

BEFORE THE NATIONAL GREEN TRIBUNAL,  
WESTERN ZONE BENCH, PUNE

Appeal Number: 2/2024 (Western zone)

CALANGUTE CONSTITUENCY FORUM ..... Appellant

Versus

STATE OF GOA & ORS. .... Respondents

AFFIDAVIT IN REPLY TO THE REPORT PREPARED  
BY THE GOA STATE BIODIVERSITY BOARD DATED  
14 JUNE 2023 AND THE REPORT OF JOINT SITE  
INSPECTION HELD ON 8/3/2024 AT CANDOLIM  
VILLAGE AS PER ORDER DATED 01/03/2024 BY THE  
HONOURABLE NGT PUNE IN APPEAL NUMBER  
2/2024

MAY IT PLEASE YOUR HONOUR

A handwritten signature in blue ink, consisting of a stylized 'A' with a loop at the bottom.

I, Mr. Cruz Silveira, son of Francis Silveira, aged 48 years, resident of H. No. 3/63C Tivai Vaddo, Calangute, Bardez-Goa, Vice President of Calangute Constituency Forum, the Appellant do hereby on solemn oath and affirmation state and submit as under.

1. I say that the Site Inspection Reports prepared by the Goa State Biodiversity Board dated 14/06/2023 and the Report of the Joint Site Inspection held on 08/03/2024 at Candolim village as per the order dated 01/03/2024 by the Honourable NGT support the Appellant's case.
2. I say that in the report prepared by the joint site inspection team, there is a finding in Paragraph 4 that during the time of site inspection,

*“the carriage width of the bund is 4 metres and at two locations the carriage width varies i.e 5 metres (curvature) and 13 metres (cul-de-sac/turning point). Including the pitching and toe wall the width of the bund is 8 metres and at one location it*



*is noted as 17 metres as per the detailed mapping carried out on 28/02/2024 by Directorate of Settlement and Land Records using total station.*

These findings are crucial as they clearly corroborate the case of the Appellant that under the guise of strengthening the bund, the State of Goa has plans to provide a motorable excess to the landlocked property in Survey Number 12 of Candolim village. I further state that there can be no other explanation on the part of the State of Goa for having widened the width of the bund from its original state when it serves no other purpose than to provide the motorable excess to the landlocked property. I say that widening the bund will not strengthen the bund and protect the same; on the contrary, the said action will destroy the same. I say that from the plan prepared by the Directorate of Settlement and Land Records, there is a precise observation that there has been stone pitching on the widened bund, which is contrary to



the recommendations of the Goa State Biodiversity Board and is a step towards concretisation of the the bund and thereby making a road for the landlocked property in Survey Number 12 of Candolim Village.

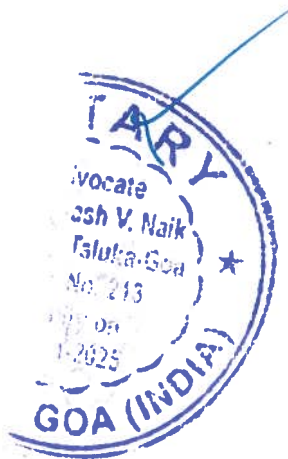
3. I say that the Joint Site Inspection Report has also noticed that the property falls within CRZ 3 area and is affected by mangroves, mangroves buffer zone, which is ecological sensitive area that is CRZ 1 A. The site also abuts sluice gates on the bund as per the CRZ notification and CZ MP 2011. The report also noted that there exists two sluice gates along the bund out of which one is to regulate the tide influence water, and the 2nd was covered with a concrete precast concrete slab. I say that there are recommendations given by the Goa State Biodiversity Board and the Goa Coastal Zone Management Authority that the materials to be used to maintain and preserve the bund have to be natural. They have to be porous. The said recommendations have



*[Handwritten signature]*

expressly rejected concretisation at any location along the bund. These recommendations are based on the principles of ecological preservation and sustainable development, which are crucial in the context of this case.

4. I declare that the joint site inspection also noticed the distressing sight of trees cut and mangroves uprooted at different locations during the work undertaken and renovation of the existing bund. Clear evidence of mangroves wood/branches were seen in the vicinity of the bund at many locations. It was also noticed that at some places, the bund passes through a thick mangrove stand. I emphasize that to widen the said bund, several mangroves were needlessly destroyed when they should have been protected, as the said area falls under CRZ 1 A under the CRZ notification. The very fact that thick mangroves exist is a compelling reason to halt all further construction work, in line with the recommendations made by the Goa State Biodiversity Board and the Goa



Coastal Zone Management Authority. The destruction of these mangroves is a significant loss and a cause for grave concern.

5. I say that the WRD carried out extensive work at the time of filing the Writ Petition before the Honourable High Court by the Appellants herein.
  
6. I affirm that the conclusion and recommendations of the Joint Site Inspection Report strongly support the Appellant's case. They underscore the importance of taking strict action against the widening and renovation of the bund, which is contrary to the recommendations made by the Goa State Biodiversity Board and the Goa Coastal Zone Management Authority. As per CZMP 2011, the identified Survey Numbers are categorised as ecologically sensitive areas, such as CRZ 1A and CRZ 3 river NDZ. The recommendations also support the Appellant's case that barricading should be done at entry



and exit of the bund to prevent vehicle traffic and commercial activities. The recommendation made by the Joint Site Inspection Report also supports the Appellant's case that mangrove Plantation and associated species in the area, wherever destruction of mangroves has taken place, should be carried out. Lastly, the Joint Site Inspection Report recommends further renovation/strengthening of the bund using traditional methods based on ecological principles and with eco-friendly materials for renovation strengthening of the bund. I stress the importance of the Appellant's case and the need to restore the bund to its original state as it was existing in the 1936 Comunidade Plan.



