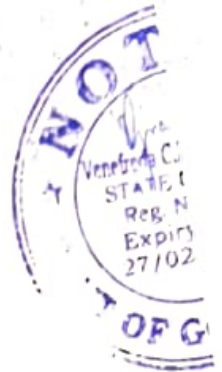


Based on the records available with my office and that I am competent to depose in this case.

2. I say that I am filing the present Affidavit-in-Reply for the purpose of opposing the application of condonation of delay . Nothing in the aforementioned Appeal or the Application filed by the Appellant / Applicant may be deemed to have been admitted for mere want of specific denial. Nothing maybe deemed to have been admitted for want of *traverseseriatim*. I crave leave of this Hon'ble Tribunal to file an additional detailed Affidavit , if found necessary.

3. I say that the present appeal challenges the Order dated 29.12.2023 ("Impugned Order") passed by the answering Respondent disposing of Show Cause Notice dated 23.05.2023. I say that *vide* said Order dated 29.12.2023 the Respondent had directed the Applicant herein to demolish "2nos RCC frame structure(G+1),2



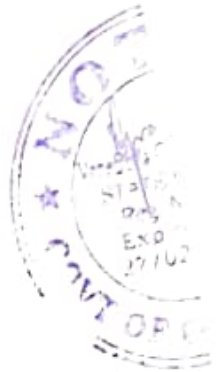


Nos masonry structure with Mangalore tiles roofing, 1 no masonry structure with slab (GF), masonry compound wall on all sides along with steps, 1 no masonry toilet block..." located in property bearing Survey No. 73/74 of Anujna Village, Bardez, Goa and further to restore the land to its original condition within 30 days from the date of receipt of the said Order.

4. I say that the Show Cause Notice dated 23.05.2023 was issued pursuant to Hon'ble High Court's direction in order dated 19.10.2022 passed in Writ Petition (f)No.2148 of 2022 .I say that while disposing of the said petition vide order dated 19.10.2022, the Hon'ble High Court of Bombay at Goa observed as under:


"9. From the photograph placed in this case at least, prima facie, there seem to be several other structures that have come up in the No Development Zone or right on the Anjuna

beach. Therefore, by our order dated 18th October 2022, we had directed the Panchayat and the GCZMA officials to hold a joint inspection and file a report on the status of all such constructions on the Anjuna beach.



10. However, we propose to dispose of this Petition by registering the material in this Petition as a Public Interest Litigation (SuoMotu) on the subject of illegal, unauthorized constructions on Anjuna beach. Therefore, the direction for joint inspection and submission of there port should be considered as a direction made in Public Interest Litigation (SuoMotu).

11. The Registry is directed to registra separate Public Interest Litigation (Suo Motu) in the above terms. The State of Goa, through



The Chief Secretary, Village Panchayat of Anjuna-Caisua, Goa Coastal Zone Management Authority, and the Police Inspector, Anjuna Police Station, to be impleaded as the Respondents in the Public Interest Litigation (Suo Motu). Place the Public Interest Litigation (Suo Motu), after the same is registered and numbered, for consideration on 9th November 2022."

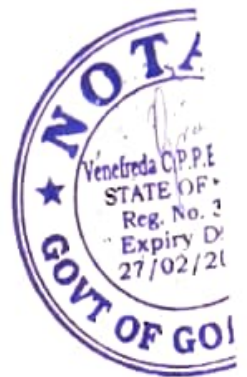
5. I say that pursuant to the above directions of the Hon'ble High Court of Bombay at Goa GCZMA and the Secretary of Village Panchayat Anjuna-Caisua conducted a joint site inspection from 28/10/2022 at 11.00 and onwards and the said exercise completed on 06/11/2022. I say that a joint report was submitted to the Hon'ble High Court.



6. I say that vide order dated 01/03/2023 in PILSM/2/2022, the Hon'ble High Court of Bombay at Goa as follows:

"5. At least prima facie, around 275 structures were found to be on the Anjuna beach and in NDZ area. It is the duty of the Goa Coastal Zone Management Authority (GCZMA), in the first place, to prevent the mushrooming of such constructions. In any case, after this material is placed on record by the Panchayat, it is certainly the duty of the GCZMA to inspect the beach/NDZ, at Anjuna and initiate action in accord with law.

6. Learned Advocate General points out that the inspection which was carried out earlier was a joint inspection by the GCZMA and the Panchayat authorities. If this is the position, then, the GCZMA should also take action in Accord with law particularly because the inspection report reveals that these structures were in the NDZ.



