

**BEFORE THE NATIONAL GREEN TRIBUNAL, WESTERN
ZONE BENCH, PUNE
APPEAL NO. 23/2025 (WZ)**

White Raj Resorts Pvt Ltd ...Applicant

Versus

Goa Coastal Zone

Management Authority & Ors ...Respondent

AFFIDAVIT-IN-REPLY ON BEHALF OF RESPONDENT

NO. 1 (GCZMA)

I, Shri Sachin Desai, major of age, holding the post of Member Secretary, Goa Coastal Zone Management Authority (“GCZMA”) i.e., Respondent No 1 herein, having office at 4th Floor Dempo Towers, Patto, Panaji, Goa, do hereby make solemn affirmation and state as under:

1. I say that I am holding the post of Member Secretary, GCZMA. I say that I am filing the present affidavit 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 relief sought in the present appeal. Nothing in the aforementioned Appeal filed by the Appellant be deemed to have been admitted for mere want of specific denial. Nothing may be deemed to have been admitted for want of *traverse seriatim*. I crave leave of this Hon'ble Tribunal to file an additional Affidavit, if found necessary.

3. I say that the present appeal challenges the Order dated 06.11.2024 ("**Impugned Order**") passed by the answering Respondent. I say that the Impugned Order disposes of the Application dated 16.11.2022 filed by Respondent Nos 2 & 3 and the Complaint dated 22.12.2023 filed by the Appellant.

4. I say that *vide* the Impugned Order the Answering Respondent has decided on the application dated 16.11.2022 received from Respondent Nos 2 & 3 herein, seeking clearance for proposed eighteen seasonal huts, one restaurant

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and one yoga space in Survey No. 80/1 of Nagorcem-Palolem Village, Canacona Taluka, Goa (“**Subject Property**”).

Annexed hereto is a copy of the Application dated 16.11.2022 marked as “**Annexure A**”.

5. I say that on 20/06/2023 a site inspection was conducted of the site in question.

Annexed hereto is a copy of the Site Inspection Report dated 20/06/2023 marked as “**Annexure B**”.

6. I say that the subject property falls in CRZ-II as per CZMP 2011 and the same touches the HTL.

7. I say that the Appellant filed a Complaint dated 22.12.2023 before the Answering Respondent pertaining to the alleged illegal construction in Survey No. 80/1 of Nagorcem-Palolem Village, Canacona Taluka, Goa. I say that the



Appellant also relied upon the order dated 09.11.2023 passed by the Hon'ble High Court of Bombay at Goa in Appeal from Order No. 16 of 2022 and Appeal from Order No. 17 of 2022 (page 20 of the appeal) whereby the Hon'ble High Court had directed as under:

"5. Mr Diniz submits that the authorities sometimes decline to entertain application seeking permission on the grounds of pendency of the suit or any litigation. Accordingly, it is clarified that the authorities are considering the applications seeking permissions on their own merits and in accordance with law without being unduly influenced by the pendency of the proceedings. However, if the appellants have any legitimate grounds to oppose for such permissions it is open to them to file their objections which should also be considered by the Authorities."

8. I say that the matter was taken up in the 408th Meeting of the GCZMA held on 01.08.2024 wherein the Advocates for the Appellant and the Respondent Nos 2 & 3 herein were present and the Authority heard detailed arguments and posted the matter for orders.

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9. I say that the matter was taken up in the 412th Meeting of the GCZMA on 19.09.2024. wherein the impugned order was passed.
10. I say that the Respondent Nos. 2 and 3 have also placed on record the order dated 11.10.2019, passed by the Court of the Senior Civil Judge, Margao, in Special Civil Suit No. 82/2016/A, to which the Appellant is a party. I say that the Ld Senior Civil Judge *vide* order dated 11.10.2019, has observed that the Respondent Nos 2 & 3 are in possession of the subject property and it further restrained the Appellant herein from disturbing the possession of the Respondent Nos 2 & 3 until the disposal of the suit.
- Annexed hereto is a copy of order dated 11.10.2019, passed by the Court of the Senior Civil Judge, Margao, in Special Civil Suit No. 82/2016/A marked as "Annexure C".
11. I say that the objections raised by the Appellant herein before the GCZMA *vide* Complaint dated 22.12.2023 was duly considered by the Answering Respondent while passing



the Impugned Order. I say that the Complaint dated 22.12.2023 stated that the Respondent Nos 2 & 3 were carrying out business in the name and style of "Bridge n Tunnel" without the approval of the Answering Respondent. I say that pursuant to the Complaint dated 22.12.2023, a Site Inspection was conducted on 23.01.2024

