



BEFORE THE NATIONAL GREEN TRIBUNAL WESTERN  
ZONE AT PUNE

Appeal No. 164/2024 (WZ)

SUNIL MANDREKAR & ORS

...APPELLANTS

Vs.

GOA COASTAL ZONE MANAGEMENT

AUTHORITY AND ORS

...RESPONDENTS

**AFFIDAVIT IN REJOINDER TO THE**  
**REPLY FILED BY RESPONDENT NO.2**

I, MRS. RANJANA MANDREKAR, wife of Sunil Mandrekar, 42 years of age, married, housewife, Indian National and resident of H.No. 392/2, Digi Wada, Naroa, Bicholim – Goa 403504, the PoA Holder of Appellant No.1 above named, do hereby on solemn affirmation state and submit as under:

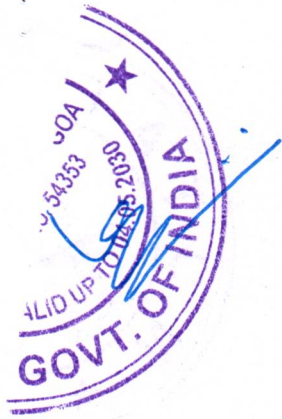
1. I say that I am in receipt of the Affidavit in Reply dated 24.07.2025 filed by Respondent No. 2 herein. In response to the same, I seek to file the present rejoinder. I dispute and deny the contents of the Reply dated 24.07.2025 which



are contrary to the case set out by me. Anything that is not specifically denied shall not be deemed to be admitted.

2. At the outset I reiterate that the subject structure is an authorized structure existing since prior to 19.02.1991 and the same does not in any manner block the vehicular traffic. The Appellants seek to rely upon the site inspection report which is annexed at page 83 of the appeal and reads as follows: *"It was observed during the inspection that the Shop/ house cause no hindrance to the flow of vehicular traffic in the said area."* The said report cannot be said to have no evidentiary value merely because the same is contrary to the allegations made by Respondent No.2.
3. The allegations of the Respondent No. 2 are baseless and driven by mala fides. The officer of Respondent No. 2 viz. Mr. Vikramsinh Rajebhosale is misusing his official powers to cause prejudice to the Appellants by filing frivolous complaints before different authorities/fora and attempting to mislead the said authorities. Despite being aware that the issue with regard to the legality of the

*Rajendra*



structure, especially in the context of CRZ Notifications, is pending before this Hon'ble Tribunal, the said Mr. Vikramsinh Rajebhosale has continued filing complaints before various other authorities requesting them to demolish the structure. Such a conduct of the said officer is unbecoming of a public servant and the same is required to be taken into consideration.

4. I categorically deny that Appellant No. 3 is running the business of Bar and Restaurant in the subject property. Therefore, the question of any consent from Appellant Nos.1 and/or 2 does not arise.
5. The Appellant No. 3 in reply filed before the Respondent No.1 has categorically stated that he does not have any connection with the subject property and/or the subject structure since the same belongs to Appellant No. 1 and operated by Appellant No. 2. Appellant No. 1 has placed on record the Deed of Sale to show that the subject property was purchased by him and the same is not inherited upon the death of his late father. In view of the above, issuing a Show Cause Notice to Appellant No. 3

*D. G. Prasad*



even though he is a family member cannot be construed as fulfillment of principles of natural justice. It was not the duty of the Appellant No. 3 inform Appellant Nos. 1 and 2 about the proceedings

6. I say that Appellant No. 3 filed a reply and informed the Respondent No. 1 that the property belongs to Appellant No. 1 and the operations of bar and restaurant are in the name of Appellant No.2. The Respondent No. 1 has not taken into consideration the said reply and has proceeded to issue the demolition order. The relevant contents of the reply read as under:

*“(2)...Also please note that the village Bar and restaurant quoted in your notice I do not have any connection with the same also note that the said Village Bar and Restaurant is owned by Soyarabai Shivaji Mandrekar and which is existing there prior to the liberation of Goa and therefore I do not have any connection with the same.*

- (3) As far as as village the survey number which you have quoted i.e. survey no. Narva of Taluka Bicholim Mandrekar and is owned by Sunil Shivaji knowledge*

*Signature*



*you are quite aware of the same and as per my there is no new construction as alleged by you."*

7. The Impugned Order is patently flawed in view of the non-compliance of principles of natural justice. It is a settled principle of law that hearing at an appellate stage cannot be considered as compliance of principles of natural justice when the aggrieved party is not afforded an opportunity of being heard in the original proceedings. Adequate hearing at an appellate stage does not cure the patent defect of the original proceedings. It is was the bounden duty of Respondent No. 1 to afford a hearing to Appellant Nos. 1 and 2 based on the information received from Appellant No. 3.
  
8. I say that pleadings and the documents on record establish that the phrase *Beedi-Cigarette Shop* used in the Appeal is with regard to the "Gaada No. 92" which came to be converted into a restaurant prior to 19.02.1991. In fact, the application for additional load of electricity was made on 03.07.1989 since the business of said *Beedi-Cigarette*



*Shop*, also referred to as *Gaada* (stall/kiosk), was expanded and was turned into a bar and restaurant.

9. I further say that *Tarwada* and *Digiwada* are local names of areas which are in close proximity. The names at times are used interchangeably since the subject structure falls within the area which could be construed as the border of both the *wadas*. Be that as it may they are not official names of parts of village so as to disregard the documents on record merely because some documents reflect *Digiwada* and others reflect *Tarwada* as the location of the subject structure.
10. I state that the documents produced by the Appellants along with the Appeal are in respect of the subject structure. None of these documents were before the Respondent No. 1 since no opportunity was afforded to the Appellant Nos. 1 and 2 to respond to the complaint and/or the show cause notice. It is in this context that the Impugned Order is non-compliant with the principles of natural justice.



11. Insofar as permissions from TCP/Panchayat are concerned, the same are irrelevant for the purpose of present proceedings since the subject structure is an authorized structure existing since prior to 19.02.1991 thereby ousting the jurisdiction of the Respondent No. 1. The Respondent No. 1 cannot direct demolition of a structure which is in existence since prior to 19.02.1991.

12. I say that in light of the above, the existence of the structure since prior to 1991 stands established. The Demolition Order is liable to be quashed and set aside.

13. I say that the contents of the aforesaid paras 1pt, 2pt, 3, 4, 5pt, 6, 8pt, 9pt and 10pt of this affidavit are true to my own knowledge and/or based on records; and the contents of paras 1pt, 2pt, 5pt, 7, 9pt, 10pt, 11 and 12 are based on legal submission which I believe to be true.

Solemnly affirmed at Panaji, Goa

On this <sup>17<sup>th</sup></sup> 15<sup>th</sup> day of November 2025

*Per*



*[Signature]*  
KAMAT NIKHIL S.  
ADVOCATE & NOTARY  
Government of India  
8, Patto Centre, EDC Complex  
Patto Plaza, Panaji - Goa  
Ph.: 8329598204

Reg. No. 292/1  
Dated... 17/11/2025

*[Signature]*  
**DEPONENT**

Solemnly affirmed

before me by *[Signature]* Shri/Smt.

*Ranjana Sunil Mandrekar*

who has been identified

by Ak. 88254349.0403

whom I personally know