

**BEFORE THE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH PUNE**

**APPEAL NO. 05/2024(WZ)**



ANIL HOBLE

..... APPELLANT

VS

GCZMA AND ORS.

..... RESPONDENTS

**AFFIDAVIT IN REPLY ON BEHALF OF RESPONDENT**

**NO. 1 GCZMA**

I, Johnson Bedy Fernandes, major of age having my office at 4<sup>th</sup> floor, Dempo Tower, Patto Plaza, Panaji Goa, do hereby solemnly affirm and state as under:

1. I say that I am the Member Secretary of the GCZMA, i.e. Respondent No.1, and am authorised to affirm the present reply affidavit on its behalf. I have examined the relevant records available in my office in respect of the order dated 30/11/2023 passed by the present Respondent and

A handwritten signature in blue ink, appearing to be 'Johnson Bedy Fernandes', written in a cursive style.

challenged before this Hon'ble Tribunal in the above-captioned Appeal and am affirming the present Reply Affidavit based on the same. Nothing in the present Reply Affidavit may be deemed to be an admission of any of the contents of the memorandum of the above-captioned Appeal. Nothing in the memorandum of the above-captioned Appeal may be deemed to have been admitted for mere want of specific denial.

2. I say that the present Appeal has been filed against the order dated 30/11/2023 passed by the present Respondent by which the present Respondent was pleased to dismiss the complaint filed by the Appellant complaining about the illegal destruction/ uprooting of mangroves by Respondent No.2 and thereby discharged the show cause notice dated 21/03/2023 issued to Respondent No.2 on the basis of the complaint dated 18/08/2022 filed by Respondent No.3 with the present Respondent. The impugned order is annexed at page No.21 of the Appeal as Annexure "A" and the complaint dated 18/08/2022 is hereto annexed and marked as "Annexure A" to this Reply.
3. I say that on receipt of the complaint dated 18/8/2022 from Respondent No. 3, Engineers and Field Surveyors attached to this office conducted a site inspection on 16/12/2022. During the site inspection, it was noticed that repair/ construction of bund was in progress, mangroves have been uprooted, heavy mud filling done along the stretch. I



A handwritten signature in blue ink, appearing to be 'J. J. J.', located at the bottom right of the page.

say that on perusal of the said report, violations of CRZ 2011 notification were noticed which are mentioned in the site inspection report dated 16/12/2022. The site inspection report is annexed to Annexure B colly to the Appeal at page no. 36. Based on the report, a show cause notice was issued to Respondent No.2. The show cause notice is annexed to Annexure "B Colly" to the Appeal at page No.31. Respondent No.2 filed its reply stating that they have not done any land filling nor uprooted mangroves as alleged. They further submitted that the Respondent No.2 is formed under the provisions of Goa, Daman and Diu Agricultural Tenancy (Discharge of Joint Responsibility of Tenants) Rules 1975 and registered before the Mamlatdar of Tiswadi. The said Respondent No.2 has been existing in the neighbourhood of the bank of Mandovi river where the fields are surrounded by a protective bund by the name Santanacho Bund. The managing committee of Respondent No.2 is responsible for maintenance of the bund and see that breaches in the bund are repaired. They have undertaken plantation of mangroves on both side of the bund wherever possible to ensure that it is protected. In case the bund needs any repair, Respondent No.2 has to report it to the Mamlatdar. The Mamlatdar on an inspection report from the Talathi, directs the Soil Conservation Department to prepare an estimate of the repair work. It is upon the direction of the Mamlatdar, Respondent No.2 carries out the repairs within the given estimate. No permission from any other Authority is required as the



repairs are mainly of mud/soil and no masonry or concrete work is undertaken. The repairs are necessary to protect the fields from flooding with saline water. The said bund has been notified in the official gazette dated 31/07/1975. Copy of the official Gazette is hereto annexed and marked as "Annexure B".

4. I say that pursuant to the decision taken in 354<sup>th</sup> meeting held on 10/08/2023 the Respondent No.2 has submitted the restoration plan whereby they agreed to plant 400 mangroves sapling. The copy of Restoration Plan is hereto annexed and marked as "Annexure C".
5. I say that as per the inspection carried out on 29/04/2024 by our officials it was observed that in property some mangroves plantation does exist but it was difficult to ascertain as to whether the same has been done by the Respondent No. 2 or whether it has naturally happened. The copy of site inspection report and photographs is hereto annexed and marked as "Exhibit D Colly".
6. I say and submit that from the documents on record the answering Respondent came to a conclusion that the bund has been in existence prior to 1991 and repairing the bund was necessary. Therefore in exercise of the powers conferred under Section 5 of the Environment (Protection)



Act, 1986 (Central Act 29 of 1986) read with sub-rule (3) (a) of Rule 4 of the Environment (Protection) Rules 1986, and read with power vested with the GCZMA vide Order S.O. 6071(E) dated 27/12/2022 issued by the Ministry of Environment & Forests, Government of India, discharged the Show Cause notice.

7. I say that as per the amendment carried out to the CRZ Notification which has been published in the official Gazette S.O.1442(E) dated 01/05/2020 the HTL is restricted upto the bunds and the current bund which was under repairs through Soil Conservation is in existence prior to 1991. The copy of Official Gazette S.O.1442(E) dated 01/05/2020 is hereto annexed and Marked as "Exhibit E."
8. In view of the above, it is most humbly submitted that the appeal filed by the Appellant deserves to be dismissed.

Hence this affidavit



  
Deponent

VERIFICATION

I, the deponent above-named do solemnly affirm that all that is stated in this Affidavit is True to the best of my knowledge and belief, which is based on the records available in respect of the issue involved in the above-captioned Appeal. Nothing false has been stated herein.

Verified at Panaji on this 29<sup>th</sup> day of April 2024.

*[Handwritten Signature]*  
DEPONENT

Solemnly affirmed before me by  
*[Handwritten Signature]*  
.....  
Reg. No.: *06/2176* Date: *29.4.2024*  
known / Identified to me by.

*[Handwritten Signature]*  
G. S. KUBAL  
Notary (Govt. of India)  
Panaji-Goa, India





**TOWN AND COUNTRY PLANNING DEPARTMENT**  
**Dempo Tower, 2<sup>nd</sup> floor, Patto Plaza, Panaji - Goa**  
**Ph: 0832-2437352, E-mail: ctp-tcp.goa@nic.in**  
**Website: https://tcp.goa.gov.in**

Ref No.: 11/42/Gen-Misc/510/2022/2002

Dated: 28/2022

**NOTE**

**Sub: Illegal conversion of Zoddi Manus (Sluice Gate) and mass illegal destruction / uprooting of mangroves.**

**Ref: Note ref. No. TCP/Correspondence/053/2022/678 dated 21/06/2022, under inward No. 2273 dated 11/07/2022.**

The undersigned is in receipt of a note under ref. No. TCP/Correspondence/053/2022/678 dated 21/06/2022 from the office of Hon'ble Minister for TCP, regarding complaint received from Mr. Anil Hoble, Bernard Carneir, with regards to illegal conversion of Zoddi Manus (Sluice Gate) and mass illegal destruction / uprooting of mangroves. Copy of the note is endorsed to your office.

Since the matter pertains to area under your jurisdiction, you are requested to check for any violations and take necessary action immediately and submit action taken report to this office at the earliest for further necessary action.

  
 (Vertika Dagur)

Senior Town Planner (HQ)

Encl: As above

To,

1. Chief Engineer,  
Water Resource Department,  
Sinchai Bhavan,  
Porvorim, Bardez - Goa.
2. ~~The~~ Member Secretary,  
Goa Coastal Zone Management Authority,  
4<sup>th</sup> Floor, Dempo Tower,  
Patto, Panaji - Goa.

**Member Secretary**

**G. C. Z. M. A.**

**Inward No. 1722**

**Date: 18/08/2022**

*Deadline*

*Let the inspection  
be carried out by  
team*

  
18/08

Copy to:  
The O.S.D. to Hon'ble Minister for TCP,  
Secretariat, Porvorim-Goa.

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Code :- O. R. - 17

**VISHWAJIT P. RANE**  
Minister for Health, Craftsman Training &  
Women and Child Development

Ref No.: TCP/Correspondence/053/2022/678

21/06/2022

**NOTE**

This is with reference to the enclosed letter dated 18/05/2022 received from Mr. Anil Hoble Bernard Carneir, Merces, Goa, regarding illegal conversion of Zoddi Manus (Sluice Gate) and mass illegal destruction / uprooting of mangroves using huge TATA HITACHI chain propelled Excavator.

Requesting the Chief Town Planner to kindly examine.