7. I say that the recommendation made by the Joint Site Inspection Report/Committee that more Plantation in the inner side of the bund should be discouraged is not agreeable to the Appellants. I say that the mangroves have been beneficial to the flora and fauna as well as

increasing the fish population. I say that the recommendations at Clause 5, in fact, seek to suggest that the area on the inner side of the bund can be used for livelihood activities. I say that the livelihood activities indicated by the Respondent State Government is in fact, in the nature of tourism and exploiting the area commercially which is contrary to the objectives of CRZ-1A area under the CRZ notification.

8. I say that the Goa State Biodiversity Board Report dated 14/06/2023 also corroborates the case of the Appellant, wherein it is reported that the bund had more mangroves on the inner embankment as compared to the sparse mangrove trees on the riverside. The bund appeared more like a wide road with a width ranging from 3 to 8 metres and above along the stretch of 730 metres from the Nerul Bridge to the Caculo House area. I say that the said report has also reported that many mangrove trees were observed to be cut and partially uprooted, and **at several**



**locations, land-filling was observed.** WRD Personnel claimed that the land-filling and tree-cutting happened in 2016. I say that the said statement of the WRD is patently false and the said activity took place during the time of filing the Petition by the appellants. I say that the observation made by the Goa State Biodiversity Board that the mangrove habitat has been reclaimed to the extent along the entire length of 730 metres, with very few pristine mangrove patches still existing on the inside of the bund is true as the current width of the bund is much more than as shown in the 1936 Comunidade Plan. The width of the bund is higher than the traditional desired width, which ranges from 2 to 6 metres maximum, depending on whether it is an internal or external bund.

9. I say that the observations of the Goa State Biodiversity Board that the raised height concrete walls will be detrimental to the survival of these species, such as



mugger crocodiles and smooth-coated otters, as they will act as barriers, is a matter of grave concern. Furthermore, I state that the Goa State Biodiversity Board recommends that the use of local traditional materials for repairs and building of bunds is essential. Concrete vaults have impacted the flow of water, micro-niche habitats of crustaceans and other less-known species, and displaced water birds from the area.

10.I say that the WRD while working on the current project under the guise of strengthening the bund has in fact at one point **deviated from the original path of the bund as per 1936 Comunidade Plan by constructing a parallel bund by land filling** in order to convert a sharp right angle turn into a smooth curve with the only plausible explanation being to ease the movement of vehicles and ensure the smooth flow of traffic along the bund. This corroborates the case of the Appellants that the entire idea of the respondent State authorities has



been to create a motorable access all along the bund under the guise of restoration and strengthening the bund.

11.I say that the recommendations of the Goa State Biodiversity Board and the joint site inspection report have raised significant and severe issues. The bund, as constructed by the WRD, has violated the said recommendations by broadening the bund and using concrete and stone pitching to widen the bund and use the same as the motorable excess at the cost of the environment and the flora and fauna in the CRZ 1 A area.

12. I say there is an urgent need for this court to direct the restoration of the bund to its original state by using eco-friendly materials as suggested by the Goa State Biodiversity Board and the Joint Site Inspection Report and also to remove the diversion of the bund as stated at para 10.



13. I say that the contents of paragraph 1 to 12 of this Affidavit are true and correct to the best of my knowledge.

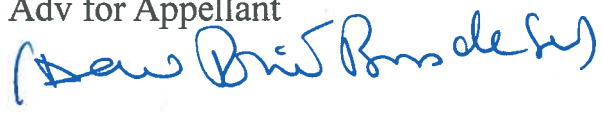
Solemnly affirmed at Panaji on this 4<sup>th</sup> day of October of 2024 of the Year 2024.

  
The Deponent

Identified By

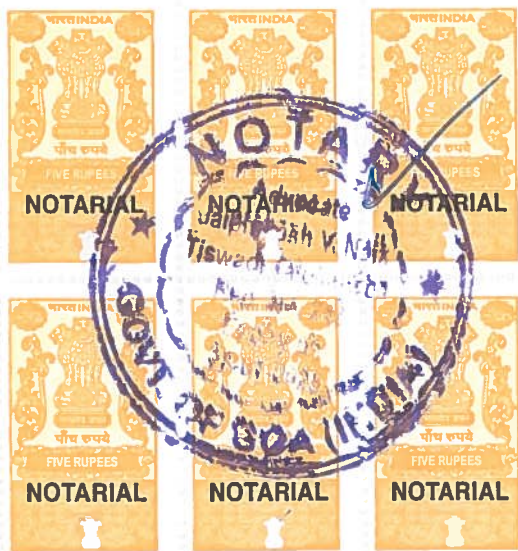


Adv for Appellant



Solemnly affirmed before me by the Deponent who is identified to me by..... Adv. R. Bras de J





**SHRI JAIPRAKASH V. NAIK**  
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Notarial Registration No. 3957/2024  
Date: 04.10.2024