

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE
APPEAL NO. 08/2024(WZ)**



Uday U Lingudkar.

...Appellant

V/s

**Goa Coastal Zone Management
Authority &Ors.**

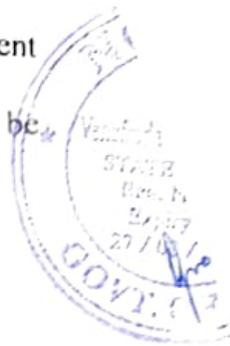
... Respondents

**AFFIDAVIT IN REPLY ON BEHALF OF THE RESPONDENT
NO. 1.**

I, Shri Johnson Fernandes, Indian National, major of age, having office at 4th Floor Dempo Towers, Patto, Panaji, Goa, the Member Secretary of the Respondent No. 1 above named, do on solemn affirmation state and submit as under;

1. At the outset, I hereby humbly tender my apology for not being able to submit my reply as directed by the Order dated 21/03/2024 passed by this Hon'ble Tribunal within a period of two weeks as immediately after passing of the said order. The advocate appearing in the matter for the GCZMA was hospitalised and thereafter due to subsequent events and applications filed by the

Appellant, fresh inspection was required to be conducted, due to which the affidavit is being filed now explaining the subsequent facts. It is humbly prayed that the delay in filing the affidavit be condoned.



2. It is stated that the Hon'ble High Court of Bombay at Goa in Public Interest Litigation (Suo Moto) No. 2/2022 had directed this respondent to conduct an inspection of the Anjuna Beach and submit a report indicating the illegalities noticed on the said Beach. Accordingly, the GCZMA had prepared a report wherein 275 illegal constructions were noticed on the said Beach. The said report was submitted to the Hon'ble High Court and the Hon'ble High Court had directed the GCZMA to take action against the said illegal constructions within 6 months.

3. The structure of the Appellant was listed at Serial No. 232 on the said report out of the total 275 structures. The relevant extract of the report was submitted to the High Court along with the photograph of the structure is annexed as **Exhibit A**.

4. As per the said report, it was found that one temporary structure (bison board flooring) and concrete plinth, M.S. structure was constructed.

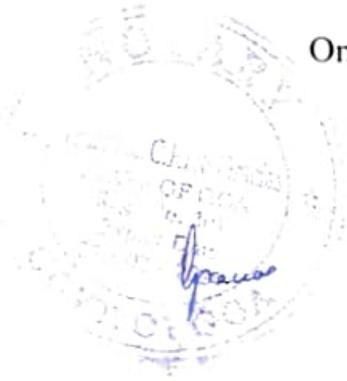
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9. I say that what is stated by in the above paragraph nos. 1 – 9
above is true to my knowledge.

Solemnly affirmed at Panaji, Goa

On this the 28th day of May, 2024.

DEPONENT
Member Secretary (GCZMA)



Executed before me
At Calangute Bardez - Goa
Reg. No. 84/05/2024/P
Date. 28/05/2024

Venefrada C.P.P.B. Gracias
Advocate & Notary Goa State

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Sr. No.	Village/Taluka	Survey No.	CRZ Zone	Name of Premises	Details of Structures	Owner/Occupier	GPS Reading	Remarks
231	Anjuna Bardez	127/18	CRZ-III NDZ		1 no shack with Temporary roof & concrete plinth, 1 no masonry structure with GI sheet roofing, 1 no temporary shop (tattoo shop), 1 no temporary shop (cloth shop), 5 no wooden cottages with concrete plinth, 1 no masonry structure with mangalore tile roofing, 1 no concrete plinth with ceramic tiles, masonry compound wall on all sides.	Naresh Harmalkar, H.No. 800/3, Govekar wada Anjuna.	15.57815N, 73.73934E	
232	Anjuna Bardez	127/13	CRZ-III NDZ		1 no Temporary structure with (bison board flooring-FF) & concrete Plinth, M.S structure.	Uday Lingudkar, St. Anthony Prais wado, Anjuna M.No.: 9822175812	15.578336N, 73.739766E	Construction in progress
233	Anjuna Bardez	127/10, 11, 9	CRZ-III NDZ	Ocean Pirates Cafe.	1 no temporary structure with bamboo mesh roofing with partly pavers flooring(G+1). 1 no masonry structure with mangalore tile roofing.	Radhakrishna Naik, St. Antony Prais wado, Anjuna. M No. 9890122727	15.578272N, 73.739096E	Operational.