Annexed hereto is a copy of Site Inspection Report dated 23.01.2024 alongwith a map prepared by the DSLR marked as "Annexure D".

12. I say that the site inspection report dated 23.01.2024 shows the existence of two structures within 200 mts of the HTL.
13. I say that the Respondent Nos 2 & 3 submitted order dated 16.07.2008 passed by the Chief Officer of Canacona Municipal Council in Case No. CRZ/Matter/74/2008 whereby its has been observed that the two structures in the Subject Property bearing no. 688 (old) / 265 (new) and bearing no. 704 (old) /289 (new) are pre-1991 structures.



Annexed hereto is a copy of order dated 16.07.2008 passed by the Chief Officer of Canacona Municipal Council in Case No. CRZ/Matter/74/2008 marked as "Annexure E".

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

- 15. I say that what has been stated in Paras 1 to 14 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.

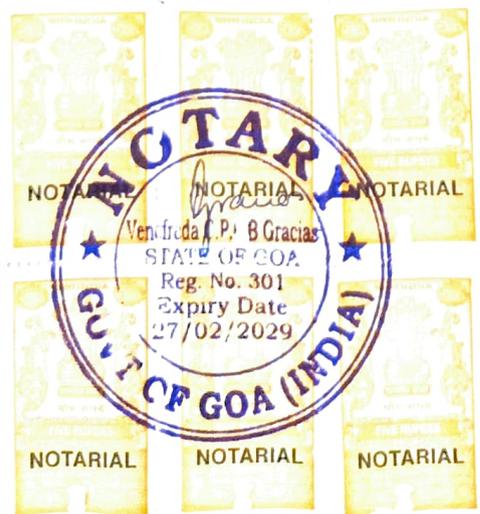
Solemnly Affirm on Oath

Place: Panaji, Goa.

Date: 17.06.2025

DEPONENT

Executed before me
At Panjim Tiswadi - Goa
Reg. No. 70/06/2025
Dated: 17/06/2025



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

From: (Name and full postal address of the owner) **40**

ANNEXURE A

Shri. Shaba Ram Naik Gaonkar &
Shri. Vinod Naik,
House No. 113 *Vindlam*
Canacona, Goa.

Member Secretary
G. C. Z. M. A.
Inward No. 3106
Date: 16/11/2022

To,
The Member Secretary,
Goa Coastal Zone Management Authority,
Third Floor, Dempo Towers,
Panaji, Goa.

Santosh
16/11

Subject: Clearance for Proposed Eighteen Seasonal Huts, one Restaurant, and one Yoga Space in Survey No. 80/1 of Nagorcem- Palolem Village, Canacona Taluka, Goa.

Sir,

I intend to carry out the under-mentioned development in the plot of land under Survey No. 80/1 (Chalta No. _____ P.T. Sheet No. _____) of Nagorcem- Palolem village, Canacona Taluka, in accordance with the Coastal Regulation Zone (CRZ) Notification dated 19th February 1991 and 6th January 2011 as amended subsequently.

(Please give particulars of the proposed development)
Proposed Eighteen Seasonal Huts, one Restaurant, and one Yoga Space in Survey No. 80/1 of Nagorcem- Palolem Village, Canacona Taluka, Goa

I am enclosing herewith the following documents.