Letter No- 2273  
Town & Country Planning Dept  
Government of Goa  
1st Floor, Newgo Tower,  
Pillar Plaza, Panaji, Goa  
Date: 11/07/2022

  
**(Vishwajit P Rane)**

Minister for Health, Urban Development,  
Town and Country Planning,  
Women & Child Development, Forest

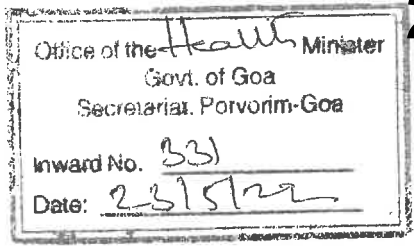
Encl.: As above

**Chief Town Planner (Planning)**

  
578 (102)  
DU.T.P (Planning)  
w/ send to  
C.D.S. W.R.D.  
P.P.P. Rane  
19/7/22

2/6

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Anil Hoble  
Bernard Carneir,  
Merces  
18.05.2022

To,  
The Hon'ble Forest Minister,  
Govt. of Goa,  
Porvorim,  
North Goa.

**Sub: - Illegal Conversion of Zoddi Manus (Sluice Gate) and  
mass illegal destruction/uprooting of mangroves using huge  
TATA HITACHI chain propelled Excavator.**

Sir,

With reference to above subject, I am to inform you that the Managing Committee of the Morombi O Grande Tenants Association, specifically the Chairman, Shri Shamir Coutinho; Secretary, Shri Viriato Mendes and Treasurer, Shri Vishwanath Naik are involved in some serious irregularities. Personally supervising the illegalities. As follows :-

1. On 15.05.2022 the three using a huge TATA HITACHI chain propelled Excavator have damaged the Ancestral Zoddi Manus (Sluice Gate) by taking over it, the chain propelled Excavator.
2. Last November weeding and shrub cutting was systematically carried out over the 3 mts bund. But now engaging a chain propelled Excavator have illegally uprooted also large mangrove trees over a distance of even upto 15 mts. Enclosed find photos of both November and recent

.. .. . **Exhibit A**

3. The Managing Committee of the Morombi O Grande Tenants Association recently fraudulently submitted papers of having carried out Sluice Gate Auction without actually carrying out the same. The matter is under litigation

4. The secretary Shri Viriato Mendes is carrying out land filling in Sy. No 34/4,3 and now extending to also Sy.No. 34/2. The Chairman and the Treasurer are seen personally supervising/encouraging the land filling. Enclosing letter dated 20.04. of Dy. Collector (DRO). . . . . **Exhibit B**
5. The Vice Chairman has tendered **his resignation to the Chairman on 06.03.2022.**
6. In the vicinity of the Sluice Gate two patches of land filling has also been carried out with ulterior motive.
7. Whereas the Managing Committee when expected to work in the interest of the farmers and environment is wantonly destroying the ecology.

In view of above it is kindly prayed as below.

- i. Strict action be taken against the Managing Committee for indulging in such wanton destruction of nature with utter disregard to law.
- ii. Cost of the damages to the ancestral Sluice Gate (ZOddi Manus) be recovered from the three accused.
- iii. Strict action also be taken under Forest Act.
- iv. And any other action deemed fit and proper.

Thanking you,

Yours faithfully

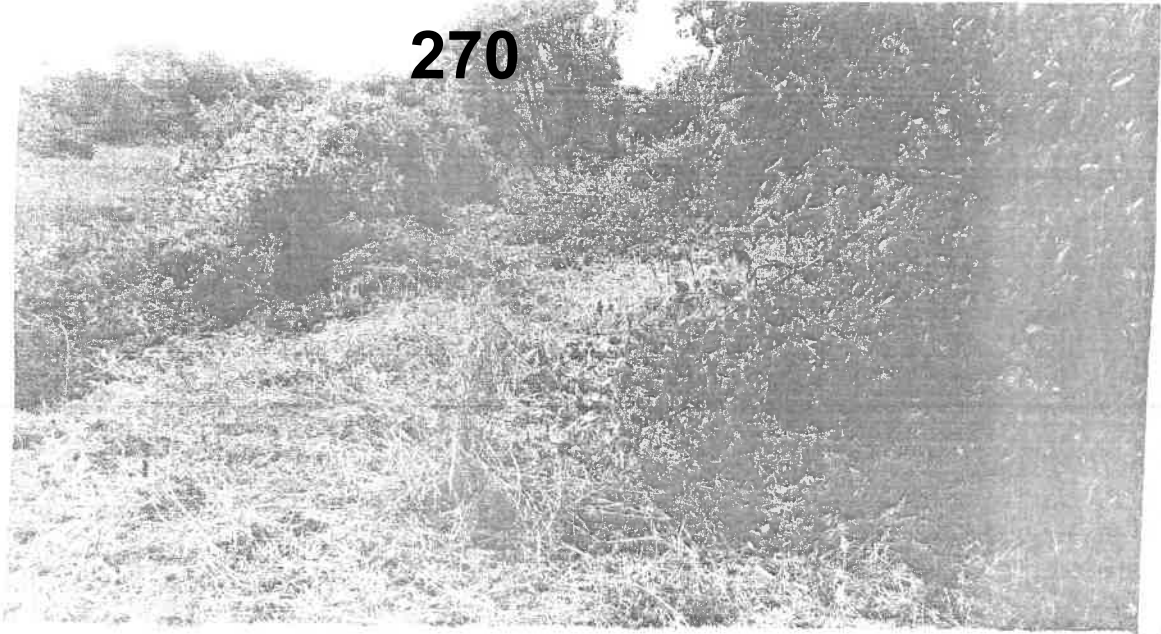
  
Anil Hoble

Copy with compliments to:

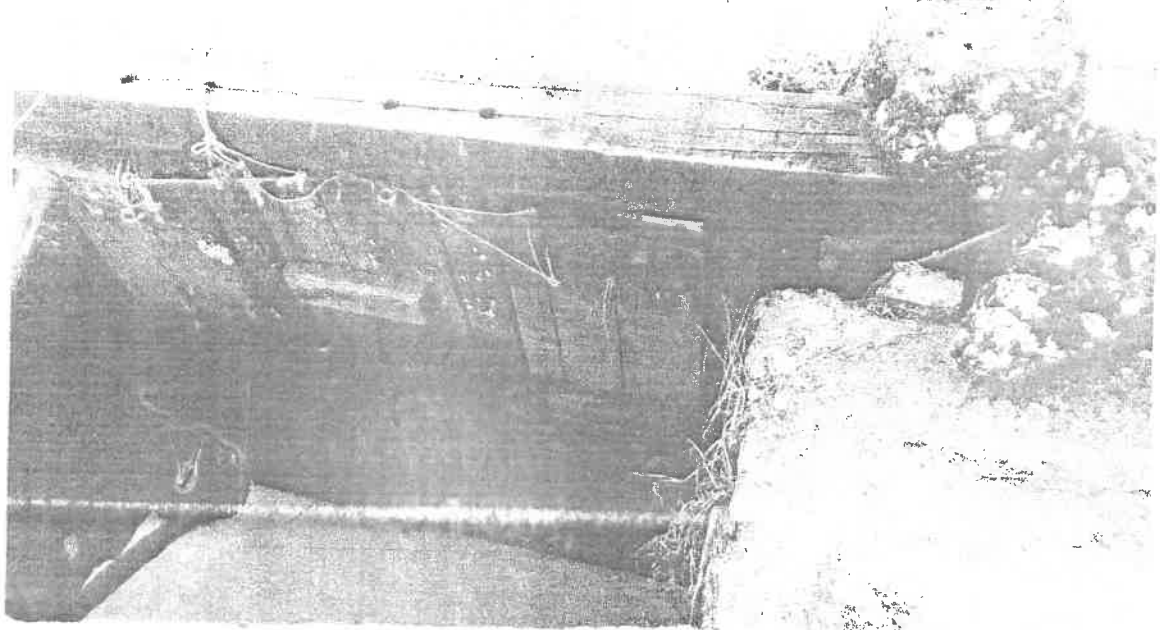
- ✓ a. Chief Conservator of Forests, Altinho. Panaji Goa.. For necessary action.