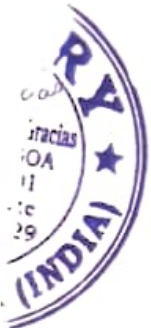
free

7. *The GCZMA is therefore directed to take action in accord with law against these structures."*

7. I say that pursuant to the above directions of the Hon'ble High Court and upon perusal of the joint site inspection mentioned above, the Show Cause Notice dated 23.05.2023 was issued to the Appellant herein for the illegal construction in Survey No.73/74 of Anujna Village, Bardez, Goa resulting in violation of CRZ Notification 2011.

8. I say that, the Appellants herein filed their Reply dated 19.06.2023 to the above mentioned Show Cause Notice.

9. I say that at the 357th GCZMA Meeting held on 29/08/2023 the said matter was taken up. I say that the Advocate for Appellant herein sought 2 weeks time to file additional reply. I say that the matter was adjourned for two weeks to grant the Appellant herein an opportunity to file additional reply.



10. I say that the matter was taken up in the 367th GCZMA Meeting held on 03.11.2023. Advocate appearing on behalf of the Appellant herein stated that he needs time to go through the matter and argue. In view of the request made by the Advocate for the Appellant herein, the Authority decided to grant time and posted the matter on 17/11/2023 as final opportunity failing which orders will be passed based on the available documents on record.



11. I say that the said matter was taken up in the 369th GCZMA Meeting held on 17.11.2023. I say that on 17.11.2023, the Appellant herein filed an additional reply. I say that upon perusal of the Reply and the Additional Reply of the Appellant herein, GCZMA decided that a fresh inspection is required to come upto conclusion in deciding the matter. I say that GCZMA decided to hold fresh Site Inspection on the 20/11/2023 and the matter was adjourned to 24/11/2023.

12. I say that the said matter was taken up in the 373rd Meeting held on 24.11.2023. I say that upon hearing the Appellant herein and upon perusal of the documents produced the Appellant, this Respondent decided that the Appellant had not produced any documents to prove that the structures have valid permission for construction from the Village Panchayat of Anjuna. I say that the Authority decided that the records of the electrical connection did not prove the legality of the structures, I say that the material placed by the Appellant before the authority did not prove that the structures were existing prior to 1991 and hence directed the demolition of the structures. I however say that the Appellant thereafter filed a review application before this Authority based on the satellite images which were obtained by the Appellants after the passing of impugned order. I say that the Authority dismissed the said Review application as not maintainable. I say that hence the legality of structures vis a vis said satellite images could not be determined by the authority as it had become functus officio.



13. With reference to para 2, 3 and 4, I say that the Reply and the Additional Reply filed by the Appellant herein and the documents produced by the Appellant were taken into consideration by this Respondent at the time of passing of the impugned order except for satellite images as they were not part of the reply given by the Appellant.

14. With reference to para 17 and 18, the contents thereof are denied.

15. With reference to para 19, 20, and 21, the contents thereof are denied. I say that this authority does not have the power of review.

16. With reference to para 22, 23 and 24, the contents thereof are denied. I say that the Authority has examined the material produced by the Appellant in the reply and additional reply and has concluded that the same does not prove that the structures existed prior to 1991.



17. With reference to para 26, the contents thereof are denied.

18. With reference to Ground I & II, the contents thereof are denied.

19. With reference to Ground III & IV, the contents thereof are denied. I say that the Impugned Order has been passed after considering all relevant facts and documents which have been produced before this Authority. I say that the Impugned Order is a reasoned order.

20. With reference to Ground V, VI, VI & VII, the contents thereof are denied.

21. With reference to Ground IX & X, the contents thereof are denied.



22. With reference to para 30 & 32, the contents thereof are denied.



23. I say that in view of the above, the present appeal is liable to be dismissed.

24. I say that what has been stated in Par as 1 to 23 are true to my own knowledge and/or are based on documents/records available with the Respondent and the contents of the same are true and correct and nothing material has been concealed herein.

Solemnly Affirm on Oath

Place: Panaji, Goa.

Date: 27.11.2024



[Signature]
DEPONENT

Executed before me
At Panjim Tiswadi - Goa
Reg. No. 157/11/2024
Dated: 27/11/2024

[Signature]
Venefrada C.P.P.B Gracias
Advocate & Notary Goa State