

BEFORE THE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH PUNE AT PUNE

Appeal No. 28/2025 (WZ)

Dilip Mangesh Morje

... Appellant

Vs.

GCZMA and Ors.

... Respondents

**AFFIDAVIT IN REPLY BY THE RESPONDENT NO 1**

I, SHRI SACHIN S. DESAI, adult, being the Member Secretary, Goa Coastal Zone Management Authority, having my office at: 4<sup>th</sup> Floor, Dempo Towers, Patto, Panaji, Goa, do hereby solemnly affirm and state as under:

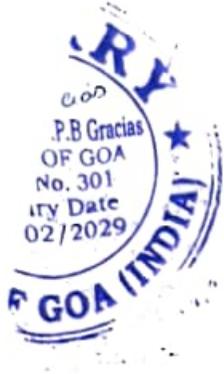
1. I am the Member Secretary of the Respondent No. 1 Goa Coastal Zone Management Authority (hereinafter referred to as *GCZMA*) in the above-captioned Appeal. I am well-conversant with the facts and circumstances from which the present Appeal arises and as such, am affirming the present Affidavit.

2. I say that nothing in the present Affidavit may be deemed to be any admission of any content of the above-captioned Appeal filed by the Appellant, unless the same is categorically admitted herein. I further submit that nothing in the above-captioned Appeal may be deemed to have been admitted for want of specific denials.



**BRIEF FACTS OF THE CASE:**

3. I say that the Office of the GCZMA was in receipt of a complaint letter from Mr Anil Prabhakar Naik on the 25/04/2022 wherein Mr Anil P Naik had complained regarding the illegal construction carried out by Mrs Lourdin D'Silva, Mr Kundan Shashikant Morje, Mr Vishal alias Dipin Shirodkar Morje, Mr Trivikram Jaidev Morje and Mr Shamsundar Ramnath Bhosle alias Vagalkar, Dilip Manguesh Morje and one Mrs D'Souza and her family members all resident of Tembwada Morjim Pernem Goa; for carrying out illegal and unlawful constructions in CRZ area in the property bearing Sy No 119/3 of Morjim Village.



4. I say that the original complainant Mr Anil Prabhakar Naik (*Respondent No 5 herein*) had filed a petition before the Hon'ble High Court of Bombay at Goa in Writ Petition No. 2146/2024 (f) so as to directed the Authority to expeditiously dispose the complaint as the constructions are illegally constructed in his property.
5. I say that the Engineers and Field surveyor attached to this office of the GCZMA did the site inspection. During site inspection the inspecting team noted the violations carried out by the Appellant and in view of the violations noted the Show Cause Notice was issued.
6. I say that based on the report and the violations noted therein Show Cause Notice was issued to the Appellant. The Appellant was directed to file reply along with documents and granted personal hearing before the Authority members.
7. I say that after hearing the Appellant in various meeting directions were passed dated 16/01/2025 based on which this present appeal is filed.

**PARAWISE COMMENTS:**

8. With respect to para A the answering Respondent admits the contents thereof.
9. With respect to para B the answering Respondent states that the stand taken by the Appellant that he is a licensed traditional fisherman and is denied for want of knowledge as the Appellant has not supported his claim with any documentary evidence. Secondly the Appellant claims to be a Mundkar which claim is also not accepted as the Appellant has failed to be declared as Mundkar. The document produced at Annexure D is only declaration form filled by the Appellant.
10. It is stated that a declaration of mundkarship is a formal declaration by the Mamlatdar that a person is indeed a mundkar while registration of mundkar is the administrative process of listing the person's name in the mundkar register. The declaration is a more conclusive and definitive determination of mundkar rights, while registration is a preliminary record-keeping step. In view of the same the Appellants does not have any right declared by the competent Court.



11. With respect to para C (1) the answering Respondent offers no comments as the same is not within the knowledge.

12. With respect to para C (2) the answering Respondent states that the contents mentioned therein are objected as a Person cannot be a Mundkar as well as a Tenant of one property.

As per Section 2(p) of the Goa Mundkars (Protection from Eviction) Act 1975 the definition of the **Mundkar means**, “ a person who, with the consent of the bhatkar or the person acting or purporting to act on behalf of the bhatkar lawfully resides with a fixed habitation in a dwelling house with or without obligation to render any services to the bhatkar and includes a member of his family .....”.