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EXHIBIT A

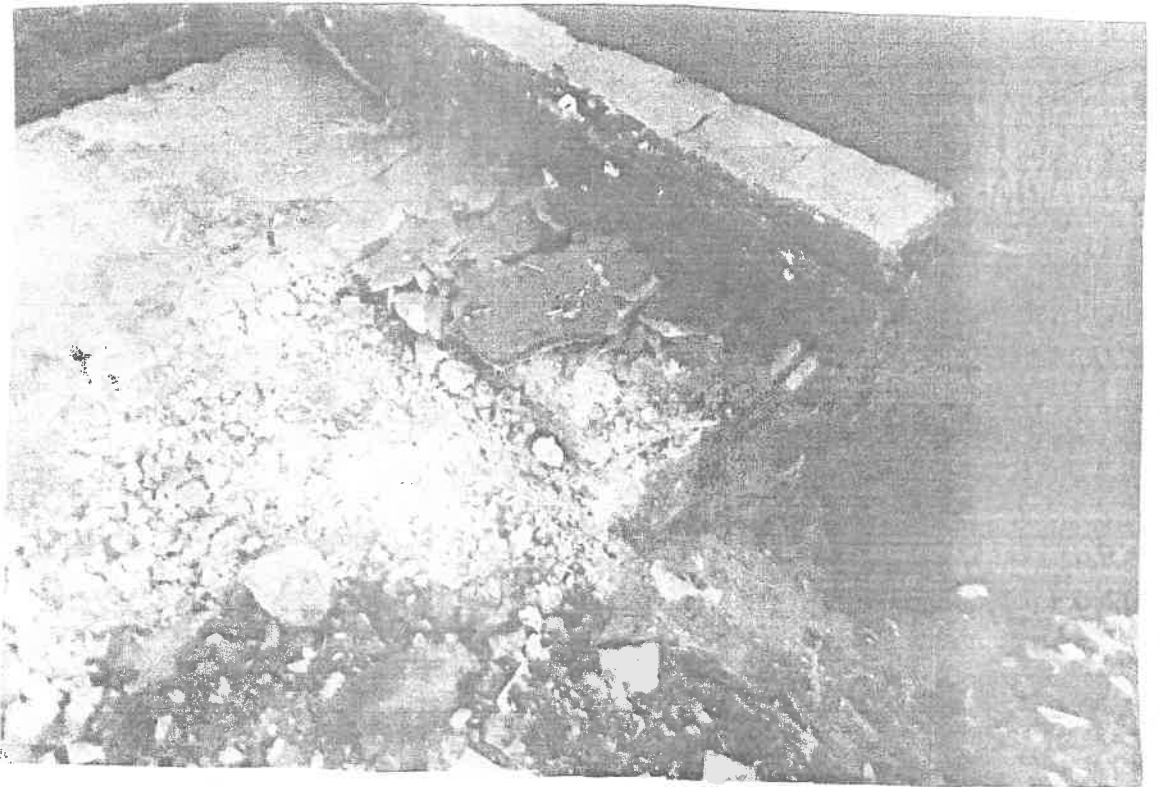


SYSTEMATIC BUND WEEDING  
21-11-2021





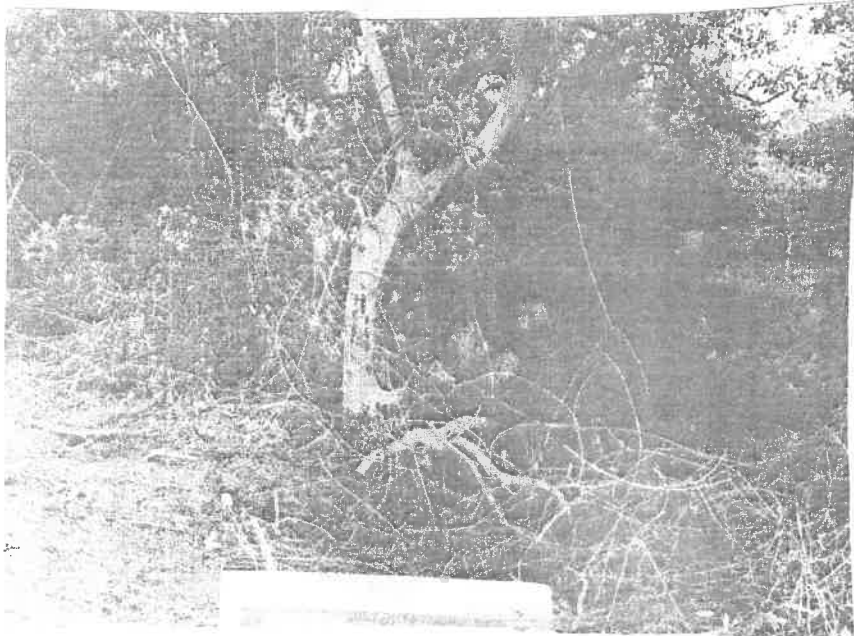
ZOODI MANUS.  
 DAMAGED  
 SLUICE GATE



15.05.22



15.5.22



MANGROVE  
DISTRIBUTION

15.5.22



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Ex B B

OFFICE OF THE COLLECTOR, NORTH GOA  
Flying Squad Section, Collectorate Bldg., Panaji- Goa - 403001.  
Phone Nos: 2426148, 2223612, 2225383 (EPBX)  
Email: - [coln.goa@nic.in](mailto:coln.goa@nic.in)

No. DC (DRO) F-Squad/North/Tiswadi- 14/2022 | 88

Dated: 20/04/2022.

To,  
The Member Secretary,  
Greater Panaji Planning and Development Authority,  
Mala Panaji Goa.

**Sub:** Regarding land filling in Sy. No.34/3,4 of Village Morombi-O-Grande  
in Taluka Tiswadi Goa.


Sir,

With reference to the subject cited above, it is to inform you that Flying Squad team inspected the site on 20/04/2022 and informed that no ongoing activity at the time of inspection but recent fresh land filling is observed and around 900 cu.m of mud is dumped and levelled in Sy. No. 34/3,4 in village Morombi-O-Grande, Tiswadi Goa and the Section 17-A of TCP Act is applicable in this matter.

The above facts are brought to your notice as per the notification No. CTP/MISC/TCP 2010/1632 dated 17/05/2010, "Power and duty of flying squad" Point No.7.

You are requested to initiate necessary inquiry and action in the matter at the earliest.

Yours faithfully,

  
(Sandra D'Souza)  
Dy. Collector (DRO),  
North Goa District,  
Panaji Goa.

Copy to:

1. The Chief Town Planner, Town & Country Planning Department, Panaji-Goa, for information.
2. The Deputy Collector & S.D.O, Tiswadi Goa, for immediate action in the matter to stop illegal conversion/ development and report compliance of the action taken to this office without fail.
3. The P.I., Old Goa Police Station to ensure that no further hill cutting/ land filling takes place and in the event further cutting/ filling takes place then to bring the same to the attention of the concerned Dy. Collector & S D O for necessary action u/s

REGD. GOA - 5

Panaji, 31st July, 1975 (Sraavana 9, 1897)

SERIES II No. 18

# OFFICIAL GAZETTE



## GOVERNMENT OF GOA, DAMAN AND DIU

### GOVERNMENT OF GOA, DAMAN AND DIU

#### Special Department

Order

No. 4-24-74-SPL

In continuation of Government Order No. 3-16-74-SPL, dated 26th June, 1974 published in Official Gazette, Series II, No. 14, dated 4th July, 1974, the Administrator of Goa, Daman and Diu is pleased to extend the term of ad-hoc appointment of Shri J. M. J. Alexandre G. Perdra, Deputy Director of Civil Supplies, Panaji, till 25th December, 1975 or till the post is filled on a regular basis, whichever is earlier.

By order and in the name of the Administrator of Goa, Daman and Diu.

M. K. Bhandare, Deputy Secretary (Appointments).

Panaji, 25th July, 1975.

Order

No. 4-17-74-SPL

Kumari Charushelja School, I.A.S. (Maharashtra-1971) is appointed as Secretary to the Chief Minister of Goa, Daman and Diu with effect from the date of her joining and until further orders.

With effect from the same date Shri Y. A. Sathaye, I.A.S. is relieved of the post of the Secretary to the Chief Minister of Goa, Daman and Diu.

By order and in the name of the Administrator of Goa, Daman and Diu.

M. K. Bhandare, Deputy Secretary (Appointments).

Panaji, 26th July, 1975.

#### Home Department (General)

Order

No. HD(G)CFEPSA/30/75

Whereas an Order No. CFEPSA/30/75 dated 18th May, 1975 was made by the Administrator of Goa, Daman and Diu under section 3(1) of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974, directing that Ramabhai Gopalbhai Tandel be detained;

And whereas all efforts so far to execute the aforesaid Order against the said Ramabhai Gopalbhai Tandel having failed, the Administrator has reason to believe that the said Ramabhai Gopalbhai Tandel has absconded or is concealing himself so that the said Order cannot be executed;

Now, therefore, the Administrator of Goa, Daman and Diu, in exercise of powers conferred by section 7(1)(b) of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 directs the said Ramabhai Gopalbhai Tandel to appear before Shri D.A. Prabhu Dessai, Deputy Superintendent of Police at Daman Police Station at 10-00 a. m. on or before 15th August, 1975 failing which the said Ramabhai Gopalbhai Tandel shall be liable to the punishment provided in the aforesaid section of the said Act.

By order and in the name of the Administrator of Goa, Daman and Diu.

T. Kippen, Chief Secretary.

Panaji, 26th July, 1975.

Notification

No. HD(G)44-62/75

Read: Order No. 10-5-75-GAD dated 17-7-75.

In exercise of the powers conferred by Sub-Section (1) of Section 20 of the Criminal Procedure Code, 1973 (Act No. 2 of 1974) the Lieutenant-Governor of Goa, Daman and Diu hereby appoints Shri P. S. Nadkarni, Mamlatdar Ponda as Executive Magistrate, from the date he takes over charge and until further orders.

