

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

Appeal No. 29/2023

M/s Riva Resorts Pvt Ltd.

....APPELLANT

VERSUS

The Goa Coastal Zone

Management Authority & Ors

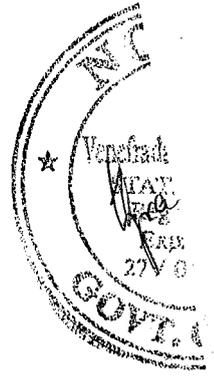
....RESPONDENTS

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

I, Shri. Johnson B. Fernandes, Adult, presently working as the Member Secretary of the Respondent No. 1 having my office at 4th Floor, Dempo Towers, Patto, Panaji – Goa, do hereby beg to state on solemn affirmation as under:

1. I say and submit that I haven gone through the records of the present matter and after going through the relevant office records I am filing the present Affidavit. However, I should not be deemed to admit anything which is contrary to or inconsistent with what is stated hereinafter in the absence of specific denial.

2. At the outset the proceedings filed by the Appellant are not maintainable on account of Doctrine of merger and the Appellant is dragging the proceeding taking undue advantage by taking recourse through various courts with malafide intention to stall the process of demolition of the offending structure.
3. The Respondent submits that the Appellant has gone overboard by seeking recourse to the status quo order passed by the Hon'ble Supreme Court in Civil Appeal No 1823/2013 and by paying truant rule of the Law. The Appellant without abiding to the rule of Law has gone ahead and constructed additional structures which are devoid of any substance as he failed to produce any such evidence to substantiate the fact that the same were in existence prior to 1991.
4. The Respondent submits that the document on which the Appellant is relying has raised serious doubts. The same cannot be relied upon to prove that the structures existed prior to 1991. The DSLR who is the custodian of all cadastral and survey plans has provided the copy of the original sheet of the same property to the Respondent No. 1; where there are aberrations see on the document at Page No. 98 of the Appeal Memo. Without prejudice to the Respondent submits that the Appellant is willfully deviating complying to the directions. The Appellant is making hay by protecting litigation which has once culminated by way of demolition order passed by this Authority dated 22/06/2012. The





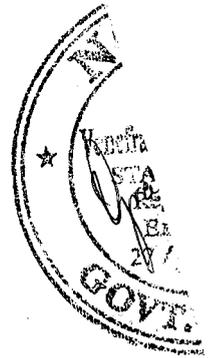
Appellant has dragged the litigation for the passed 11 years on the pretext of Status Quo granted by the Apex Court in Civil Appeal No. 1823 of 2023 and modification within the same property under dispute without the fear of Law.

5. The Respondent submits that there are serious doubts on the authenticity of the documents which are placed at Page No. 98. I say and submit that the DSLR document on which the Appellant is placing its reliance on, is not in consonance with the legacy records maintained by them. The copy of the records as obtained DSLR is placed herein and marked as “Annexure A Colly”. The Deviation from the original can be seen from the same.

6. The Respondent submits that if the document at Page No. 138 is perused and compared with the documents at Page. 136 and 116 one can fathom the amount of illegalities which were existing as in the year 2009 and which were prevalent as on date. The Respondent submits that the Appellant cannot restrict the Authority from taking cognizance of the facts which may not have been pleaded by the original complainant. However, in the present position Respondent / GCZMA has taken note of the report prepared by the official of the DSLR and based on that have taken cognizance of the vast illegalities in the properties. It is reiterated that the Appellant is a habitual offender having no regards and respect to the law and in order to conceal his mischievous act is wanting a site inspection to be carried out in his presence.

The Appellant has not raised any doubts for acts of commission or omission on the part of the inspecting team who has prepared the plan and which are at page nos. 98, 138, 136 and 116.

7. The Respondent submits that the measurements of any offending structure is not sine quo non for highlighting that the structure in question would stand to be legal in nature if there is already an authorized legal structure and only if it is purportedly extended then perhaps measurements will be a primary requirement. In the case at hand there is no such defence. Therefore, the Authority has determined all the structures to be illegal and hence has ordered the same to be demolished.
8. The Respondent submits that the survey records prior to promulgation were kept in public domain for inviting suggestion and objections. The methodology which was adopted was by preparation of Form I, Form IV and thereafter Form III was prepared. This Form III was placed in public domain and after hearing the suggestions and objections the Form I and XIV (RoR) was prepared. Hence to cast any aspersions on any department for failure to show the existing structures would be hypothetical propositions. Considering the documents placed by the Appellant at Page No. 98, 138, 136 and 116 which has to be considered as a whole and not in isolation.





9. The Respondent submits that the Authority does not have jurisdiction to decide upon the provisions of Land revenue Code of the property in question.
10. The Respondent submits that in para 16 of the appeal he has admitted of the several structures being there in the properties apart of which has been depicted at Page 138. However, in the defence taken by the Appellant, vide reply tendered on 7/10/2013, no such averments have been made. Even the photographs clicked at that relevant point of time does not show the structures which are now existing and more particularly shown by the Appellant at page nos. 116, 136 read with page 138. The question of fresh site inspection being carried out when the offending structures have already been surveyed in the year 2020 does not arise as this would only add to the advantage of the Appellant to cause delay.
11. Authority has passed orders on merits and hence to need to hear the interim applications in peace meal does not arise.
12. The Respondent has passed the directions with proper application of mind and with due diligence and not in whist for being under pressure. The Appellant is trying to gain sympathy of this Court to somehow or the other seek a remand from this Hon'ble Tribunal which should in no way be granted because it would only lead to second innings leading to another 13 to 15 years of the matter being languished before different forums.

