exists the dwelling house, which was constructed by the late father of the Appellant (Pandurang Sakharam Halarnkar) prior to the year 1971, with the permission of the then bhatkar. After the year 1971 but well prior to 1991, the said dwelling house was slightly extended, once again with





the permission of the then bhatkar. That the dwelling-house referred to above is the same structure referred-to in the Impugned Order with alphabets 'P' and 'Q'. It is stated that the old existing structure is denoted as 'E96' on the Survey Plan which is identified as structure 'P' by the Respondent No. 1. That apart, the said Survey Plan does not depict any additional new structure/s besides structure 'P', and infact there exists another structure 'E96' which could have misidentified as structure 'Q'.

- 7) The Appellant and his family along with the families of the Appellant's brothers namely Ratnakar Pandurang Halarnkar, Rajan Pandurang Halarnkar and Sakharam Pandurang Halarnkar have been using the dwelling house in the same condition as it was constructed by his late father and improved/extended prior to 1991, with minor internal maintenance (such as periodic internal painting etc.). The Appellant has not carried-out any structural repairs or reconstruction to the aforesaid dwelling house after the year 1991 and also not done any

additions/alterations thereto, beyond the pre-existing plinth area, FAR, density, etc.

- 8) The existence of the dwelling-house ('P' and 'Q') belonging to the Appellant is adequately borne-out from perusal of the Survey Plan pertaining to the property bearing Survey No.119/3 which indicates existence of the said dwelling house and the same is identified therein with the letters 'E96'. The Directorate of Settlement and Land Records as per the notice of site inspection of Member Secretary, GCZMA in respect of Sy. No. 119/3 of Village Morjim, Pernem, has prepared the site plan (Annexure G to the Appeal Memo) delineating the CRZ line which unambiguously records that the structures identified as P and Q (which is 1 single structure E96 on the plan) as 'existing structure' and not a new structure which lies beyond NDZ (i.e. within 200-500 mts. of the HTL)
- 9) It is submitted that the inspection team has wrongly bifurcated and shown as two different structures (denoted



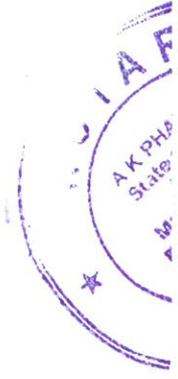
with alphabets 'P' and 'Q' in the Show Cause Notice, what is factually and actually one single dwelling-house

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- 10) The contents of para 8 and 9 is a matter of record.
 - 11) The contents of para 10 are denied. It is specifically denied that the impugned Order is passed after considering the replies filed by the Appellant and/or that the Impugned order is a detailed or reasoned order and therefore same is challenged in the present Appeal on the basis of the grounds raised in the present Appeal. That the Appellant was not afforded with adequate opportunity to place on record various facts and records on account of which there was no effective adjudication of the rights of the Appellant which has resulted in violation of the Appellants right of Natural Justice.
 - 12) The contents of para 11 are denied as false in as much as the Appellant upon being served with the Show Cause Notice had filed his Reply and had provided his proper address. Whereas the Respondent No. 1 has chosen to address the alleged communication with an incomplete address which does not even have the House No. of the

Appellant. Additionally, 'Piracho Khazan' is a large area having multiple residents as such, the service may have been affected upon an unknown person with the same name. It is specifically denied that that the Appellant was communicated the Impugned Order dated 28/02/2025 via Indian Post on 05/03/2025. It is denied that the Appellant has made any misleading and false statement to cover any alleged unwarranted delay in filing the present Appeal. It is denied that the Appeal is barred by limitation.

- 13) The contents of para 12 are denied as false in as much as the Appellants as unambiguously pleaded in the forgoing paras of this Rejoinder that the structures identified as alphabets 'P' and 'Q' in the Show Cause Notice, are factually and actually one single dwelling-house. The same is very much evident from the site plan prepared by the Directorate of Settlement and Land Records as per the notice of site inspection of Member Secretary, GCZMA in respect of Sy. No. 119/3 of Village Morjim, Pernem, (Annexure G to the Appeal Memo) delineating the CRZ line which unambiguously records that the structures

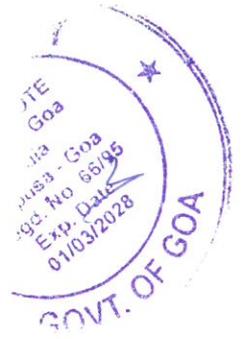




identified as P and Q (which is 1 single structure E96 on the plan) as 'existing structure' and not a new structure. It is pertinent to state that the Respondent No. 5 who is an interested party being a Complainant would try to succeed in the Complaint by identifying any structure as illegal structure without there being any sanctity and / or cogent evidence tenable in law, neither having any technical expertise. It was incumbent upon the Respondent No. 1 which has technical assistance to independently identify the alleged offending structure/s. Hence, the exercise adopted by the Respondent No.1 in identification of structure 'Q' with the assistance of the Complainant is perverse, illegal and bad in law.

- 14) The contents of para 13 are denied in as much as the Appellant has during the hearings before the Respondent No 1 as well as in the Appeal memo has placed documentary evidence of the structure existing prior to 1991 as well as documents pertaining to the fact that the Appellant is a traditional fisherman. The structure in question does not require any formal CRZ permission

being pre-1991 structure; the same being a dwelling house of traditional fisherman, situated within a fishing village/gaothan, outside NDZ (i.e. within 200-500 mts. of the HTL) and subscribing to local town planning rules (ground floor structure, less than 9 meters height and less than 33% FAR) is entitled to special protection in terms of the CRZ Notification 2011 and cannot be ordered to be demolished in law.



15) The contents of para 14, 15 and 16 are denied.

M. Malankar

AFFIANT

Solemnly Affirmed at Mapusa Goa, on this 6th day of March, 2026.

Identified by me:

[Signature]
Advocate for Appellant
(*Adv. Austin D Souza*)

Solemnly affirmed before me
Mohan Malankar
who has been identified before
me by *Adv. A. D. Souza*
known to me personally
Mapusa On *06/03/2026*
Regd. No. *1319/2026*

[Signature]
A. K. PHADTE
NOTARY *06/03/2026*

Office No. 17, First Floor,
St. Capitan Center Mapusa, Bardez, Goa.