By order and in the name of the Lieutenant Governor Goa, Daman and Diu.

M. K. Bhandare, Under Secretary (Home).

Panaji, 29th July, 1975.

#### Education and Public Works Department

Order

No. EDN-PWD-2132-75

The Administrator of Goa, Daman and Diu is pleased to make the following transfers/promotion of Assistant Engineers, Public Works Department with immediate effect:—

1. Shri S. P. Cacoda, Technical Assistant, Office of Superintending Surveyor of Works, Panaji is promoted as Assistant Engineer (Civil) and posted in Sub-Division IV of Works Division II, Panaji, vice Shri P. J. Mane transferred.
2. Shri P. J. Mane, Assistant Engineer, Sub-Division IV of Works Division II, Panaji is transferred to Circle Office II, Panaji as Assistant Surveyor of Works vice Shri R. B. Kanbarkar.
3. Shri R. B. Kanbarkar, Assistant Surveyor of Works, Circle Office II, Panaji transferred to Sub-division III of Works Division III, Mapusa.

By order and in the name of the Administrator of Goa, Daman and Diu.

N. Rajasekhar, Under Secretary (Revenue).

Panaji, 26th July, 1975.

## Industries and Power Department

Order

No. IPD/3005/72-Dy-CEO/GIDC

The services of Shri G. D. Naik, Tahsildar, Revenue and Forest Department, Government of Maharashtra, Bombay, on deputation to this Administration as Dy. Chief Executive Officer of the Goa, Daman and Diu Industrial Development Corporation, Panaji are hereby replaced at the disposal of Government of Maharashtra with effect from 1st August 1975.

He should report to the Commissioner Poona Division to take over his new assignment as Special Land Requisition Officer, Krishna Dhom Project (5) wal District Satara.

The Corporation should take immediate action to appoint a suitable Officer against the post of Dy. Chief Executive Officer, which will fall vacant due to repatriation of Shri G. D. Naik.

By order and in the name of the Administrator of Goa, Daman and Diu.

P. Noronha, Under Secretary (Industries and Labour).  
Panaji, 24th July, 1975.

## Labour and Information Department

Order

No. LC/LID/(176)/75/903

In continuation to Government Order No. LC/LID/(176)/75/903 dated 13th May, 1975 published in the Official Gazette No. 7 Series II dated 15-5-75, the Lieutenant Governor of Goa, Daman and Diu hereby grants further extension to the term of the Court of Inquiry and directs that the said Court shall submit its report to Government by 31st July, 1975.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

P. Noronha, Under Secretary (Industries and Labour).  
Panaji, 26th July, 1975.

Notification

No. LID/2092/75/868

Government of Goa, Daman and Diu is hereby pleased to constitute an Evaluation Committee to Evaluate Craftsmen Training imparted in the Industrial Training Institute, Farmagudi consisting of the following members.

1. Shri R. L. Mehrotra, Principal, Engineering College, Farmagudi, Ponda, Goa - Chairman.
2. Shri C. V. Dhume, Sr. Inspector of Factories and Boilers, Panaji - Member.
3. Shri Diwaker Kakodkar, President, Goa Small Scale Industries Association, Margao - Member.

The Committee shall conduct an independent and objective evaluation of the training imparted, in consultation with the industrialists in the area and suggest necessary changes in curricula and syllabi of training, so that the trainees may be able to meet the requirements of the industries.

The Committee shall also examine various aspects such as (i) use of old and outdated tools and equipments, (ii) non-availability of raw material, (iii) shortage of instructional staff and problems of training of the staff in Administration (iv) inadequacy of inspection of training programmes and other aspects which need remedial measures. The Committee may also suggest raising of standards of the course of training in order that the I. T. I. trainees acquire the types of skills actually required for absorption in the industries in the area.

The Committee shall submit its report by 31-7-75.

TA/DA will be paid to the non-official member of the committee as applicable to Class I Officers.

By order and in the name of the Administrator of Goa, Daman and Diu.

P. Noronha, Under Secretary (Industries and Labour).  
Panaji, 24th July, 1975.

Notification

No. 1/459/75-LAB(S.E.)/Exempts/899

In exercise of the powers conferred by sub-section (4) of Section 61 of the Goa, Daman and Diu Shops and Establishments Act, 1973 (Act 13 of 1974), the Administrator of Goa, Daman and Diu hereby exempts the Chemists and Druggists shops from the provisions of sub-section (1) of Section 4 and sub-section (1) of Section 8 of the said Act subject to the following conditions, namely:—

- i) that every employee in every such shop is allowed a holiday for a whole day in every week; and
- ii) the holiday given to the employees is notified to the Inspector of the area in Form XXVI of the Rules.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. C. Pandey, Secretary (Industries and Labour).  
Panaji, 26th July, 1975.

Notification

No. 1/459/75-LAB(S.E.)/Exempts/(2)/900

In exercise of the powers conferred by sub-section (4) of Section 61 of the Goa, Daman and Diu Shops and Establishments Act, 1973 (Act 13 of 1974), the Administrator of Goa, Daman and Diu hereby exempts petrol, diesel oil, tanks, pumps and storage depots from the provision of Section 4, sub-section (1) of Section 8 and sub-section (1) of Section (10) of the said Act subject to the following conditions, namely:—

- i) that every employee employed therein is allowed a holiday of one whole day in every week; and
- ii) notice specifying holidays given to the employees is sent to the Inspector of the local area in Form XXVI of the Rules.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. C. Pandey, Secretary (Industries and Labour).  
Panaji, 26th July, 1975.

Notification

No. 1/459/75-LAB(S.E.)/Exempts/(3)/901

In exercise of the powers conferred by sub-section (4) of Section 61 of the Goa, Daman and Diu Shops and Establishments Act, 1973 (Act 13 of 1974), the Administrator of Goa, Daman and Diu hereby exempts all shops dealing in all or any of the articles specified in the Schedule below from the provisions of sub-section (1) of Section 8 of the said Act subject to the following conditions, namely:—

(i) that every employee in such shops shall be allowed a holiday for a whole day in every week;

(ii) notice specifying holidays given to the employees is sent to the Inspector of the local area in Form XXVI of the Rules; and

(iii) that such shops shall not deal in cosmetics, talcum powders, soaps, hair oils and any other such items.

## SCHEDULE

(1) Shops dealing exclusively in

(a) vegetables and fruits;

(b) meat;

(c) fish;

31ST JULY, 1975. (SRAVANA 9, 1897)

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- (d) dairy products;  
 (e) bread;  
 (f) flowers;  
 (g) eggs;  
 (h) pan;  
 (i) beedles, cigarettes, cigars and matches;
- (2) All stalls/shops run by licensees in railway stations and within the limits of Mormugao Port;

(3) Shops dealing with only the funeral requisites and coffins; and

(4) Shops dealing exclusively in newspapers and magazines.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. G. Pandey, Secretary (Industries and Labour).

Panaji, 28th July, 1975.

## Revenue Department

## Notification

No. RD/TNC/38/70-74

In exercise of the powers conferred by sub-section (4) of section 23 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (No. 7 of 1964) the Government of Goa, Daman and Diu hereby notify that the rent payable by a tenant to the landlord shall be paid within 30 days from the date of

final operations in respect of each harvest and that such rent may be paid in cash or in kind at the option of the landlord at the conversion rates of Rupees seventy four per quintal or as may, from time to time, be revised by the Government.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. E. Arya, Secretary (Revenue).

Panaji, 21st July, 1975.

## Notification

No. RD/TNC/BND/280/67-75-LXVIII

In pursuance of the proviso to sub-section (3) of Section 23 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964, the Government hereby specify the following bund/s prescribed in the schedule appended hereto as protective bund/s for the purpose of the said proviso:—