13. According to me following questions/points are to be replied.

- a. Preliminary objection on maintainability was not heard and matter was finally decided on merits... Whether the Appellant was heard on merit of the case?

Yes, the matter was well heard and was considered to be maintainable.

- b. How Show Cause was issued with respect to Sy No. 274/3 and 277/2 and Order was passed regarding structures on Sy No. 273/3?

There was violation been found and construction was going on of the structures beyond the structure in question before the Supreme Court marked as “Annexure B Colly”

- c. Are the structures which are subject matter before the Supreme Court included in this impugned order?

No, the Structures are not been included in the said order.

- d. Is demolition of structure out of Sy No. 273/3 been directed to be demolished?

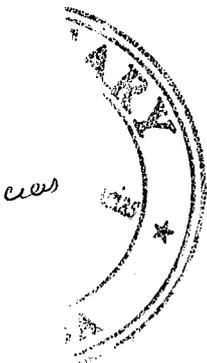
No. Kindly to refer to “Annexure B Colly”.

- e. Is DSLR Demolition Plan of 24.07.2012 under challenge/consideration before the Supreme Court?

Yes, it is as per the DSLR plan dated 24/07/2012 marked as “Annexure C Colly”

- f. Site Inspection Plan of 24.07.2012 is not consistent with Site Inspection Plan of Oct. 2020; what is the answer to this.





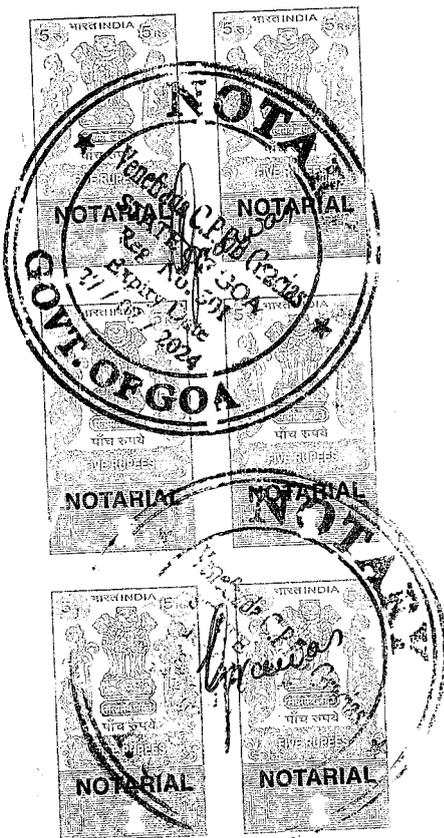
It is not in consistent as 68 more structures were constructed which is seen in the mapping done in Oct 2020 marked as "Annexure D Colly read with Annexure C Colly".

14. The Respondent submits that the Appeal be dismissed with exemplary cost and or in the interregnum the Appellant may be directed to stop all commercial activities carried out in the offending structures which has been lying intact as can be seen from the litigation which commenced in the year 2009 and resulted in status quo before the Hon'ble Supreme Court vide order dated 04/03/2013

Solemnly affirmed at Panaji, Goa,

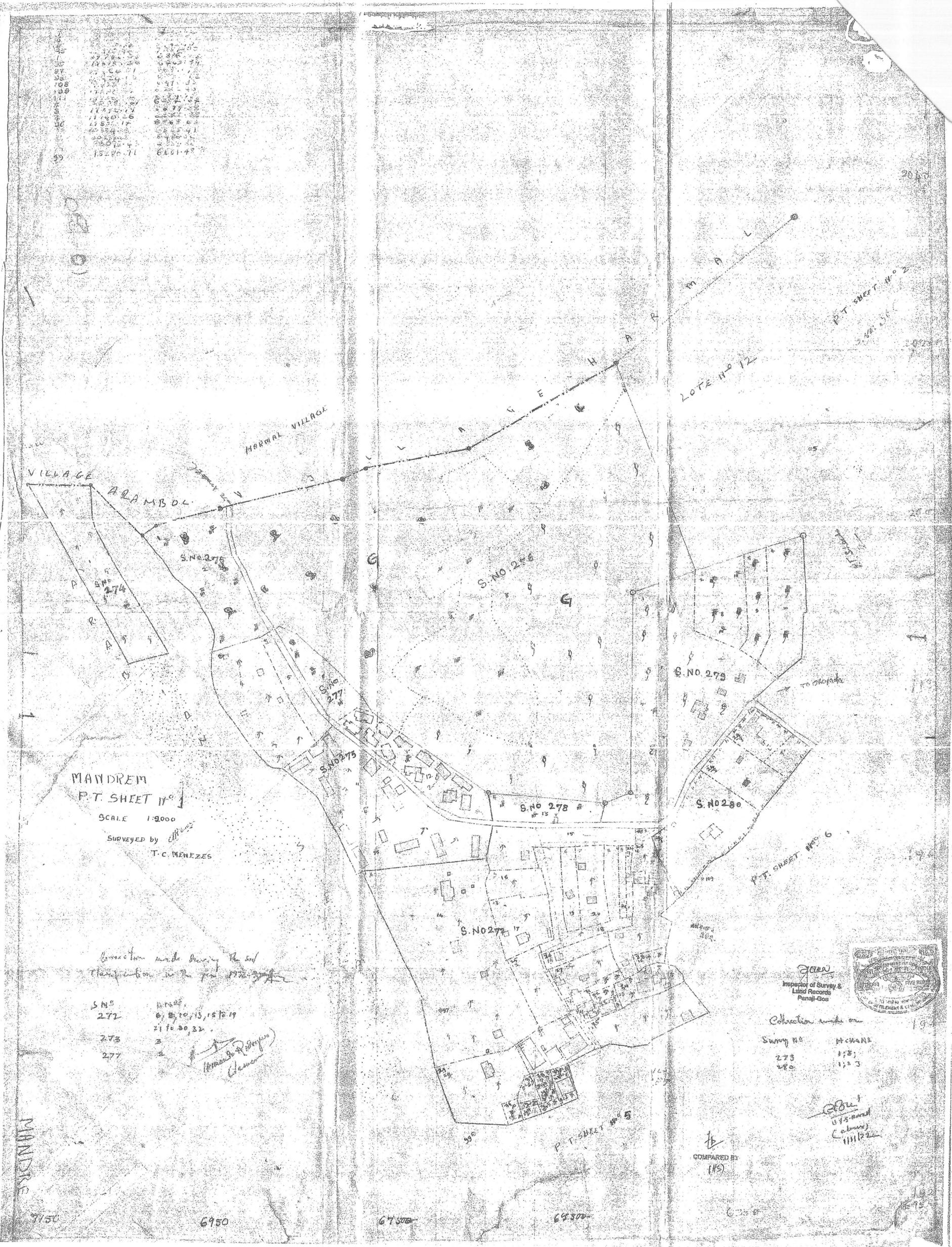
On this 31st day of January 2024.