As per section 2(23) of the Agricultural Tenancy Act, 1964 a **“tenant” means** a person who on or after the date of commencement of this Act holds land on lease and cultivates it personally and includes a person who is 8 [or was] deemed to be a tenant under this Act;

A Person cannot be a tenant and also a Mundkar of the same property and the same Bhatkar.



A handwritten signature in blue ink, consisting of a stylized, cursive name.

13. With respect to para C (3) the answering Respondent states that the contents are denied as the electricity bill, water bill the house tax might be of the old house which is now not standing in the same position as it was earlier. As the Violations noted at the time of Site Inspection by the Engineers of the GCZMA is that all the 8 structures are used for commercial purpose and that too without any permissions from the GCZMA.

14. That the Respondent had obtained permission for repairs of the structure but there are 8 structures on site which belong to the Appellant and all are used for commercial purposes. (Enclosed Copy of the Site Inspection Report and the Photographs which identify the illegal structures of the Appellant and marked as **"ANNEXURE A"**).

15. With respect to para C (4) the answering Respondent are wrong as the provisions under which the Appellants have filed the Mundkar application is for registration and the Registration is a temporary process and does not confirm that the Appellants are a Mundkar. There has to be an application filed for declaration of Mundkarship incase he needs to be confirmed and claim benefits.



16. The Respondent No.1 states that,

**1. "Declaration of Mundkarship (Section 8-A):**

*This involves a formal application to the Mamlatdar, who then conducts an inquiry and makes a ruling on whether the applicant is a mundkar. This ruling has the effect of definitively establishing or denying the applicant's mundkar rights.*

**2. Registration of Mundkar (Section 29):**

*This is an administrative process where the Mamlatdar maintains a register of mundkars based on initial inquiries and a presumption of truth. The entries in this register are not conclusive and can be challenged through a declaration process under Section 8-A."*

17. With respect to para C (5) the answering Respondent states that the Mundkar house cannot be a G+3 structure in the NDZ the very fact that the nature of the House has changed, and the old house is demolished and a new building is standing clearly proves that the Respondent has not obtained fresh permission from the GCZMA. Moreover, the document produced by the



*[Handwritten signature]*

Appellant at page 57 of the paper book says a "Ground Floor structure" but the violations noted by the Inspecting team of the GCZMA Noted 8 structures as shown in the Directions listed at page 21 of the paper book.

18. With respect to para C (6) the answering Respondent states that the contents are denied for want of knowledge. The Respondent states that the plan produced by the Appellant wherein the GCZMA had granted approval, it was for repairs of the structure but the structure is not standing in the same position as it was in 2007, further the plan which is supposedly a part and parcel of the permission so granted by the Village Panchayat of Morjim is crafted with font of computerised print. This permission is of the year 16/04/1988 when computers were not existing or available in the State of Goa. Secondly, the property bearing Sy No 119/3A does not belong to the Appellant and the Appellant was trying to hoodwink the Authority by placing concocted and fabricated plan. That apart the signature of the owner and the engineer is also missing on this plan. Furthermore, the said plan bears an endorsement of the Assistant Engineer attached to sub division



3 works division 2 of PWD Pernem Goa, which endorsement is dated 16/04/1988. Astonishingly, this very same date is also mentioned on the permission conveyed by Village Panchayat of Morjim. We find it hard to conceal and conceptualize that without placing the request of the applicant in the fortnightly meeting of the Panchayat permission is granted by the Village Panchayat on the very same day the plans stood to get approved at the hands of the Assistant Engineer of PWD.



19. With respect to para C (7) the answering Respondent is denied for want of knowledge.
20. With respect to para C (8) the answering Respondent is denied as the issue of Mundkarship has been discussed herein above in the preceding paras.
21. With respect to para C (9) the answering Respondent states that Show Cause Notice was issued to the Appellants but the other contents are denied
22. With respect to para C (10) and (11) the answering Respondent denies the contents

23. With respect to para C (12) the answering Respondent has clearly stated the documents of Mundkarship is only a registration and not a declaration that he is a Mundkar, secondly the plan is an unsigned plan and is of Sy No 119/3A and the SCN pertains to 119/3 hence the same could not be considered further, the Electricity bill does not have house number mentioned on the bill as such the same does not certify the electricity is released for which house and survey number which is in dispute., the House tax is for the old house but now the structure is not standing rather, the nature of the house has changed and there are 8 structures which are used for commercial purpose and are erected without any approval from the GCZMA hence cannot be considered. Occupancy produced is for the structure in Sy No 119/3A and the structures in the notice is for House No 119/3.