## SCHEDULE

Sr. No.	Name of the bund	Village	Taluka	Approximate area protected (in Hectares)	Description of the bund
1	2	3	4	5	6
1.	Fatardacho Bund	Dhargol	Pernem	15.00	The bund Fatardacho bund defending the paddy field Majaph Fatarda Sht and Tiyal Sht starting from the paddy field Majaphar Fatarpa Sht belonging to Shri Mahadev Ghansham P. Dessai and running marginal to river Chapura and ending with the paddy field Tiyal Sht belonging to Shri Jaimin Balkrishna P. Dessai and others.
2.	Davoi Khasan-Cantorla	Corlim	Tiswadi	40.00	The Bund starts with the paddy field belonging to Shri Luciano Carvalho and others at Corlim running marginal to the canal of Cumbarjua and ending with the paddy field «Cantorla» belonging to Shri Inacio de Sa, situated at Corlim of Tiswadi Taluka.
3.	a) Sinarancho Bund b) Morombi-O-Grande Bund of Comunidade c) Rancadi Bund of Comunidade d) Santancho Bund	Merces	Tiswadi	200.00	The Bund starting from the paddy field «Sinarancho bund» belonging to Shri Pitagores Velho and running marginal to the creek of river Mandovi and ending with the paddy field «Santancho bund» belonging to Shri V. S. Dempo.
4.	a) Sinarancho Bund b) Joddecho Bund c) Bannacho Bund	Morombi-O-Grande	Tiswadi	320.00	The bund starting from the paddy field «Sinarancho Bund» at Morombi-O-Grande, belonging to Shri Pitagores Velho, running marginal to the creek of the river Mandovi and ending with the paddy field «Bannacho Bund» belonging to Smt. B. Sapeco of Panaji.
5.	Morombi-O-Grande Bund	Morombi-O-Grande	Tiswadi	320.00	The property belonging to Shri Harichandra Sawant and Comunidade of Morombi-O-Grande and ending with the same paddy field running marginal to the creek of river Mandovi.
6.	Khare Bund	Maldem	Bardez	12.00	The bund starting with Uskal Cantor and ending with the same belonging to the Comunidade of Uskal of Bardez Taluka and running marginal to the creek of river Mandovi.
7.	Dona Cholque Khazan	Chinchinim	Salcete	150.00	The bund defending the paddy field Dona Cholque Khazan starting with the paddy field Putrachi Guddi belonging to Shri C. A. Furtado and ending with the paddy field Uddi belonging to Shri Jose Lourenco Fernandes. The bund is marginal to River Sal situated at Chinchinim.

By order and in the name of the Administrator of Goa, Daman and Diu.

N. Rajasekhar, Under Secretary (Revenue).

Panaji, 21st July, 1975.

## Notification

No. RD/LQN/150/75

Whereas it appears to the Appropriate Government (hereinafter referred to as the Government) that the land specified in the schedule hereto (hereinafter referred to as the said land) is likely to be needed for public purpose viz for Industrial Estate.

Therefore the Government is pleased to notify under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the said Act) that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contracts for the disposal of the said land by sale, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed in paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of Section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Official Gazette, in due course. If the acquisition is abandoned wholly or in part, the fact will be notified.

4. The Government is further pleased to appoint under clause (c) of Section 3 of the said Act the Land Acquisition Officer, Collector's Office, Panaji, to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government is also pleased to authorise under sub-section (2) of Section 4 of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. The Collector of Goa, Panaji.
2. The Land Acquisition Officer, Collector's Office, Panaji.
3. The Chief Executive Officer, Goa, Daman and Diu Industrial Development Corporation, Panaji.
4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Land Acquisition Officer, Panaji for a period of 30 days from the date of publication of this Notification in the Official Gazette.

## SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village	Plot No.	Survey No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
1.	Tiswadi	Corlim	—	A field named Malars bearing survey No. 19 Sub. Div. 3.	Shri Estevam Manuel D'Souza. <i>Boundaries:</i> North: Shri Vinayak D. Handekar. South: Road. East: Shri Renato Aphonso. West: Shri Carmo D. Rodrigues.	1,375.00
<b>Total</b>						<b>1,375.00</b>

By order and in the name of the Lt. Governor of Goa, Daman and Diu,

S. E. Arya, Secretary (Revenue).  
Panaji, 24th July, 1975.

## Notification

No. RD/LQN/272/74

Whereas by Government Notification No. RD/LQN/272/74 dated 7-11-1974 published on page 294 of Series II, No. 34 of the Official Gazette, dated 21-11-1974 it was notified under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the said Act) that the land, specified in the schedule appended to the said Notification (hereinafter referred to as the said land) was likely to be needed for the public purpose viz for Goa Medical College Complex (Additional area).

And whereas the appropriate Government (hereinafter referred to as the Government) is satisfied after considering the report made under sub-section (2) of Section 5A of the

said Act, that the said land specified in the schedule hereto is needed to be acquired for the public purpose specified above.

Now, therefore, the Government is pleased to declare under the provisions of Section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government is also pleased to appoint under clause (c) of Section 3 of the said Act, the Land Acquisition Officer to perform the functions of a Collector for all proceedings hereinafter to be taken in respect of the said land, and to direct him under Section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the office of the said Land Acquisition Officer, Collector's Office, Panaji till the award is made under Section 11.

## SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village	Plot No.	Survey No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
1.	Tiswadi	Bambolim	—	70/part	Shri Anthony Clovis Pinto and Felipe A. Pinto. North: Land held by the Goa Medical College. South: Land held by the Goa Medical College and M/A V. S. Dempo & brothers. East: Land held by Anthony Clovis Pinto & Shri Felipe A. Pinto. West: Land held by the Goa Medical College.	20,425.00
<b>Total</b>						<b>20,425.00</b>

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

S. E. Arya, Secretary (Revenue).  
Panaji, 24th July, 1975.

31ST JULY, 1975 (SRAVANA 9, 1897)

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## Notification

No. RD/LQN/151/75

Whereas it appears to the Appropriate Government (hereinafter referred to as the Government) that the land specified in the schedule hereto (hereinafter referred to as the said land) is likely to be needed for public purpose viz for Slipway service station.

Therefore the Government is pleased to notify under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the said Act) that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contracts for the disposal of the said land by sale, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed in paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of Section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under section 6 of the said Act will be published in the Official Gazette, in due course. If the acquisition is abandoned wholly or in part, the fact will be notified.

4. The Government is further pleased to appoint under clause (c) of Section 3 of the said Act the Land Acquisition Officer, Collector's Office Panaji to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government is also pleased to authorise under sub-section (2) of Section 4 of the said Act, the following officers, to do the acts, specified therein in respect of the said land:

1. Collector of Goa, Panaji.
2. The Land Acquisition Officer, Collector's Office, Panaji.
3. The Director of Fisheries, Panaji.
4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Land Acquisition Officer, Collector's Office, Panaji for a period of 30 days from the date of publication of this Notification in the Official Gazette.

## SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village	Plot No.	Survey No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1.	Bardes	Penha de Franca	—	49/Sub-Division No. 7	Comunidade of Serula. <i>Boundaries:</i> North: Road, South: Survey No. 48—Government and River Mangrove East: Survey No. 47/Sub. Div. 1—Antonio Francisco Fernandes. Survey No. 47/Sub. Div. 3—Mario F. Fernandes. Survey No. 47/Sub. Div. 9—Jose J. R. Fernandes. West: Survey No. 49/Sub. Div. No. 6—Salvador D'Souza.	3,225.00
Total .....						3,225.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

S. R. Arys, Secretary (Revenue).

Panaji, 24th July, 1975.

## Notification

No. RD/LQN/120/75

Whereas it appears, to the Appropriate Government (hereinafter referred to as the Government) that the land specified in the schedule hereto (hereinafter referred to as the said land) is needed for public purpose viz. for Intake Jackwell cum Pump House for Water Supply Scheme to Senquellim.

And whereas in the opinion of the Government that the Provision of Sub-Section (1) of Section 17 of the Land Acquisition Act, 1894 (hereinafter referred to as the said Act) are applicable.

Therefore the Government is pleased to notify under sub-section 4 of the said Act that the said land is needed for the purpose specified above.

The Government is also pleased to direct under sub-section (4) of Section 17 of the said Act that the provisions of Section 5A of the said Act shall not apply in respect of the said land.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contracts for the disposal of the said land by sale, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector after the date of the publication of this Notification, will under Clause (Seventh) of Section 24 of the said Act, be disregarded

by the Officer assessing compensation for such Parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Official Gazette, in due course. If the acquisition is abandoned wholly or in part, the fact will be duly notified in the Official Gazette.

4. The Government is further pleased to appoint under clause (c) of Section 3 of the said Act the Land Acquisition Officer, Collector's Office Panaji, Goa; to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government is also pleased to authorise under sub-section (2) of Section 4 of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. The Collector of Goa Panaji.
2. The Land Acquisition Officer, Collector's Office, Panaji.
3. The Superintending Engineer I, Circle-I, P. W. D., Panaji.
4. The Executive Engineer, Works Division III (PHE), P.W.D., Panaji.
5. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Land Acquisition Officer, Collector's Office, Panaji, from the date of this Notification.

**SCHEDULE**  
(Description of the said land)

Sr. No.	Taluka	Village	Survey No.	Name of the person believed to be interested and boundaries	Approximate area in sq. mts.
1	2	3	4	5	6
1.	Satari	Porlem	193/Part Plot No. 1	Smt. Lakshmi Botina, Widow of Vithal Raghunath Bhat Bacre & her son Pandurang Vithal Bhat Bacre of Carapur. North: S. No. 65. South: S. No. 78. East: S. No. 192. West: Boundary of Sanquelim Village.	3,690.00
2.	— do —	— do —	194/Part Plot No. 1	Smt. Lakshmi Botina. North: S. No. 78. South & West: Boundary of Sanquelim Village. East: S. No. 190.	
Total .....					3,690.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.  
S. R. Arya, Secretary (Revenue).  
Panaji, 29th July, 1975.