[Signature]
DEPONENT



Executed before me
At Panjim Tiswadi - Goa
Reg. No. 15/01/2024
Dated: 31/01/2024

[Signature]
Monsieur O. P. D. GONDAPY
Monsieur O. P. D. GONDAPY



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MANDREM
P.T. SHEET IV^o
SCALE 1:2000
SURVEYED BY
T.C. MENDEZ

Connection made during the survey
Modification in the year 1972

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INSPECTOR OF SURVEY & LAND RECORDS
PANAJI-GOIA

Collection with on

Survey No.	McWANS
273	1, 2
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11/1/72

COMPARED BY
(15)

MANDREM

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GOA COASTAL ZONE MANAGEMENT AUTHORITY

C/o Department of Environment and Climate Change (Govt. of Goa)

4th floor, Dempo Towers, Patto, Panaji-Goa

E-mail: goacoastalzone@gmail.com

no. GCZMA/PER/MAH/WP NO. 32/2023/22-23/02/1739 Dated: 29/09/2023

ORDER**DIRECTION UNDER SECTION 5 OF THE ENVIRONMENT (PROTECTION) ACT, 1986, READ WITH RULE OF THE ENVIRONMENT (PROTECTION) RULES, 1986.**

WHEREAS, the Goa Coastal Zone Management Authority (hereinafter referred to as 'the GCZMA' in short) has been constituted by the Ministry of Environment & Forests (MoEF), Government of India pursuant to the directions of the Hon'ble Supreme Court of India to deal, inter alia, with violation of the Coastal Regulation Zone (CRZ) Notification 2011 and implementation of the CRZ Notification.

AND WHEREAS, GCZMA issued order dated 22/06/2012 directing M/s Riva Beach Resort Pvt.Ltd to demolish seven(7) structures situated in survey No.273/3 of village Mandrem of Pernem Taluka under section 5 of the Environment (Protection) Act, 1986 read with sub-rule (3) (a) of rule 4 of the Environment (Protection) Rules, 1986.

AND WHEREAS being aggrieved by said directions the owner of M/s Riva Beach Resort Pvt.Ltd preferred appeal before hon'ble NGT which was dismissed vide order dated 21/02/2013.

AND WHEREAS being aggrieved on Hon'ble NGT order dated 21/02/2013 the Respondent the owner of M/s Riva Beach Resort Pvt.Ltd preferred Civil Appeal No.1823/13 before the hon'ble Supreme Court of India and vide interim Order dated 04/03/2013 direct parties to maintain status quo with regard to structures in question.

AND WHEREAS despite of the Hon'ble supreme court direction to maintain status quo it was brought to light of Authority that owner of property violated the status quo direction of hon'ble supreme court of India by constructing multiple additional structures in said property.

AND WHEREAS in view of that Authority vide its notice No.GCZMA/PER/MAH/09-10/28/586 dated 11/09/2020 directed Expert Members of Authority to carry out site inspection on 01/10/2020 and whereas as per direction of Authority, Expert Members of Authority conducted site inspection of property surveyed under survey No.273/3 of village Mandrem and submitted report. Whereas from site inspection report dated 01/10/2020, it was revealed that there were massive changes in said land wherein several additional structures were constructed in said property surveyed under survey No. 273/3 of village Mandrem of Pernem Taluka by the M/s Riva Beach Resort Pvt.Ltd and for that reason Authority directed ISLR of Pernem Taluka to carry out site inspection and to do detail mapping of the structures in said survey No. 273/3 of village Mandrem of Pernem Taluka in order to ascertain the additional violation carried out by violators in said property.