1. Ownership documents.
2. Form I & XIV.
3. Certified copy of Survey Plan issued by Directorate of Settlements & Land Records. (Showing 200 meter to 500 meter line (compulsory))
4. Site Plan showing the existing and proposed developments (duly coloured as per colour code) countersigned by the Owner and Architect/Engineer/Town Planner registered with their respective associations,
5. One copy of the detailed plans of the proposed developments countersigned by the Owner and Architect/Engineer/Town Planner registered with their respective associations.
6. Contour Plan of the plot with 50 cm. Counter interval (Not applicable in case of re-construction and repair)
7. CRZ Clearances questionnaire duly completed (Form "A")
8. Environmental Impact Assessment (EIA) Report (Not applicable for compound walls, re-construction, repair and single dwelling units).
9. Existing and proposed vegetation plan (Not applicable for compound walls, re-construction and repair).
10. Photographs of the property from all sides showing the existing landscape, structure etc.

This NOC will be issued subsequent to the payment of fees by the applicant of Rs. 10000/- vide D.D. No. _____ dated ___/___/___ in favour of **Goa Coastal Zone Management Authority**, payable at Panjim.

I request that the clearance for the proposed development in the CRZ may be accorded.

Date: 16/11/2022

P. Gaonkar
Signature of the Owner

9823100644

41 ANNEXURE B

GOA COASTAL ZONE MANAGEMENT AUTHORITY
C/o Department of Environment, (Govt. of Goa)
4th Floor, Dempo Tower, Pato Plaza,
Panaji-Goa 403001

SITE INSPECTION REPORT (PROPOSAL)

- i) **Name of the Applicant:** Mr. Shaba Naik Gaunkar
- ii) **Date of the Application:** 16/11/2022
- iii) **Application for:** Clearance for proposed 11 seasonal huts & 2 restaurant in Sy. No.: 80/1 at Nagorcem- Palolem village of Canacona Taluka Goa.
- iv) **Date of construction based on the documents:** NA
- v) **Date of Inspection:** 20/06/2023
- vi) **Name of the Official / Expert Member, GCZMA:**
 - 1) Mr. Nehal Devidas (Engg, GCZMA)
 - 2) Mr. Sakhil Naik (F.S, GCZMA)
- vii) **Name of the Parties Present:**
 - 1) Mr. Shantaji Naik Gaunkar (Representative of Applicant)
- viii) **Location of the alleged violation:** NA

Sy. No.: 80/1 Village: Nagorcem- Palolem Taluka: Canacona
- iv) **Accessibility:** by traditional access
- v) **Distance from the HTL of River / Sea:** Plot touching HTL.
- vi) **Classification of CRZ Area:** The property falls in CRZ – II as per CZMP 2011.
- vii) **Existence of Sand dunes and its Height:** No
- viii) **Whether any lagoons, backwaters or other water bodies exist in the plot:** No
- ix) **Existence of Vegetation, if any:** Scarcely located coconut trees.
- ix) **Plinth area of the structure:** NA
- xi) **Nature of the structure:** Temporary
- xii) **Height of the structure:** 3.50m
- xiii) **Details of extension to the existing structure:** NA
- xiv) **Approvals / NOC's issued by any other Department's / Authorities:** No
- xv) **Nature of violation if any, with regards to provisions of CRZ Notification 2011:** No

xvi) **Whether the proposed construction meet the CZMP Guidelines: Yes**

xvii) **Conclusion / Recommendation:**

The property in survey nos. 80/1 falls in CRZ – II as per CZMP 2011. As per form I & XIV, in occupants column, names of Amalia Rodrigues Gomes e Figueiredo and M/s White Raj Resorts Pvt. Ltd along with Putu Raghoba Pagui, Santosh Raghoba Pangu, Dilkush Raghoba Pagui are appearing. The total area of the plot is 1,10,650.00 sqm.

The proposal is for 11 nos of temporary structures each of area ad-measuring 32.00 sqm. 1 restaurant and 1 yoga space each of area 70.00sqm. Total proposed area is 492.00sqm.

The applicant has submitted a notarized copy of civil suit with ref. no.: Special Civil Suit No. 82/2016/A, CNR No. GASG020063442016 as a supporting document towards the property ownership.

The authority may kindly deliberate and decide.



Mr. Nehal Devidas

(Engineer, GCMZA)



Mr. Sakhil Naik

(F.S., GCZMA)

Goa Courts



IN THE COURT OF THE SENIOR CIVIL JUDGE AT MARGAO.