Sr. No.	Village/Taluka	Survey No.	CRZ Zone	Name of Premises	Details of Structures	Owner/Occupier	GPS Reading	Remarks
272	Anjuna Bardez	132/12	CRZ-III NDZ		1no. temporary structure with GI sheets roofing & concrete flooring.	Domnic Mendisa, St Anthony Praise wada, Anjuna. M. No.: 9764326206	15 5828589N, 73.7378601E	Cloth shop. Operational
273	Anjuna Bardez	132/12, 11	CRZ-III NDZ		1no. Ground floor structure with Laterite stone masonry walls with manglore tile & G I sheets roofing.	Royce Fernandes, H. No. 654(3), St Anthony Praise wada, Anjuna. M.No. 9689985316	15 5828837N, 73 7378167E	partly Resedential & partly Shops. Operational
274	Anjuna Bardez	132/13	CRZ-III NDZ	1 cloth shop attached with footwear shop	1no Temporary shop with G.I sheet roofing & concrete flooring.	Kanti G Tolaskar, H. No.: 653, St. Anthony Praise waddo, Anjuna. M.No.: 8007079944	15 5836674N, 73 7376534E	Operational
275	Anjuna Bardez	132/13	CRZ-III NDZ	Chandan Tattoo	1no RCC structure.	Hanumanth Govekar, M.No.: 9822589336	15 5837229N, 73.7375544E	Operational