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AND WHEREAS ISLR of Pernem Taluka carried out site inspection of survey No. 273/3 of village Mandrem and also done detail mapping of site. ISLR Pernem Taluka submitted the report of mapping before the Authority on 03/11/2020 and on perusal of mapping Authority noted that there are several additional structures erected beside the seven original structures which were directed to demolished by GCZMA vide its order dated 22/06/2012. In view of that Authority noted there are major violations in terms of CRZ regulations

AND WHEREAS Mr.Tousif Ahamad Rafikahamad Momin filed representation on 25/05/2022 before the Authority with request to take necessary action against M/s Riva Beach Resort Pvt.Ltd. with regard to illegal construction carried out in property survey No.274/3 of village Mandrem.

WHEREAS Mr.Tousif Ahamad Rafikahamad Momin approached before Hon,ble High court of Bombay at Goa with writ petition No.32/2023(F) and prayed for direction be issued to GCZMA to adjudicate over the complaint dated 25/05/2022 filed by Mr.Tousif Ahamad Rafikahamad Momin before GCZMA in view of that this Authority issued show GCZMA issued Show Cause Notice dated 23/02/2023.

WHEREAS the said matter was deliberate during 337th GCZMA meeting held on 23/03/2023. Advocate Pankaj Vernekar appeared for the Respondent and sought time to file reply. Further he submitted that pursuant to the Order passed by Hon'ble High Court of Bombay at Goa, 3 months' time is given to the Authority to decide the matter. The Authority after hearing Respondent decided to post the matter on 05/04/2023 at 3.00 pm.

WHEREAS during 338th GCZMA meeting held on 05/04/2023. Advocate Chaitanya Padgaonkar appeared for the Complainant. Advocate N Nadkarni appeared for the Respondent. Advocate for the Complainant submitted that they have filed complaint before this Authority but no action has been taken till date and no site inspection has been carried out. Advocate for the Complainant requested to carry joint site inspection of the site. He further submitted that Hon'ble Supreme Court has granted Status Quo, however Respondent has carried out further illegal extensions. Advocate for the Respondent sought time to file a reply. She further raised preliminary objections to conduct site inspection and submitted that the Hon'ble Supreme Court has granted them Status Quo. The Authority after hearing both the parties directed Respondent to file detailed reply and further directed Complainant to file written submission on the issue of maintainability of the case. The matter is further posted on 27/04/2023 at 3.00 pm.

WHEREAS during 341st GCZMA meeting held on 27/04/2023 Advocate Chaitanya Padgaonkar present for the Complainant. Advocate Pankaj Vernekar appeared for the Respondent. Advocate for the Respondent read out the Judgment passed by Hon'ble Supreme Court and submitted that Hon'ble Supreme Court has granted Status Quo. Advocate for the Complainant requested to carry out joint site inspection of the site. He further submitted that Hon'ble Supreme Court has granted Status Quo, however Respondent has carried out further illegal extensions. The Authority after hearing both the parties decided to post the matter on 11/05/2023 at 3.30 pm for arguments.

WHEREAS during 343rd GCZMA meeting held on 11/05/2023 Advocate for Respondent Shri. Pankaj Vernekar was present. Advocate for complainant present. Advocate for Respondent argued in length. Authority heard the argument and posted matter for order.

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The Authority perused all the documents produced by Complainant and the Respondents as well as the reply and rejoinder filed by the parties and gave due consideration to the oral submissions advanced by the parties.

The case of the complainant briefly can be seen as under:-

- 1) The Respondent has constructed multiple illegal structures in property survey No.273/3 of village Mandrem.
- 2) Respondent constructed various illegal structures within NDZ without obtaining GCZMA permission .
- 3) The Respondent in the year 2018 has done new illegal construction of compound wall,swimming pool and 10 pucca structures which includes spa,guest house, kitchen/toilet,Hall/Restaurant,store room,permanent structures,4 guest houses and septic tank using material like laterite stones,cement,sand RCC construction etc.
- 4) In the same year of 2019 respondent carried out further illegal construction of various temporary structures like pump house, 13 sheds,restaurant,cloth shop,about 41 huts,office,reception,security cabin.
- 5) In the year 2019 Respondent has carried out further illegal construction of ground plus one permanent structure in property survey No.273/3 of village Mandrem.
- 6) In the period of covid-19 pandemic year of 2021 Respondent constructed illegal about 9 pucca structures,two compound walls and wooden bridge in property survey No.273/3 of village Mandrem.
- 7) The GCZMA issued demolition order dated 22/06/2012 directing M/s Riva Beach Resort Pvt.Ltd to demolish seven(7) structures situated in survey No.273/3 of village Mandrem of Pernem Taluka. The Respondent preferred appeal before hon'ble NGT which was dismissed vide order dated 21/02/2013 being aggrieved on Hon'ble NGT order dated 21/02/2013 the Respondent the owner of M/s Riva Beach Resort Pvt.Ltd preferred Civil Appeal No.1823/13 before the hon'ble Supreme Court of India and vide interim Order dated 04/03/2013 direct parties to maintain status quo with regard to structures in question..
- 8) The Respondent constructed additional structures other than structures which are subject matter in Civil appeal before Hon'ble Supreme Court of India.
- 9) The Respondent on his own admitted there were only 7 structures at loco and whereas presently there are several new structures which have been illegally constructed by Respondent after the year 2013 wherein status Quo order been passed Hon'ble Supreme Court of India.
- 10)The order of status quo passed by Hon'ble Supreme Court of India protecting the seven structures of Respondent cannot act as license for the Respondent to construct more illegal structures.