(Before Shri N.S. Amonkar, Senior Civil Judge, 'A' Court Margao).

Special Civil Suit No.82/2016/A
CNR No.GASG020063442016

1. Dr. Shaba Rama Naik Gaonkar,
alias Chandrakant Rama Naik Gaonkar
Age 60 years, married
r/o Flat H-B-4-D,
5th Floor, Ruby Residency,
Canacona 403702
Salcete Goa.
2. Mr. Vinod Naik,
Age 53 years, married,
Businessman,
Resident of H. No.2136,
Agalli, Gogol,
Margao-403601, Goa.
3. Mr. Suraj Balliker
37 Years of age, married,
Businessman,
r/o H. No.262, Deulwada,
Quepem, 403705,
Salcete Goa.

.....

Plaintiffs

1. White Raj Resorts Pvt. Ltd.
A private Limited Company
Incorporated under the Companies Act
Having its registered office at
405, Wagle Vision, 4th Floor,
Above Ritz Classic
Pissurlekar Road, Panaji 403001.
2. Norfolk Limited,
A private limited company
Incorporated under the
United Kingdom Companies Act 1985
Having its registered office at
48, Queen Anne Street,
London W 1 G 9 JJ
3. Mrs Sarah Louise Petre Mears,
Major, British National,
Director of Norfolk Limited
Resident of Winwood Villa
Shaws Estate, New Castle
St. James Parish Nevis, West Indies;
4. Mr. Edward Petre Mears,
Major, British National,
Secretary, Norfolk Limited
Resident of Winwood Villa,
Shaws Estate, New Castle,
St. James Parish, Nevis, West Indies,
5. Mr. Daniil Borisovich Sorokin,
Major, age 51 years, Russian National
Businessman, Director-White Raj Resorts Pvt Ltd
Resident of H. No.31, Building no.3,
Apartment no.75,
Nargornaya Street,
Russian Federation of Moscow
Moscow - 117186
6. Mr. Alexey Valerievich TChanov,
Major, age 51 years, Russian National,
Businessman, Director-White Raj Resorts Pvt Ltd
Resident of H. No.28-1, Apartment no.65,
Street-2, Parkovaya,
Russian Federation of Moscow
Moscow - 105037
7. Mr. Andrew Moray Hon Andrew Stuart,
Major, age 59 years, British National,
Businessman, Director-White Raj Resorts Pvt Ltd
Resident of GPO Box 244, CIE,
Sucriere de St. Antoine,
M 59, St. Antoine Se

St. Antoine Goodlands
Mauritius;

8. Shri Babu Manjanga Lonappan
Son of Mr. Lonappan, age 40 years,
Businessman,
Residing at Manjaga House,
P.O. Kutichira Kormala,
Trichur District, Kerala.

9. Mrs Maria de Lourdes Filomena
Figueiredo de Albuquerque,
Major,
daughter late Vicente Joao Filomeno de Figueiredo,
Resident of H. No.377, Loutolim,
Salcete Goa. ... Defendants

Plaintiffs represented by Ld. Adv. E. Furtado present at the time of arguments and also at the time of order.

Defendant no.1 represented by Ld. Adv. S. Samant at the time of arguments and Adv.P. Gauns present at the time of order.

Defendant no.2 to 9 exparte.

ORDER

(Delivered on 11th day of the month of October of the year 2019)

1. The plaintiffs have filed this suit against the defendants seeking reliefs of declaration and perpetual injunction. The plaintiffs have also filed an application seeking relief of temporary injunction. It is the case of the plaintiffs that there exists a immoveable property known as "Colomb" or "Colomba" admeasuring 1,10,650 sq.mts. situated at village Nagorcem-Palolem, Canacona described in the land registration records of Quepem under No.4315 of Book B-4 and surveyed under no.80/1 of village Nagorseme-Palolem, Canacona Goa which is bounded as under:

East : by Arabian Sea;

West: by property surveyed under nos.83 and 84;

North: by property surveyed under no.81;

South: by Arabian Sea

The said property is hereinafter referred to as the suit property.