Prepared By:-


Shri. Sankumar G. Naik
Field Surveyor
o/o GCZMA


Shri. Balkrishna Surlakar
Field Surveyor
o/o GCZMA


Shri. Tukaram Kaskar
Field Surveyor
o/o GCZMA


Shri. Shree Pawooskar
Engineer
o/o GCZMA


Shri. Keshav Naik
Engineer
o/o GCZMA

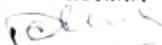

Shri. Devendra Gaonkar
Field Surveyor
o/o GCZMA


Kum. Bhargavi Kelkar
Engineer
o/o GCZMA


Mr. Vignesh Naik
Field Surveyor
o/o GCZMA

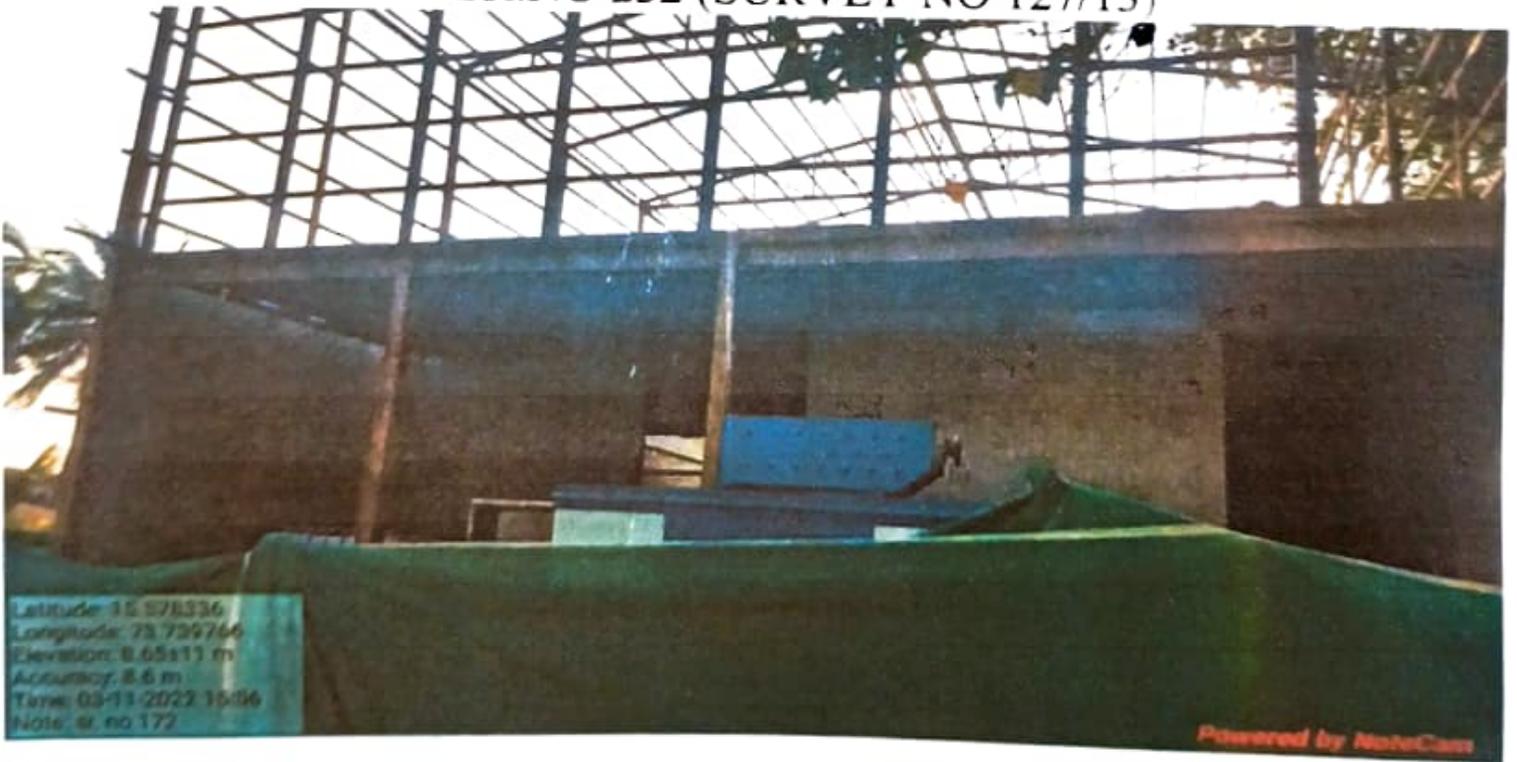

Kum. Siddhi Morajkar
Field Surveyor
o/o GCZMA


Mr. Nehal Devidas
Engineer
o/o GCZMA


Shri. Dharmendra Govekar
Secretary, Village Panchayat
Anjuna Panchayat

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SR.NO 232 (SURVEY NO 127/13)

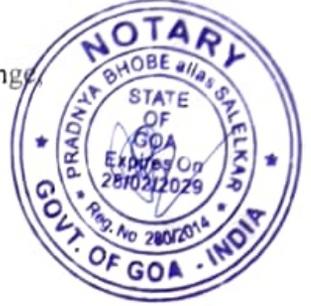


Latitude: 15.978336
Longitude: 73.739766
Elevation: 8.65±11 m
Accuracy: 8.6 m
Time: 03-11-2022 15:06
Note: sr. no 172

Powered by NanoCam



To,
The Member Secretary,
Goa Coastal Zone Management Authority,
C/o.
Department of Environment & Climate Change,
4th Floor, Dempo Towers, Pato Panjim Goa



AFFIDAVIT

I, Mr Uday Lingudkar aged 52 years of age, business, residing at Ounchem Bhatt Anjuna Bardez, Goa, the above named Appellant do solemnly affirm on oath and state as under.

- 1) I say that I am the Appellant in the above Appeal.
- 2) I say that the Respondent issued demolition notice bearing reference No. GCZMA/HCM/PILSUMOTONO2/2022/23 -24/01/2803 dated 14.12.2023 wherein it was directed to remove the existed flooring.
- 3) I say that following the direction mentioned at para 2 of the above, the undersigned has

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removed the floorings in question as such the undersigned is in compliance of the direction issued by Respondent No.1.