The case of the Respondent briefly can be seen as under:-

1. The show cause notice issued to Respondent is misconceived and bad in law
2. Further the site inspection carried out by the Expert Member of Authority in year 2020 itself is flawed and factually incorrect. The Respondent stated that several structures which are incorrectly depicted in site inspection conducted in year 2020 same is subsequently removed/demolished by Respondent.
3. The several structures identified in site inspection report of the year 2020 are admittedly part of proceeding pending before Supreme court and for which interim relief has been granted directing parties to main status quo and said order still in

force and it would be subversive of judicial discipline to re-adjudicate a matter which is pending before Hon'ble Supreme Court .

4. The several structures shown in 2020 site inspection report are mis-described their actual position is at different location and some structures are presently not even in existence as same has either been dismantled/removed.
 5. Further the area forming part of said structures is owned by M/s Oasis Hospitality and same is not party in present matter.
 6. There were several other structures existed at loco beside seven structures identified by this Authority.
- 1) The Respondent in his reply relied upon following documents in support of his which can be seen as under:-
- a) Order dated 04/03/2013 passed by Hon'ble Supreme court.
 - b) P.T sheet of village Mandrem .
 - c) Consent operates issued by State pollution control Board.
 - d) Site inspection plan of October 2020.
 - e) Copy of show cause notice dated 23/10/2009.
 - f) Demolition order dated 22/06/2012.
 - g) Checklist dated 08/10/2009 addressed by Dy.collector of Pernem.
 - h) Notice of site inspection dated 09/12/2013 issued by GCZMA.

The issue to be determined by the authority in present matter can be seen below: -

- I. Whether Respondent constructed additional new structures after Order dated 04/03/2013 was passed by Hon'ble Supreme court to maintain status quo?
- II. Whether the Respondents justify that all structures depicted in October 2020 mapping report conducted by GCZMA existed prior to year 1991?

WHEREAS matter placed before Authority in 362nd Meeting held on 28/09/2023 and it was deliberated and decided as follows:

The Authority perused all the documents produced by Complainant and the Respondents as well as the reply and rejoinder filed by the parties and gave due consideration to the oral submissions advanced by the parties.

WHEREAS Authority noted that in the year 2009 GCZMA received complaint against M/s Riva Beach Resort for doing illegal construction in property surveyed under survey No.273/3 of village Mandrem of Pernem Taluka and based on complaint GCZMA conducted site inspection and identified seven illegal structures at loco for which show cause notice was issued to Respondent and during inquiry before GCZMA, Respondent failed to prove the legality of said 7 structures hence GCZMA issued demolition order against Respondent thereby directing Respondent to demolish all these seven structures.

WHEREAS Respondent preferred appeal before hon'ble NGT which was dismissed vide order dated 21/02/2013 and Respondent further preferred Civil Appeal No.1823/13 before the hon'ble Supreme Court of India and vide interim Order dated 04/03/2013 direct parties to maintain status quo with regard to structures in question.

WHEREAS the Authority noted that after order of status quo was passed by Hon'ble supreme court in year 2013, GCZMA received complaint contending that Respondent has constructed several other structures besides seven structures which are the subject matter before Hon'ble supreme court. GCZMA therefore issued direction to the DSLR to conduct site inspection and upon direction DSLR conducted site inspection and done mapping of subject matter property of Respondent in year 2020. Whereas upon perusal of mapping of year 2020 Authority noted several other additional structures hence the present matter for adjudication before this Authority.

WHEREAS the Authority observed the mapping done by DSLR upon direction from this Authority in the year 2012, wherein DSLR in its mapping marked and showed all existing structures at loco at that time in the property surveyed under survey No. 273/3 of village Mandrem of Pernem Taluka. Whereas out of which seven were identified and declared to be illegal by this Authority after due deliberation and proper inquiry and same are now subject matter before Supreme court of India by virtue of Order of status quo dated 04/03/2013. The Authority observed that the mapping done by DSLR in the year 2020 upon direction from this Authority of the same property surveyed under survey No. 273/3 of village Mandrem of Pernem Taluka and on mere perusal it can be noted that several new structures have come up after year 2012. On perusal of mapping of year 2012 and 2020 it can be seen that whatever new structures which are marked and depicted in October 2020 mapping were not in existing in year 2012 as same were not shown in 2012 mapping. In view of above Authority came to conclusion that whatever additional structures now shown in year 2020 mapping besides the structures shown in year 2012 shall be considered to be totally new structures and same are constructed only after year 2012. In view of that Authority came conclusion with respect to Issue No.I that Respondent has constructed additional new structures after year 2012 and after the Order dated 04/03/2013 passed by Hon'ble Supreme court to maintain status quo.

WHEREAS Authority observed that Respondent has not produced any documents and approval to justify the legality of additional structures which are now constructed after year 2012 by the Respondent. The Respondent has not produced any valid permission to establish that said additional structures are legal and authorized structures. On mere perusal of mapping of the year 2012 and 2020 it can be clearly seen that several additional multiple structures have been constructed after year 2012 in the property surveyed under survey No. 273/3 of village Mandrem of Pernem Taluka. It is case of Respondent that all structures which are shown in mapping of 2020 existed prior to 1991 however to prove his case Respondent has not produced any documents. Respondent has not produced any documents to establish the year of its existence. In view of that issue No.II involved in present matter whether the Respondent could justify that all structures depicted in October 2020 mapping report conducted by GCZMA existed prior to year 1991 is proved to be negative.