Notification

No. RD/LQN/266/74

Whereas by Government Notification No. RD/LQN/266/74 dated 24-10-1974 published on page 360 of Series II, No. 31 of the Official Gazette, dated 31-10-1974 it was notified under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as 'the said Act') that the land, specified in the schedule appended to the said Notification (hereinafter referred to as the said lands) was likely to be needed for the public purpose viz. Construction of approach road to the Forest Rest House.

And whereas the appropriate Government (hereinafter referred to as 'the Government') is satisfied after considering the report made under sub-section (2) of Section 5A of the

said Act, that the said land specified in the schedule hereto is needed to be acquired for the public purpose specified above.

Now, therefore, the Government is pleased to declare under the provisions of Section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government is also pleased to appoint under clause (c) of Section 3 of the said Act, the Land Acquisition Officer, Panaji to perform the functions of a Collector for all proceedings hereinafter to be taken in respect of the said land, and to direct him under Section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the office of the said Land Acquisition Officer, Panaji till the award is made under Section 11.

**SCHEDULE**  
(Description of the said land)

Sr. No.	Taluka	Village	Plot No.	Survey No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
1.	Ponda	Queula	1	361 (part)	Shri Amarnath Vishnum Doulekar.  <i>Boundaries:</i> North: Land held by Shri Amarnath V. Doulekar. South: Land held by Shri Balkrishna S. B. Doulekar and Shri Amarnath V. Doulekar. East: Land held by Forest Department. West: Main Road.	2,281.00
Total .....						2,281.00

By order and in the name of the Administrator of Goa, Daman and Diu.  
S. R. Arya, Secretary (Revenue).  
Panaji, 28th July, 1975.

Corrigendum

No. RD/LQN/70/75

The word «Quepem» appearing in column No.1 of schedule appended to the Government Notification No. RD/LQN/70/75 dated 11th April 1975, published on page 38 of the Gazette Series II, No. 4, dated 25th April 1975, issued in Land Acquisition case viz. for Rehabilitation Programme of Salaulim Irrigation Project at Porlem Village, should be read as «Sanguem».

By order and in the name of the Administrator of Goa,  
of Goa, Daman and Diu.

S. R. Arya, Secretary (Revenue).  
Panaji, 25th July, 1975.

Corrigendum

No. RD/LQN/273/75

The Government Notification No. RD/LQN/273/74, dated 7th November 1974, published on page 393-394 of the Official Gazette Series II, No. 34, dated 21st November 1974, regarding Land Acquisition for construction of Village Panchayat Library and other remunerative schemes by the Village Panchayat Xeldem-Amona, the word «Sheldem» appearing in column No. 2 of the Schedule appended thereto should be read as «Sirvois».

By order and in the name of the Lt. Governor of Goa,  
Daman and Diu.

S. R. Arya, Secretary (Revenue).  
Panaji, 25th July, 1975.

31ST JULY, 1975 (SRAVANA 9, 1897)

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## Office of the Chief Electoral Officer

Notification

No. 3-18-74/Elec.

The following Notification No. 82/GOA-LA/1/74, dated 27-6-1975 issued by the Election Commission of India, New Delhi, is hereby published for general information.

B. M. Masurkar, Chief Electoral Officer.

Panaji, 22nd July, 1975.

## Election Commission of India

New Delhi-1 Ashoka Road, New Delhi

Dated the 27th June, 1975  
Asadha 6, 1897 (Saka)

Notification

No. 82/GOA-LA/1/74

In pursuance of Section 106 of the Representation of the People Act, 1951 (43 of 1951), the Election Commission hereby publishes the Order, dated the 17th June, 1975 of the Court of Judicial Commissioner, Goa, Daman and Diu at Panaji, in Election Petition No. 1 of 1974.

Court of the Judicial Commissioner, Goa, Daman &amp; Diu at Panaji

Election Petition No. 1/74

Shri Raju Babu Talevnekar, alias Rathoba Babu Talevnekar, teacher, resident of Deusem, Morgao, Pedra Taluka — Petitioner.

Versus

Shri Ramakant D. Calap, alias Ramakant Dattaram Khalap, advocate, resident of Mapusa, Bardez, Goa — Respondent.

Shri G. A. Kamat, advocate for the petitioner.

Shri J. Dias, advocate for the respondent.

Panaji, 17th June, 1975.

## JUDGMENT

In this election petition the petitioner challenges the election of the respondent, Shri Ramakant Dattaram Khalap, advocate, who was elected a member of the Legislative Assembly of the Union Territory of Goa, Daman and Diu for the Mandrem Assembly Constituency in the bye-election held for the post on 24th February 1974. Nine issues were framed. Issues 1 to 4 are preliminary issues. I shall presently consider the second issue, namely, whether material facts as required under S. 83 of the Representation of the People Act, 1951 (hereinafter called 'the Act') are set out in the petition. Paragraph 4 which purports to set out material facts reads as follows:—

«Within the prescribed time, the respondent lodged with the Returning Officer what is purported to be an account of his election expenses. The petitioner says that although the total amount of election expenses shown by the respondent in the said account is Rs. 2,646-69 only, the fact is that all expenditure in connection with the election incurred or authorised by the respondent or by his election agent between the date of publication of the notification calling the impugned election and the date of declaration of the result thereof, both days inclusive, very much exceeds Rs. 3,000/-, which is the amount prescribed by Rule 90, Conduct of Election Rules, 1961.»

It is stated in paragraph 5 which purports to give the necessary particulars that «to show the amount of election expenses within the prescribed limit of Rs. 3,000/- the respondent suppressed or omitted in the account lodged with the Returning Officer as aforesaid, the following items, namely:—  
«Thereafter items (a) to (m) are given:—

2. The contention of the respondent is that the petitioner has in paragraph 4 mechanically repeated the words of the section without giving the facts which are material to constitute the cause of action. Before proceeding to examine this contention I shall examine the law on the subject.

3. S. 123(6) lays down that «the incurring or authorising of expenditure in contravention of S77 is a corrupt practice.

In the present case the petitioner challenges the election on the ground that the respondent committed the corrupt practice of incurring or authorising of expenditure in contravention of S.77. S.77 consists of three parts and S.77, sub-section (1), requires the candidate to keep a separate and correct account of all election expenditure incurred or authorised by him within certain dates. S.77, sub-section (2), provides that the account shall contain such particulars as may be prescribed. S.77, sub-section (3), requires that the total of the said expenditure shall not exceed the prescribed amount. As decided in 'Dalchand Jain vs. Narayan Shankar Trivedi and another', 1969(3) S.C.C. 685, S.123(6) is related to S.77(3). If the candidate incurs or authorises expenditure in excess of the prescribed amount in contravention to S.77(3) he commits a corrupt practice under S.123(6). The contravention of S.77, sub-sections (1) and (2) or the failure to maintain correct accounts with the prescribed particulars, does not fall within S.123(6).

4. The Supreme Court held in 'Samant Balkrishna etc. vs. George Fernandes and Others etc.', AIR 1969 S.C. 1201 that S.83 is mandatory and requires an election petition to contain first, a concise statement of the material facts and then requires the fullest possible particulars; that the word «material» shows that the facts necessary to formulate a complete cause of action must be stated; that the omission of a single material fact leads to an incomplete cause of action and the statement of claim becomes bad; that in stating material facts it will not do merely to quote the words of the section because then the efficacy of the words «material facts» will be lost; that the facts which constitute the corrupt practice must be stated and the facts must be co-related to one of the heads of corrupt practice; and that an election petition without the material facts relating to a corrupt practice is no election petition at all.

5. In 'Hardwar Lal vs. Kanwal Singh', AIR 1972 S.C. 515, the allegations made in paragraph 16 of the petition were:—

«That the respondent committed the corrupt practice of incurring or authorising or attempting to obtain or procure the assistance of the following persons who are in the service of the Government and belonging to the prohibited classes within the meaning of Section 123(7) of the Act—1. Shri Chand Ram Rathi, Lecturer in Political Science, Government College, Gurgaon.

2. Shri Gulab Singh, B.A., B.Ed., Govt. High School Jharsa (Gurgaon).

3. Pt. Bhim Singh, Asst. Sub-Inspector, Police Security Lines, Lytton Road, New Delhi.

4. Ch. Chhatar Singh, M.A., B.T., Teacher, V. & P.O. Bharai via Bahadurgarh, District Rohtak.

5. Ch. Mukhtiar Singh, Inspector of Police, Delhi.

6. Ch. Raghubir Singh, M.A., B.T. Bhadurgarh.

The respondent has written letters under his own signatures to the above Government servant soliciting their help and assistance in furtherance of the prospects of his election.»

The Supreme Court observed:—

«It is not stated as to what kind or form of assistance was obtained or procured or attempted to obtain or procure. It is not stated from whom the particular type of assistance was obtained or procured or attempted to obtain or procure. It is not stated in what manner the assistance was for the furtherance of the prospects of the election. The gravamen of the charge of corrupt practice within the meaning of Section 123(7) of the Act is obtaining or procuring or abetting or attempting to obtain or procure any assistance other than the giving of vote. In the absence of any suggestion as to what that assistance was the election petition is lacking in the most vital and essential material fact to furnish a cause of action.»