24. With respect to para C (13) the answering Respondent denies the contents as the same is verbal and not supported with any documentary proof that the 8 structures standing in Sy No. 119/3 is legal and erected with valid permission.

25. With respect to para C (14) the answering Respondent denies the contents. It is stated that an old house of ground floor might have been there as the GCZMA had granted permission but the present structures standing on site are eight in number and the Appellants have failed to produce valid permission. The Appellant has failed to corroborate the House tax certificate with the house standing in Sy No 119/3.



26. With respect to para C (15) the answering Respondent denies as the same has no relevance in this matter and neither does it prove this case.

27. With respect to para C (16) the answering Respondent leaves it up to the Hon'ble NGT to decide based on the clarification given above.

28. With respect to para D (i) the answering Respondent denies for want of knowledge.

29. With respect to para D (ii), (v), (vi) the answering Respondent denies as the electricity bill produced does not bear house number of the Appellant hence it is difficult to establish if the bill pertains to the structures in issue

30. With respect to para D (iii), (vii) the answering Respondent water bill might be for the old structure for which repairs was sought but it is not in the same position it was then as it is subsumed into the illegal construction carried out by the Appellants.

31. With respect to para D (iv) the answering Respondent denies for want of knowledge as the document produced by the Appellant is a registration order it is not declaration of Mundkarship and as such he does not get / can claim total rights of the Mundkar.

32. With respect to para D (viii) the answering Respondent denies the contents. The copies of the Site Inspection report was given to the Appellant at the time of hearing before the Authority and the hearing was carried out and decision was arrived at by the Authority based on which this Appeal lies.

33. With respect to para D (ix), (x) the answering Respondent denies the contents of the para

34. With respect to para D (xi) and (xiii) the answering Respondent denies the contents of the para. It was for the



Appellant to establish that all his structures in the Show Cause Notice were standing with approval which he has miserably failed hence the Directions under Section 5 was issued to the Appellant.



35. With respect to para D (xii) the answering Respondent the contents are denies as from the photographs attached to the Site Inspection Report clearly shows that the structures are commercial in nature.

36. With respect to para 17, 18,19,20,21 and 22 the answering Respondent states that he offers no comments

37. With respect to para E the answering Respondent admits the contents of limitation

38. With respect to para F the answering Respondent states that the prayers, prayed for may be dismissed and the Order be upheld.

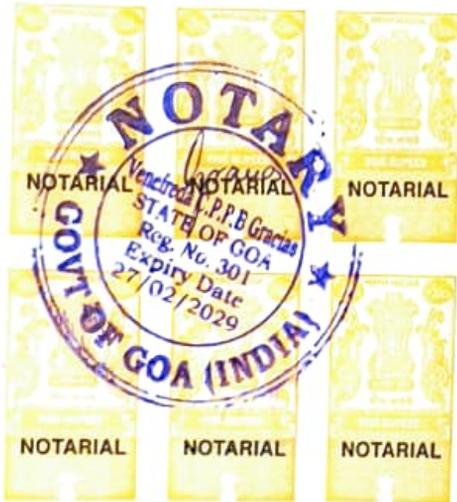
I say that the Contents mentioned herein above are true and correct to the best of my knowledge and as per documents available on record.

Solemnly affirmed at Panaji on this 26<sup>th</sup> day of April 2025



**Shri Sachin S Desai,  
Member Secretary**

**Goa Coastal Zone Management Authority**



Solemnly Affirmed Before me by  
Sachin S. Desai  
who is identified before me by

\_\_\_\_\_ at Calangute - Goa

Sr. No. 302 06 / 2025

Date: 11/06/2025

*Gracias*  
Venetreda C.P.B. Gracias  
Advocate & Notary  
Bardez-Goa