WHEREAS the Authority noted that the seven structures which are subject matter before supreme court and same are mapped in year 2012 by DSLR. The Authority through its technical team compared both mapping of year 2012 and 2020 conducted by DSLR upon instruction of Authority and after comparing both map of year 2012 and 2020 Authority identified new/additional structures on map of year 2020 prepared by DSLR after conducting site inspection. The Authority marked these new/additional structures as 1 to 68 on map prepared by DSLR in year 2020 and the Authority observed that said structures have come up only after the mapping done by DSLR in year 2012 from that it clear that Respondent has constructed additional structures after the mapping done by DSLR in year

2012 and same are located in the property surveyed under survey No. 273/3 of village Mandrem of Pernem Taluka. Descriptions of structures as per DSLR mapping 2020 and by the Respondents in its reply which are now identified by this Authority as new and marked as 1 to 68 are as follows: -

Description of structures as per DSLR mapping done in year 2020	Description of structure as per Respondent Reply
Structure No.1 is Concrete platform	Structure No.1 is temporary wooden huts
Structure No.2 is Concrete platform	Structure No.2 is structure
Structure No.3 is RCC structure under construction	Structure No.3 not mentioned
Structure No.4 is RCC structure under construction	Structure No.4 is hotel lobby
Structure No.5 is tiled footpath	Structure No.5 is not mentioned
Structure No.6 is tiled footpath	Structure No.6 is not mentioned
Structure No.7 Swimming pool	Structure No.7 water harvesting pond
Structure No.8 new RCC structure	Structure No.8 hotel rooms
Structure No.9 are cottages	Structure No.9 hotel room
Structure No.10 tiled footpath	Structure No.10 not mentioned
Structure No.11 is structure	Structure No.11 is not mentioned
Structure No.12 is structure	Structure No.12 is mentioned
Structure No.13 is new RCC structure	Structure No.13 is not mentioned
Structure No.14 is structure	Structure No.14 part of bakery and toilet block
Structure No.15 new RCC structure	Structure No.15 part of bakery and toilet block
Structure No.16 is structure	Structure No.16 not mentioned
Structure No.17 is concrete platform	Structure No.17 is not mentioned
Structure No.18 is tiled footpath	Structure No.18 is not mentioned
Structure No.19 is structure	Structure No.19 is not mentioned
Structure No.20 is new RCC structure	Structure No.20 is banquet hall cum Ac room & store room
Structure No.21 is new RCC structure	Structure No.21 is banquet hall cum Ac room & store room
Structure No.22 is concrete platform	Structure No.22 is banquet hall cum Ac room & store room
Structure No.23 is concrete platform	Structure No.23 is not mentioned
Structure No.24 is concrete platform	Structure No.24 is not mentioned
Structure No.25 is concrete platform	Structure No.25 is not mentioned
Structure No.26 is swimming pool	Structure No.26 is not mentioned
Structure No.27 is concrete platform	Structure No.27 is dance floor
Structure No.28 is new RCC structure	Structure No.28 is not mentioned
Structure No.29 is tiled footpath	Structure No.29 is not mentioned
Structure No.30 is PCC pathway/Ramp	Structure No.30 is not mentioned
Structure No.31 is new RCC structure	Structure No.31 is not mentioned
Structure No.32 is tiled sitout	Structure No.32 is not mentioned
Structure No.33 is new RCC structure	Structure No.33 is spa
Structure No.34 is swimming pool	Structure No.34 is water harvesting pond
Structure No.35 is swimming pool	Structure No.35 is water harvesting pond
Structure No.36 is new RCC structure	Structure No.36 is spa

Structure No.37 is concrete platform	Structure No.37 is spa
Structure No.38 is concrete platform	Structure No.38 is hotel room
Structure No.39 is structure	Structure No.39 is hotel room
Structure No.40 is structure	Structure No.40 is hotel room
Structure No.41 is structure	Structure No.41 is hotel room
Structure No.42 is structure	Structure No.42 is hotel room
Structure No.43 is new RCC structure	Structure No.43 is STP
Structure No.44 is new RCC structure	Structure No.44 is STP
Structure No.45 is structure	Structure No.45 is temporary wooden cottages block
Structure No.46 is concrete platform	Structure No.46 is temporary wooden cottages block
Structure No.47 is concrete platform	Structure No.47 is temporary wooden cottages block
Structure No.48 is concrete platform	Structure No.48 is temporary wooden cottages block
Structure No.49 is concrete platform	Structure No.49 is temporary wooden cottages block
Structure No.50 is tiled footpath	Structure No.50 is not mentioned
Structure No.51 is structure	Structure No.51 is not mentioned
Structure No.52 is PCC pathway/Ramp	Structure No.52 is not mentioned
Structure No.53 is structure	Structure No.53 is wooden platform
Structure No.54 is concrete platform	Structure No.54 is badminton court
Structure No.55 is structure	Structure No.55 is generator-set and transformer
Structure No.56 is structure	Structure No.56 is not mentioned
Structure No.57 is structure	Structure No.57 is not mentioned
Structure No.58 is new RCC structure	Structure No.58 is one block structure
Structure No.59 is new RCC structure	Structure No.59 is one block structure
Structure No.60 is tiled sitout	Structure No.60 is not mentioned
Structure No.61 is tiled sitout	Structure No.61 is not mentioned
Structure No.62 is tiled sitout	Structure No.62 is not mentioned
Structure No.63 is tiled sitout	Structure No.63 is not mentioned
Structure No.64 is tiled sitout	Structure No.64 is not mentioned
Structure No.65 is tiled sitout	Structure No.65 is not mentioned
Structure No.66 is wooden bridge	Structure No.66 is not mentioned
Structure No.67 is structure	Structure No.67 is not mentioned
Structure No.68 is PCC pathway	Structure No.68 is not mentioned

In view of above it is very much evident that there are additional structures that have come up in the property surveyed under survey No. 273/3 of village Mandrem after the mapping done by DSLR in year 2012 as whatever new structures now marked and identified by the technical team of this Authority as 1 to 68 on year 2020 mapping were not in existence/shown in the year 2012 mapping.