2. It is the case of the plaintiff that suit property was owned by Mrs. Georgina Natalia Filomena Figueiredo who is no more living. The suit property is an orchard property. It is the case of the plaintiffs that late Mrs. Georgina Natalia Filomena Figueiredo had put the plaintiff no.1 in physical possession of 35,000 sq.mts of land of the suit property. The said portion of land is carved out from the entire suit property and is shown in a plan in red colour boundaries. The said property is hereinafter referred to as the said property (II). It is pleaded that Mrs. Georgina Natalia Filomena Figueiredo had put plaintiff no.1 in possession of the said property (II) by Authority letter dated 7.2.2000 executed before the Notary Arun Singbal at Ponda. It is further pleaded that late Mrs. Georgina Natalia Filomena Figueiredo had executed an agreement dated 31.5.2002 before notary Filomena D'Silva of Margao and had permitted plaintiff no.1 to carry out development in the said property (II). It is pleaded that Mrs. Georgina Natalia Filomena Figueiredo had also given general power of attorney to the plaintiff no.1 so as to enable him to carry out development in the said property. It is plaintiff's case that since from the year 2000, the plaintiffs are in peaceful possession of the said property (II). It is pleaded that defendant no.1 had purchased the entire suit property as mentioned in para 1 of the plaint by a Deed of Sale dated 27.12.2007. The plaintiffs are claiming that defendant no.1 has no right to the said property (II). The plaintiffs have asked for relief of temporary injunction. The plaintiffs have prayed that defendant No.1 may be restrained from acting upon or making use of Deed of Sale dated

27.12.2007 for any purpose and that all defendants be restrained from interfering with the suit property in any manner and be also restrained from creating third party right in respect of suit property.

3. The defendant no.1 has resisted the suit and this application by filing written statement and reply. It is claimed that suit of the plaintiffs is not maintainable. It is pleaded that defendant no.1 has purchased the entire property for a consideration of Rs.3 crores. The defendant no.1 has denied all the contentions of the plaintiffs pleaded in the plaint. It is denied that plaintiffs are in peaceful possession of a portion of land admeasuring 35,000 sq.mts of the suit property. The plaintiffs' documents that is letter of Authority dated 31.5.2002, Agreement dated 7.2.2000 and Power of Attorney are denied. It is also denied that plaintiff no.1 has spend lakhs of rupees on constructing cottages and setting up of Ayurvedic Research Centre in the said property (II). It is pleaded that late Mrs. Georgina Natalia Filomena Figueiredo had removed plaintiff no.1 from the entire property by cancelling all the agreements and power of attorney executed in his favour. It is pleaded that plaintiffs have no locus standi to file the present suit and this application for temporary injunction. It is prayed that plaintiffs suit and application for injunction be dismissed.

4. Arguments were advanced by both the sides. The advocate of plaintiffs has submitted that late Mrs. Georgina Natalia Filomena Figueiredo had executed the documents such as letter of Authority dated 7.2.2009, agreement dated 31.05.2002 and power of attorney dated 7.6.2002 and had put plaintiff no.1 in lawful possession of said property II. It is submitted that late Mrs. Georgina Natalia Filomena

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Figueiredo has executed a authority letter and had authorized plaintiff no.1 to look after her entire property. It is argued that by an agreement dated 31.5.2002 late Mrs. Georgina Natalia Filomena Figueiredo had authorized plaintiff no.1 to start an Ayurvedic Research Centre in the said property II. Further it is argued that she had also executed Power of Attorney in favour of the plaintiff no.1 on 7.06.2002 authorizing him to do all the acts needed for starting of Ayurvedic Research Centre in the said property II. It is argued that said Authority letter, agreement and power of attorney were not terminated by late Mrs. Georgina Natalia Filomena Figueiredo and same are still in force and are binding on legal heirs of late Georgina Natalia Filomena Figueiredo. It is submitted that all these documents clearly establish that plaintiff no.1 was lawfully put in possession of portion of the suit land as claimed by him in this suit. It is submitted that till date plaintiff no.1 continues to be in peaceful possession of the said property II. It is submitted that defendant no.1 has admitted the execution of all the above referred documents by late Georgina Natalia Filomena Figueiredo. It is submitted that it is the claim of the defendant no.1 that all the documents executed by late Mrs. Georgina Natalia Filomena Figueiredo in favour of the plaintiff no.1 were cancelled by her. It is submitted that defendant no.1 has not produced any proof to show that agreement executed in favour of plaintiff no.1 were cancelled and that he was evicted from the said property II by late Mrs. Georgina Natalia Filomena Figueiredo. It is submitted that documents executed by late Mrs. Georgina Natalia Filomena Figueiredo are binding on all the defendants. It is submitted that plaintiffs have made out a prima facie case for grant of injunction, balance of convenience is in favour of the plaintiffs and