6. In the light of the law as stated above, I find that in the relevant portion of the petition which purports to disclose the cause of action, the petitioner had merely quoted the words of the section. He has stated that «all expenditure in connection with the election incurred or authorised by the respondent or by his election agent» between the date of publication of the notification calling the impugned election and the date of declaration of the result thereof, both days inclusive, very much exceeds Rs. 3,000/-. The petitioner has nowhere stated that the respondent has paid

for or authorised the payment of the items (a) to (m) given in paragraph 5. The expenditure incurred by the respondent in excess of the authorised amount is the most vital and essential material fact which goes to constitute a cause of action of an election petition under S. 123(6) read with S. 77(3) of the Act. The Supreme Court has held in George Fernandes' case that the omission of a single material fact leads to an incomplete cause of action and that the statement of claim becomes bad. In the present case the omission is not only of a material fact, but of the most important material fact. In the said paragraph 4 of the petition, where the petitioner purports to give the material facts he has not specified whether the expenditure in connection with the election alleged to have been incurred in excess of the permitted expenditure was incurred by the respondent or by his agent or by both. If incurred he had also to mention how much of such expenditure was incurred by the respondent and how much by his agent. The main fact that the petitioner tries to make out in the petition is that the respondent has not shown, in what, according to him, is purported to be the account of the election expenses, the actual expenses incurred by him. The petitioner does not state that the failure to disclose all the expenses incurred by the respondent is in the account of his election expenses. The omission according to him is in what according to him is purported to be the accounts. Besides, it is well-settled law that failure to produce accounts of the election expenses or mistakes and omissions in the accounts does not attract the provisions of S. 123(6), as such failure may relate to Clauses (1) and (2) of S. 77, but does not relate to Clause (3), which, as I have said, is the only Clause to which S. 123(6) is relatable.

7. According to the petitioner the cause of action arose because the respondent suppressed or omitted in the account lodged, items (a) to (m). Here again the petitioner does not state which items were suppressed and which were omitted and whether they are items which involved expenditure which was both suppressed and omitted. The omission of an item in what is purported to be an account will not amount to a corrupt practice under S. 123(6).

8. In clauses (a) to (m) of paragraph 5 the petitioner gives certain items but he does not state that the banners, posters, petrol and so on mentioned in those items were paid for by the respondent or that the respondent authorised to pay them or that they were paid by the election agent of the respondent. Such a statement was essential, because even though expenses may have been incurred with the banners, posters, petrol and so on, as the possibility exists that such expenses may have been incurred by the friends or supporters of the respondent or by the party to which the respondent belonged, the expenses must specifically be stated to have been incurred by the respondent or by his election agent or otherwise authorised by the respondent. The argument of Shri Gopal Apa Kamat, learned advocate for the petitioner, in this connection is that there is no such requirement of mentioning specifically that the expenses of the banners, posters, petrol and so on were incurred or authorised by the respondent or by his agent. It appears that his contention is that since the banners and posters were calling upon the voters to vote for the respondent and the petrol was used for the taxi GDT-473 and the expenses in other items (a) to (m) were for the benefit of the respondent, a presumption arises that the respondent has incurred the expenses. Shri Gopal Apa Kamat goes on to argue that if a candidate could avoid the penalty of S. 123(6) of the Act by merely stating that some other people might have incurred the expenses in acts which were done in furtherance of his prospects of election, it would not be possible to sustain an election petition under S. 123(6). When it was pointed out to Shri Gopal Apa Kamat that there might be genuine cases in which friends, admirers and supporters of a candidate might come forth and spend large sums of money in the election campaign and that if the presumption which Shri Kamat wants us to draw would, if drawn, lead to glaring injustice, Shri Kamat answered that such cases do not exist nowadays. Apart from the fact that the answer is sweeping, there is the fact that the scheme of the Act visualizes the existence of such cases. It appears to me that the main stay of the democratic system is the existence of substantial support to a candidate coming from the public at large. The amount that a candidate is authorised to spend in an election cam-

aign is so small that candidates who do not enjoy public support of persons, who are prepared not only to work for them but also to spend voluntarily out of their pockets in the election campaign, would not be able to succeed in an election. The Act envisages the existence of free work done by volunteers and similarly of free contributions made by the supporters of the candidate.

9. I shall now go in detail through each of the items (a) to (m) given in paragraph 5 of the petition. Regarding items (a) and (b) Shri Kamat has stated that he does not know what was the exact cost of the banners and posters. He gave the approximate cost. The taxi GDT 473 is stated in item (c) to have been admittedly used by the respondent, but the alleged admission does not appear from the record. The motor vehicle "Tempo" no. GDT 3115 mentioned in item (d) is not stated to have been used for doing election propaganda for the respondent. Similarly the voters cards and appeals in item (e) are not stated to be cards and appeals asking for votes to be cast in favour of the respondent. The use of three motor vehicles for election purposes mentioned in item (f) is said to have been admitted by the respondent in cash memos produced by the respondent along with the returned accounts, but there is no indication that the cash memos show that the said vehicles were used for a period longer than the period mentioned in the cash memo if at all such period is mentioned in the cash memos. At any rate, item (f) indicating the probable cost of Rs. 150/- would not per se take the case of the petitioner any further. The expenditure incurred with items (g) to (m) is not given and it cannot be said from these items that the provisions of S. 77(3) have been infringed on account of the expenditure incurred with them. Items (h) to (m) are not stated to have been used for the election propaganda for and on behalf of the respondent.

10. The omission to produce cash memos spoken of in paragraph 6 of the petition is not germane to the issues involved. The allegation made in paragraph 6 that certain receipts are not authentic and that the market rate of not more than Rs. 100/- per hour for the taxi engaged who bore the charges at that market rate, the possibility therefore exists that either the meter went wrong with the loud speaker in a taxi engaged at a rate lower than the market rate or that someone else paid that difference, if any, between the market rate and the rate actually paid.

11. The allegations made in paragraph 7 are not relevant to this petition.

12. At paragraph 8 the petitioner states that the respondent has thus committed or has consented the commission of the corrupt practice under S. 123(6) of the Act. The consenting by a candidate of the commission of a corrupt practice by another person does not amount to the commission of a corrupt practice under S. 123(6), by the respondent. Therefore, in the absence of a specific allegation that the respondent has committed and has not merely consented the commission of a corrupt practice under S. 123(6), no cause of action is disclosed.

13. My finding therefore is that the petitioner failed to give in his election petition, a concise statement of the material particulars on which the petitioner relies, within the meaning of S. 83(1) of the Act.

14. The corrupt practice being the only ground of challenge of the election, and the Petitioner having failed to give material particulars as pointed out above, the petition fails and is dismissed with costs. A sum of Rs. 1000/- shall be paid by the petitioner as costs of this petition to the respondent out of the amount of Rs. 2000/- which was deposited in this Court as security for costs.

8d/

TITO MENEZES  
Judicial Commissioner

By Order,

V. NAGASUBRAMANIAN

Secretary to the Election Commission of India

ANNEXURE 282<sup>11</sup>

Member Secretary  
G. C. Z. M. A.  
Inward No. 6644  
Date: 18/03/2024

THE TENANTS ASSOCIATION OF MOROMBI O-GRANDE, MERCES  
TISWADI GOA  
HAVING REGD OFFICE AT :955/1, FIRGUEMBATT, MERCES GOA

Date: 18th March, 2024

To,

The Member Secretary,  
Goa Coastal Zone Management Authority,  
4th Floor, Dempo Towers, Patto,  
Panaji Goa.

Sir/Madam,  
sub: Compliance report on Plantation of Mangroves  
ref: Your Order no. GCZMA/ILLE-COMP22-23/84/2556  
dated 30/11/2023

We refer to your above ORDER dated 30.11.2023 and submit as under:

During the 354th Meeting of GCZMA held on 10.08.2023, the respondents were directed to submit the restoration plan for Mangroves plantation and in compliance of the same, we have planted around 400 mangrove saplings in the vicinity of the bundh under survey no. 73/2 and its surrounding areas. Hereto annexed are the copies of the Photographs of the said mangroves procured and planted in the above survey number.

A copy of the Compliance report submitted to the Dy. Conservator of Forests, North Goa Division, Ponda- Goa, alongwith the photographs enclosed for kind your information.

Thanking you,

Yours faithfully,

(Shamir Coutinho)  
Chairman

Mob: 9890606766



*Mr. P. M. B.*  
*Threpects*  
*Adv*  
*D. C. W. S.*  
*U. S. S.*  
*Netaji*

**THE TENANTS ASSOCIATION OF MOROMBI-O-GRANDE, MERCES**

**TISWADI GOA**

HAVING REGD OFFICE AT 955/1, FIRGUEMBATT, MERCES

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Date: 14/02/2024

To,

The Dy. Conservator of Forests,

North Goa Division,

Ponda-Goa - 403 401.