WHEREAS The Authority noted that seven structures which are directed by this Authority to be demolished in survey No. 273/3 of village Mandrem of Pernem Taluka and which are sub judice before Hon'ble supreme court, the Respondent besides these seven structures and also all other structures which shown at time of mapping done by DSLR in year 2012,

has constructed new/additional structures without obtaining any statutory permission from any of competent authorities which is clear from mapping done in year 2020.

WHEREAS the Authority noted the new structures which are constructed by Respondent in survey No. 273/3 of village Mandrem of Pernem Taluka comes within CRZ Jurisdiction and Respondent has not produced any documents to establish the legality of these structures.

In view of all above Authority came to conclusion that Respondent constructed new structures after year 2012 mapping done by DSLR and none of them are subject matter structures before the Hon'ble Supreme court of India as these structures were not in existence in year 2012 and these structures come up in said survey number 273/3 of village Mandrem of Pernem Taluka only after mapping done by DSLR in year 2012 which is very much evident as these structures are not reflected in said mapping conducted in year 2012 and same are shown in only in 2020 mapping. The Authority marked these additional structures which are constructed after year 2012 mapping as 1 to 68 for identification purpose on 2020 map and Authority consider all these structures as illegal structures as same are constructed by Respondent without any statutory permission from any of competent authorities therefore Authority hereby direct Respondent to demolish all new/additional structures which are shown and marked as 1 to 68 on map attached herein for identification purpose.

NOW THEREFORE, in exercise of the powers conferred by section 5 of the Environment (Protection) Act, 1986 read with sub-rule (3) (a) of rule 4 of the Environment (Protection) Rules, 1986, 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, the GCZMA, hereby directs Respondent to demolish all new/additional structures in property surveyed under survey number 273/3 of village Mandrem of Pernem Taluka which are shown and marked as 1 to 68 on map attached herein for identification purpose within 30 days from the receipt of this Order failing which the concerned Deputy Collector/ S.D.O Pernem Taluka Goa shall demolish all the structures as mention herein in above within 30 days and recover the expenses incurred on demolition from Respondent as the arrears of land revenue. Further, Dy. Collector & S.D.O of Pernem is required to submit a compliance report in respect of aforesaid directions to the GCZMA within 10 days upon expiry of the aforementioned 30 days' time period.

The proceedings are disposed off accordingly.

Dr. Snelka Gitte

(Dr. Snelka Gitte IAS)

Member Secretary (GCZMA)

✓ M/s Riva Beach Resort Pvt.Ltd ,Mandrem Road Mandrem Pernem-
Goa(Violator)

Copy to

1.The Collector & District Magistrate (North), Office of the Collector (North), Panaji-Goa... *for information and necessary action.*

2.The Dy. Collector & S.D.O of Pernem Taluka, Pernem -Goa... *for information and necessary action.*

3.The Secretary, Village Panchayat of Mandrem, Pernem -Goa... *for information and necessary action.*

Mr.Tousif Ahamad Rafikahamad Momin R/o Flat No.506,Gera Astoria caranzalem ,Panaji Goa(Complainant)for information

