



- 1) I say that at the cost of Repetition and to avoid reiteration of facts, the facts pleaded in the Appeal memo and the Application for Stay 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 Applicant 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, 3 and 4 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 5 are denied. It is denied that the present Appeal is filed belatedly and beyond the limitation period. It is denied that there is delay of alleged more than 109 days. It is submitted that the Appeal was filed in urgent dispatch immediately upon knowledge of the Impugned Order dated 28/02/2024. It is reiterated that

subsequent to the hearings conducted by the Respondent No. 1 in December 2024, the Appellant neither heard any further from the Respondent No. 1 nor any Final Order, if any, passed in the matter of the Appellants was communicated to the Appellants herein. The Appellant gained knowledge of the Order dated 28/02/2025 only in July 2020 upon receiving call from the office of the Village Panchayat of Morjim that the structure of the Appellant will be demolished within 10 days based upon directions given by the Hon'ble High Court of Bombay at Goa vide order dated 10/07/2025 in WP 1716/2025 (F) wherein the Appellant apprehending that the structure of the Appellants may also be up for demolition, the Appellant immediately applied to the Respondent No. 1 on 17/07/2025 for providing urgent copy of Final Order, if any passed in the matter of Show Cause Notice dated 29/10/2024 bearing reference No. GCZMA/N/ILLE-Compl/22-23/35/Part XI/2435. Only upon applying for the said Final Order vide application dated 17/07/2025, the Respondent No. 1 on 17/07/2024 issued and communicated to the Appellant the Impugned Order

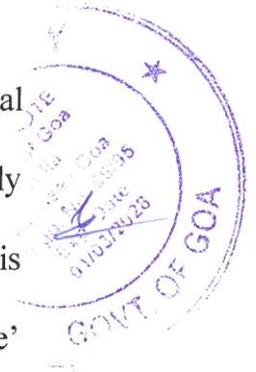




dated 28/02/2025 for demolition of the said structure. It is denied that the Appeal is barred by limitation.

- 5) I say that the contents of para 6 is a matter of record.
- 6) I say that the content of para 7, 8, 9 and 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.
- 7) The Appellants as unambiguously pleaded in the Appeal 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.



- 8) 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.
- 9) I say that the content of para 11 and 12 are denied. It is stated that the alleged illegal structures are existing prior

to the CRZ regulation and as such, the Applicant has prima facie case, the balance of convenience also lies in favor of the Applicant and great prejudiced shall be caused to the Applicant if the alleged illegal structure is demolished and or pending the present appeal, the Impugned Order is not stayed as the same shall render the present Appeal infructuous and therefore this Hon'ble Tribunal be pleased to Stay the Impugned Order and hence the Application be allowed.

M Halankar

AFFIANT

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

Identified by me:

[Signature]
Advocate for Appellant
(Adv. Austin D'Fonseca)

Solemnly affirmed before me
Mohan Halankar
who has been identified before
my by Adv. A. Dsouza
known to me personally
Mapusa On 06/03/2026
Regd. No. 1317/2026

[Signature]
A. K. PHADJE
NOTARY 06/03/2026
Office No. 17, First Floor,
El-Capitan Center, Mapusa, Bardez, Goa