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that irreparable loss will be caused to the plaintiffs if injunction is refused. It is prayed that application of the plaintiff for injunction be allowed.

5. On behalf of the defendants it is submitted that defendant no.1 has not violated any provision of FEMA or any other law of land. It is submitted that defendant no.1 has not brought money in India by any unlawful way. It is submitted that name of the defendant no.1 is figuring in Form No. I & XIV and presumption of possession is in favour of the defendant no.1. It is argued that defendant no.1 is defacto and de juro possession of entire suit property. It is argued that plaintiff no.1 had constructed structures in the property by violating CRZ Rules and same were demolished pursuant to the order of Hon'ble National Green Tribunal. It is submitted that all the documents executed in favour of plaintiff no.1 by erstwhile owner late Miss Georgina Figueiredo were cancelled by her and plaintiff no.1 was evicted from said property II. It is submitted that plaintiffs have no right to continue in possession of the said property II. It is prayed that plaintiffs application for temporary injunction be rejected.

6. The points which arises for determination are:

- (a) Whether the plaintiffs have made out a prima facie case for grant of injunction?
- (b) Whether irreparable loss will be caused to the plaintiffs if injunction is refused?
- (c) Whether the balance of convenience tilts in favour of the plaintiffs?

7. This court has considered the pleadings, the documents and the arguments of both the sides. The findings of the court on the application for temporary injunction is as follows:

8. It is the case of the plaintiff no.1 that he possess 35,000 sq.mts of land of the property known as "Colomb" or "Colomba" which admeasures 1,10,650 sq.mts. The said land is described in para one of the plaint. It is the claim of plaintiff no.1 that he was put in possession of said property II by its erstwhile owner late Mrs. Georgina Natalia Filomena Figueiredo by executing Letter of Authority, Agreement and Power of Attorney. He has produced said documents before the court. The contents of said documents reveals that late Mrs. Georgina Natalia Filomena Figueiredo had authorized plaintiff no.1 to manage and administer the affairs of entire suit property. By agreement dated 31.5.2002 the plaintiff no.1 was permitted to develop and set up an Ayurvedic Research and treatment complex in property (II). He was also authorized to start seasonal shacks, cottages by obtaining licence and permission from government authority. The power of attorney authorized him to represent late Mrs Georgina Figueiredo before all bodies such as Municipality, Panchayat and Town and Country Planning Department, Electricity Department and all other government bodies. He was also authorized to do all the acts needed for conversion of land and for undertaking construction of building in the said property. The plaintiff no.1 has produced photographs on record. It is seen from the photographs that he has constructed cottages in the property (II). The evidence brought before this court till date show that plaintiff no.1 was put in possession of property (II) by late Mrs Georgina Figueiredo and he continues to possess the same till date. It is the contention of the

defendant no.1 that late Mrs. Georgina Natalia Filomena Figueiredo had cancelled all the documents that is power of attorney, the Authority letter and Agreement. No proof is produced in support of said contention. No evidence is produced before this court by the defendant no.1 till date to show that plaintiff no.1 was removed by late Mrs. Georgina Natalia Filomena Figueiredo from the said property (II) during her life time and that she had cancelled all the documents executed by her in his favour. The Plaintiff no.1 has proved his possession over an area of land admeasuring 35,000 sq.mts property (II). He has also proved that he has constructed cottages in the said portion of land. The plaintiffs have made out a prima facie case for grant of injunction. The balance of convenience is in favour of the plaintiff no.1 as he has proved that he was lawfully put in possession of the said property (II) by erstwhile owner and he continues to be in possession till date. Irreparable loss will be caused to plaintiff no.1 if injunction is refused.