INFORMATION ISSUED UNDER RTI ACT, 2005



GOVERNMENT OF GOA
Directorate of Settlement and Land Records

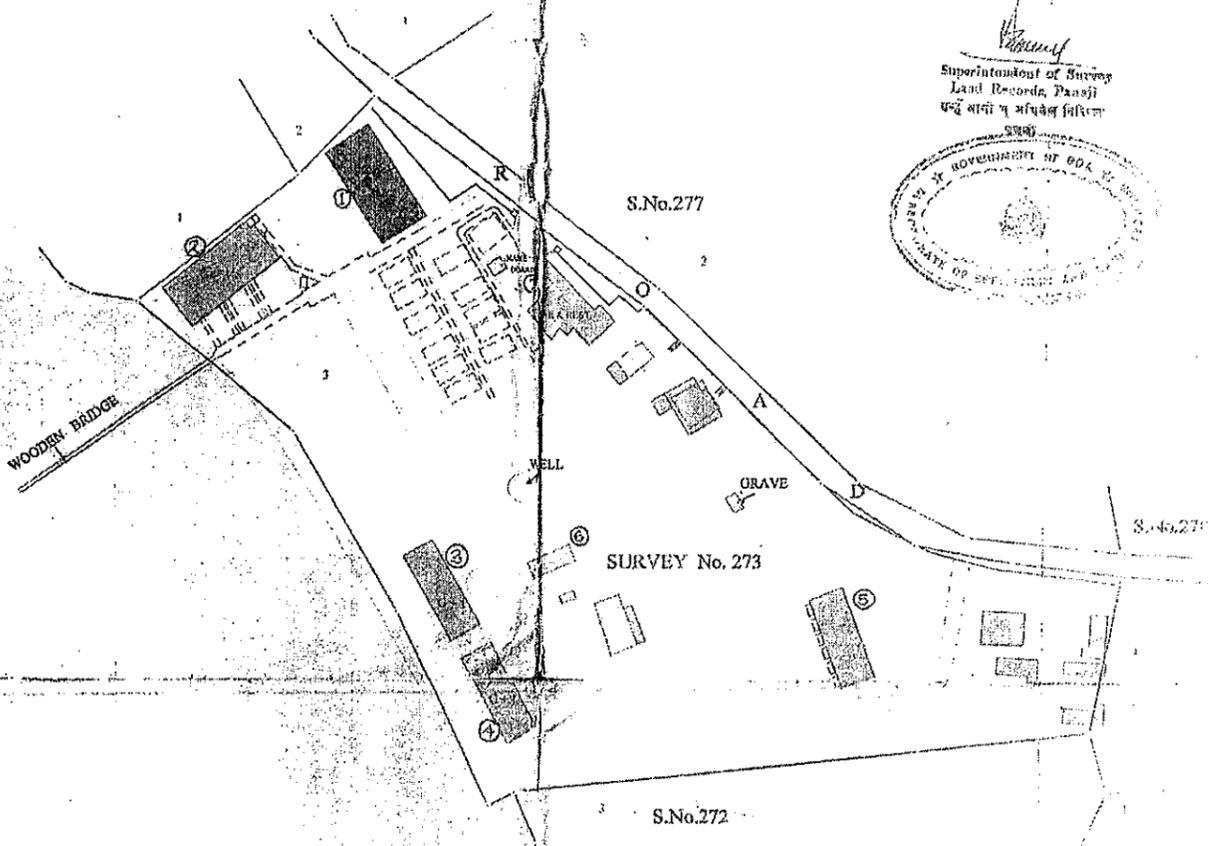
PANAJI - GOA

Site Plan showing structures surveyed as per the directions of Goa Coastal Zone Management Authority, Salgao - Goa vide their letter No. CZMA/PER/MAN/09-10/28/166 dtd. 17/07/2012 in Survey No. 273 of Mandrem village of Pernem Taluka falling within 200mts. from High Tide Line of village Mandrem of Pernem Taluka.

Scale 1:1000

NOTE:-

THE LEGALITY / ILLEGALITY OF STRUCTURES SHOWN ON THIS PLAN IS NOT KNOWN AND THEREFORE THIS PLAN SHALL NOT BE USED FOR ANY PURPOSE SUCH AS DEVELOPMENT OF STRUCTURES, REVENUE SURVEY MATTERS, OBTAINING LICENSES, PERMISSIONS, CONVERSION OF LAND, ETC. THIS PLAN SHALL BE USED FOR REFERENCE PURPOSE ONLY.



Superintendent of Survey
Land Records, Panaji
पंचायत व मंडळ सहायक

LEGEND:-

- NEW STRUCTURES SURVEYED ON 26/07/2012 & 21/07/2012.
- WOODEN STRUCTURES.
- OLD STRUCTURES (PRE-EXISTING).
- PATHWAY
- RATCHIA ROAD
- RETAINING WALL
- WOODEN FENCING

Note :-
This plan shall be read in conjunction with the letter No.19/DSL/R/survey cell/CRZ- Mapping/63/09/ dtd.

Surveyed by :- Shri Rajesh Harmalkar (F.S.)
Shri Siddesh S.N. Tuenkar (F.S.)

Prepared by :- Clancy Fernandes (F.S.)

Computer Generated On 24-07-2012

Compared by :- Arunkumar S. Dhale (Head Surveyor)
File No.19/DSL/R/survey cell/CRZ- Mapping/63/09



GOVERNMENT OF GOA
Directorate of Settlement and Land Records
Office of Inspector of Survey and Land Records
PERNEM-GOA

PLAN

SHOWING NEW STRUCTURES SURVEYED IN SURVEY NO. 273/3 OF MANDREM VILLAGE IN PERNEM TALUKA, VIDE NOTICE DATED 11/09/2020 AND 06/10/2020 RECEIVED FOR SITE INSPECTION FROM THE MEMBER SECRETARY, GOA COASTAL ZONE MANAGEMENT AUTHORITY, PORVORIM GOA.



SCALE : 1:1000

LEGEND:-

- New RCC Structure
- PCC Structure under construction
- Cottages
- Existing structures
- Swimming Pool / Water tank
- Tiled Sitout
- Tiled Footpath
- Concrete Platform
- Statue / Name board
- PCC Pathway / Ramp
- Retaining Wall
- Wooden Fencing
- 200 Mtrs. CRZ Line copied from map of village Mandrem in Pernem taluka available in office records.
- HTL

WOODEN BRIDGE

SURVEY No.273

S. No.272

NOTE :- THE LEGALITY / ILLEGALITY OF NEW STRUCTURES SHOWN ON THIS PLAN ARE NOT KNOWN. THE NEW STRUCTURES ARE SURVEYED AND MAPPED AS PER THE NOTICE RECEIVED FOR SITE INSPECTION FROM THE MEMBER SECRETARY, GOA COASTAL ZONE MANAGEMENT AUTHORITY, PORVORIM GOA.

PREPARED BY

SACHIN CHOWDHARI (F.S.)

SHRIKANT P. PATIL (F.S.)

SEEN BY

FIELD SURVEYOR
GCZMA, PORVORIM - GOA

SEEN BY

PRAKASH B. NAIK.
Head Surveyor

SURVEYED ON: 01/10/2020, 16/10/2020, 19/10/2020, 20/10/2020, 22/10/2020, 22/10/2020, 23/10/2020, 26/10/2020 TO 30/10/2020.