4) I therefore pray that inspection be ordered to carry out upon the site in question i.e. at restaurant named as 'Hayati Beach Lounge & Club, Prias vaddo, Anjuna Bardez Goa

Solemnly Affirmed at ^{Mapusa} Goa On this 21st Day of May 2024



Uday

Deponent



Solemnly affirmed before me by
Shri / Smt Uday Lingudkar
Who is identified before me by
Shri / Smt Selby M D
Who is personally known to me
Reg. No 21/24/2024
Date 21/5/24 Place: Mapusa
Goa

[Signature]
PRADNYA BHOJE
alias SALELKAR
NOTARY
STATE OF GOA
(INDIA)

Report of Site Inspection held on 23/05/2024 at Anjuna Village, Bardez, Goa as per directions of the Member Secretary, Goa Coastal Zone Management Authority in terms of Order of the Hon'ble High Court of Bombay at Goa dated 06th May 2024 in Public Interest Litigation (Suo Moto) No. 2/ 2022.

As per the directions of the Member Secretary, Goa Coastal Zone Management Authority in terms of Order of the Hon'ble High Court of Bombay at Goa dated 06/05/2024 in Public Interest Litigation (Suo Moto) No. 2/ 2022, the site inspection was carried out by Mr. Rohan Verekar, Environmental Assistant-GCZMA, Mr. Gorakh Tuenker, Field Surveyor-GCZMA at Anjuna village of Bardez Taluka in the presence of the Mr. Uday U. Lingudkar Owner of Hayati Beach Lounge and Club on 23/05/2024 at 01:50 p.m respect of the property bearing Survey No. 127/13 of Anjuna Village of Bardez Taluka.

BRIEF FACTS OF THE CASE

1. The Hon'ble High Court of Bombay at Goa in Public Interest Litigation (Suo Moto) No. 2/ 2022, directed the GCZMA to inspect the applicant's restaurant Hayati Beach Lounge and Club, the permission was granted for putting up one shack and seven tents, however the applicant has put up only one shack and not put up any tents.
2. The GCZMA must examine whether the structure (shack) is in accordance with the plans it had approved. If the GCZMA finds that the structure (shack) is of temporary nature and put up according to the plans it had earlier approved, then the GCZMA is authorized to write to the Panchayat to lift the seals.
3. That upon the written certification by the GCZMA that the shack is indeed in temporary, the Panchayat is authorized to de-seal them.
4. The office of GCZMA has granted permission/ approval for erection of temporary seven tents and one shack in the property bearing Survey No. 127/13 of Anjuna village of Bardez Taluka in terms of CRZ Notification, 2011 as amended.

OBSERVATIONS

1. At the time of site inspection, one temporary shack was observed at loco under Survey no. 127/13 of Anjuna village of Bardez Taluka.
2. However, seven tents were not installed at loco as shown in the approved plan under Survey no. 127/13 of Anjuna village of Bardez Taluka.
3. The office of GCZMA Ref No. GCZMA/N/Shack-Hut-Cott-Tent/21-22/35/1637 dated 31/10/2022 had approved for erection of temporary seven tents and one shack.

4. The shack (1 no.) is temporary in nature - Walls are made up of cement/wooden board with texture paint. Floor finish is of artificial grass carpet supported on wooden / cement board with metal framing. Roof is made up of metal framing covered with GI sheet.
5. The name of Mr. Albin Antonio Pascoal Dsouza is recorded in the occupant's column in respect of Survey no. 127/13 of Anjuna village of Bardez Taluka.
6. As per CZMP 2011, the Survey 127/13 of Anjuna village of Bardez Taluka falls in No Development Zone in CRZ-III i.e 0 to 200 mtrs from HTL.
7. The photographs are attached as - "ANNEXURE-I"

CONCLUSION

1. The walls of temporary shack are made up of wooden/cement board with texture paint and floor finish is of artificial grass carpet supported on wooden / cement board with metal framing. Roof is made up of metal framing covered with GI sheet and falls in No Development Zone in CRZ-III i.e 0 to 200 mtrs from HTL, as per CZMP 2011.
2. The office of GCZMA has granted permission/ approval for erection of one shack and seven tents in the property bearing Survey no. 127/13 of Anjuna village of Bardez Taluka in terms of CRZ Notification 2011, as amended on 31/10/2018 and presently one temporary shack exists at loco without seven tents.



Mr. Rohan Verekar,
Env. Assistant,
o/o GCZMA.



Mr. Gorakh Tuenker,
Field Surveyor,
o/o GCZMA.

ANNEXURE-I