9. Considering the aforesaid facts this court passes the following:

ORDER

The application of the plaintiffs for temporary injunction is partly allowed.

The defendants are restrained from disturbing the possession of the plaintiffs from property II till disposal of this suit.

Pronounced in the Open Court.

(N.S. Amonkar)

Senior Civil Judge, 'A' Court Margao.

Wr

As per the notice of site inspection Ref.no.GCZMA/S/ILLE-COMPL/23-24/35/3365 dated 23/01/2024 issued by Member secretary, GCZMA. The undersigned visited the site on 21/02/2024 at 11.00.am onwards and carried out the inspection.

1. Dr. Shaba Rama Naik....(Respondent)....Absent
2. At the time of inspection Complainant i.e. **White Raj Resorts Private Limited, remained absent.** This survey number is a large area with a dense setting of commercial and residential structures, and hence it was important that the complainant/representative should have remained present to assist the GCZMA officials to identify the structures/premises. In absence of the complainant the process was delayed and was physically cumbersome as there were 9 complaints raised by the same complainant on the same survey number. The complainant had also not provided any contact number.

Observation at loco

1. The alleged site is located near Colomb Beach, Patnem, Nagorcem-Palolem Village of Canacona Taluka Surveyed under Sy.no.80/1.
2. The Sy.No.80/1 of Nagorcem-Palolem village of Canacona Taluka of was identified /verified by GCZMA officials through the online computerized Bhunaksha maps.
3. The alleged structures in Sy.no.80/1 were identified and recorded as per geo-referenced satellite image, site plan and photographs enclosed in the complainant bearing inward no. 4859 dated 22/12/2023.
4. The description of the said structure in **Sy.no.80/1 of Nagorcem-Palolem Village of Canacona Taluka** recorded at loco are as mentioned below:-

Sr.no.	Name of the premises	owner/ occupant	observation/ findings at loco	G.P.S Reading
1	Wooden structure on a permanent plinth	Dr. Shaba Rama Naik	Temporary wooden structure erected on a permanent plinth covered with Mangalore tile roofing.	15° 0'16.19"N
2	Temporary shed		Metal fabricated structure covered with G.I. sheet roofing, supported on G.I. steel pipes, erected on a sand bed.	74° 1'36.97"E

1. The Report is enclosed with:
 - Photographs. (Annexure-I)
 - Latest Computerized Form I and XIV from DSLR Website.

Shaba Naik

Shaba Naik

MS

Conclusion and Recommendations

1. The land in question bearing Sy.no.80/1 of Nagorcem-Palolem Village of Canacona Taluka lies within CRZ-II as per CZMP 2011.
2. The structures standing in Sy.no.80/1 of Nagorcem-Palolem Village of Canacona Taluka are partly permanent and partly temporary in nature. Legalities of the same are need to be verified.
3. However, in order to ascertain appropriate position of these structures, DSLR mapping with Electronic Total Station machine is recommended.
4. The Authority may deliberate and take necessary action.