**SUB- COMPLIANCE REPORT**

**REF - Notice dated 20/12/2022 bearing reference no. 4/DCFN/  
Mangroves/2022-23/200 received on 13/02/2023.**

Sir,

In compliance to your above referred notice issued to us under Section 21 of Goa (Preservation of Trees) Act, 1984, wherein we were directed as a measure of early action to replant 290 nos. of trees at the site i.e. survey no. 73/2 at

Morombi O Grande, Tiswadi-Goa, and to report compliance of the same to your good office by 30<sup>th</sup> June 2023.

In compliance of the same, we have planted around 400 mangrove saplings in two batches of 200 saplings each, on the edge of the bund under Survey no. 73/2 and its surrounding areas. Hereto annexed are copies of the Photographs of the said mangroves procured and planted in the above survey number and surrounding areas as ANNEXURE 'A'.

you are requested to kindly take note of the same.

Thanking you,

Yours faithfully,

(Shamir Coutinho)

Chairman

Mob: 9890606766

copy to:

1. The Sub-Divisional Forest Officer (Mapusa),  
Karaswada, Mapuca Goa.  
(for information purpose only).
2. The Range Forest Officer,  
Panaji Goa .(for information purpose only).



GOVERNMENT OF GOA  
Office of the Deputy Conservator of Forests,  
North Goa Division,  
Ponda - Goa, 403 401

Phone:- 0832- 2312856 Fax. 0832-2312095

email: dcfnorth-forest.goa@nic.in

No. 4/DCFN/Mangroves/2022-23/200

Dated:- 20 /12/2022  
Agrahayana 29, Saka (1944)


**NOTICE**

**[(Under Section 21 of Goa (Preservation of Trees) Act, 1984)]**

Your attention is invited towards destruction of Mangroves in Sy. No. 73/2 at Morombi O Grande, Mercem, Tiswadi -Goa.

As per Section 12 of Goa (Preservation of Trees) Act, 1984, it is the duty of the owner of the land to ensure that trees grow well and preserved in their land.

In view of the above, an early action to replant 290 nos of trees at this site and report compliance to this office by 30<sup>th</sup> June, 2023.

  
Dy. Conservator of Forests  
North Goa Division  
Ponda - Goa

To

1. Shri Samir Cutinho (Chairman),  
H. No. 60, Figueira Bhat, Vaddy,  
Near Augustias Chapel, Mercem, Tiswadi North Goa.
2. Shri Vishwanath Naik Pilanarkar (Treasurer)  
R/o Fonsa Bhat Vaddy  
Mercem, Tiswadi North Goa.
3. Shri Viriato Mendes ( Secretary),  
Mesta Bhat, Vaddy  
Mercem, Tiswadi North Goa.

Copy to:-

1. The Sub-Divisional Forest Officer (Mapusa), Karaswada, Mapusa - Goa, for information and necessary action.
2. The Range Forest Officer, Panaji - Goa, for information and necessary action.

REG AD 286

No.RF/Tiswadi/2022-23/60

Office of the

Range Forester, Tiswadi,

Range Forest Office, Panaji.

Dated: 23/05/2022

To,

Mr. Shamir Joaquim Coutinho,

R/O. H.No. 50 Figueira Mat, Vaddy,

Near Augustas Chapel Tiswadi Mercos,

North Goa.

SUMMONS

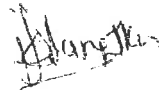
You are hereby Summoned to appear before this office on 27<sup>th</sup> May 2022 at 11:00 A.M. without fail in connection with the Forest Offence Case No. 15/PJM/2022-23, Dated: 19/05/2022 booked towards illegal cutting 29 nos of mangroves species (Avicinia officinalis) & Rhizophora mucronata) species under Sy No 73/2 at Morombi-o-Grand Mercos Tiswadi Goa. For violation of Goa Damages and Preservation of Tree Act 1984.

The Summons is issued as per Sec. 33 (d) of Preservation of Tree Act 1984.

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Failing which the action will be initiated as per rule / Act in Force.

Yours faithfully,



(Name of the Range Forester)

Range Forester, Tiswadi.

Copy to : Range Forest Officer, Panaji for information.









## Site Inspection Report

Compliance site inspection was carried out on 29/04/2024 for the restoration done by the Respondent for the Zoddi Manas Morombi-o-grande Tiswadi Goa.

At site following officials were present along with the Respondent:

1. Miss.Bhargavi Kelkar Environmental Assistant
2. Mr.Raunat Dessai F.S GCZMA
3. Mr.Shamir Couthino Chairman Of Morombi -o-Grande tenants Association
4. Mr.Vishwanath Naik Trsseure Of Morombi -o-Grande tenants Association

## Site Observation:

- 1) This property falls outside CRZ II area ,but falls in khazan land and also affected by mangroves buffer zone which is ecological sensitive areas i.e CRZ IA as per CRZ notification and CZMP 2011.
- 2) During the time of inspection few mangroves sapling were identified along the bund.
- 3) Whether the mangroves sapling were planted by the Respondent as per the restoration plan submitted by the Respondent or it is naturally grown was not identifiable.
- 4) Goa State Biodiversity Board may carry out site inspection for excat identification of mangroves saplings.
- 5) Site photographs are attached in Annexure I.

Miss.Bhargavi Kelkar  
Environmental Assistant

Mr.Raunat Dessai  
Field Surveyor GCZMA

Annexure I



A handwritten signature or mark in blue ink, consisting of a stylized symbol that resembles a lowercase 'e' or a similar character.

Belkar



*(Handwritten signature)*

Belkar

MINISTRY OF ENVIRONMENT, FOREST  
AND CLIMATE CHANGE

**Notification**

New Delhi, the 1st May, 2020

S.O. 1422(E).— Whereas by notification of the Government of India in the Ministry of Environment and Forests number S.O. 19(E), dated the 6th January, 2011 (hereinafter referred to as the Coastal Regulation Zone Notification, 2011), the Central Government declared certain coastal stretches as Coastal Regulation Zone and restrictions were imposed on the setting up and expansion of industries, operations and processes in the said zone;

And whereas, the Central Government have received representations from various stakeholder including the State Governments regarding need for restricting demarcation of HTL in Khazan Land to the bund/slucice gate, and delineation of HTL and CRZ categories in the Sundarbans Biosphere Reserve under the provisions of the said notification;

And whereas, the National Coastal Zone Management Authority in its 39th meeting held on 13th January, 2020 had also decided that the above-mentioned issues need consideration;

And whereas, the Central Government, having regard to the provision of sub-rule (4) of rule 5 of the Environment (Protection) Rules, 1986, is of the opinion that it is in public interest to dispense with the requirement of notice under clause (a) of sub-rule (3) of rule 5 of the said rules for amending the said Coastal Regulation Zone Notification, 2011.

Now therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following further amendments in the Coastal Regulation Zone Notification, 2011, namely:—

1. In paragraph 2, the following proviso shall be inserted, namely:—

“Provided that in case there exists a bund or a sluice gate constructed in the past, prior

to the date of notification issued vide S.O. 114(E) dated 19th February, 1991, the HTL shall be restricted up to the line long along the bund or the sluice gate and in such a case, area under mangroves arising due to saline water ingress beyond the bund or sluice gate shall be classified as CRZ-IA irrespective of the extent of the area beyond the bund or sluice gate. Such areas under mangroves shall be protected and shall not be diverted for any developmental activities.”

2. In paragraph 7, in sub-paragraph (i), in clause A, in sub-clause (e), after the words “Biosphere Reserves”, the following shall be inserted, namely:—

“except in the case of the Sundarbans Biosphere Reserve, wherein, the categorization of CRZ and delineation of the HTL and CRZ boundaries shall be done in consonance with the provisions of the CRZ Notification, 2011.

*Note:* The CVCA delineated within the Sundarbans Biosphere Reserve shall be managed by the Integrated Management Plan prepared by the State Government and approved by the Central Government”.

3. Under paragraph 8.V relating to Areas requiring special consideration, in clause 3, for sub-clause (iv), the following sub-clause shall be substituted, namely:—

“(iv) the eco sensitive low lying areas which are influenced by tidal action known as khazan lands shall be mapped and in case there exists a bund or a sluice gate constructed in the past, prior to the date of notification issued vide S.O. 114(E) dated 19th February, 1991, the HTL shall be restricted up to the line long along the bund or the sluice gate and in such a case, area under mangroves arising due to saline water ingress beyond the bund or sluice gate shall be classified as CRZ-IA irrespective of the extent of the area beyond the bund or sluice gate. Such areas under mangroves shall be protected and shall not be diverted for any developmental activities”.

[F. No. 19-27/2015-IA III (pt)]

ARVIND KUMAR NAUTIYAL, Jt. Secy.