Place:Nagorcem-Palolem-Canacona

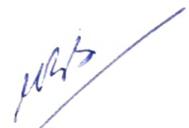
Date: 21/02/2024



Dr. Sushant S. Naik
Expert Member O/o GCZMA



Mr. Keshav Naik
Engineer O/o GCZMA



Mr. Balkrishna Surlakar
Field Surveyor O/o GCZMA

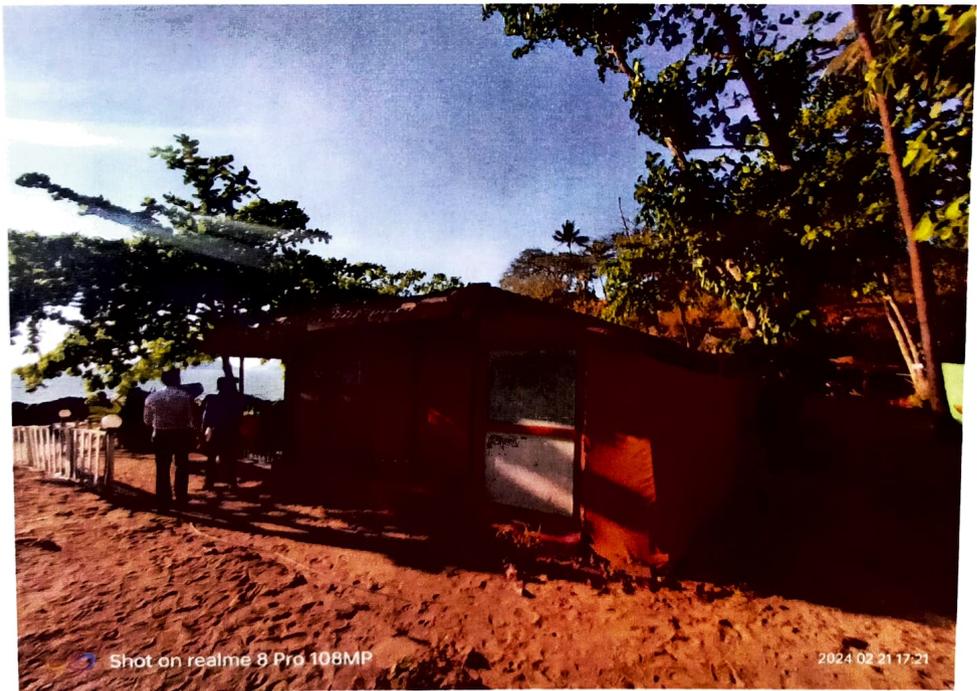
Abbreviations:-

GCZMA-Goa Coastal Zone Management Authority
DSLRL-Directorate of Settlement and Land records

ANNEXURE-I

DR.SHABA RAMA NAIK GAONKAR (BRIDGE N TUNNEL)

SR.NO.1



Smile

Shaba

MS

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Snail

Snail

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**BEFORE THE CHIEF OFFICER OF CANACONA MUNICIPAL COUNCIL
CANACONA GOA.**

Case No. CRZ/MATTER/174/2008

Shri Shaba R. Naik Gaonkar,
R/o Palolem,
Canacona Goa.

.... Applicant

ORDER

(Delivered on this 16th July of the year 2008)

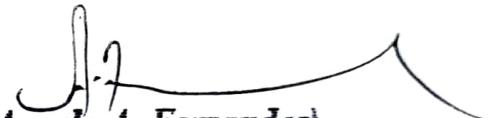
The applicant was issued 5 notices to Show Cause with documentary evidence so as to prove whether the 2 Commercial structures and 3 W.C belonging to him in survey no.80/1 existed prior to 1991 or not in view of the directions given by the Hon'ble High Court in Suo Moto Writ Petition No.2/2006.

Accordingly the applicant filed his reply with documentary evidence. He submitted that the property belonging to one Smt. Figueredo who is having five structures registered in Canacona Municipal Council under nos. 7/214, 220, 265, 276 and 289. He produced house tax receipt of the structures. He also produced certificate from the Municipality stating that in the house tax register of the year 1980-81 the house bearing no.688, 703, 704, 732 and 734 are registered in the name of Vicente Joao Figueredo which are presently assessed as house no.214, 220, 276, 289 and 265 and that the house tax is regularly paid till date. The applicant also produced survey plan which shows the existence of some structure. The applicant could not produce any document of running commercial activities but he says that he is using the structures for running seasonal business by obtaining necessary license from the Municipality. It is a fact that the residential structure of Figueredo admeasuring an area of 125 sq.mts bearing house no.688(old) and 265(new) is already shown as prior. The other two structures belonging to Figueredo also appears to be existing prior to 1991 i.e. before the CRZ notification 1991, as such I have no hesitation to pass the following Order:

The notice issued to the applicant in respect of the structures belonging to Figueredo situated in survey no.80/1 and bearing no. 688(old) and 265(new) and 704(old) and 289(new) is hereby discharged. Regarding the W.C. the applicant will be informed later on.

Pronounced.




(Agnelo A. Fernandes)
Chief Officer
Canacona Municipal Council