

BEFORE THE NATIONAL GREEN TRIBUNAL WESTERN
ZONE BENCH, PUNE

APPEAL NO. 29/2023(WZ)

M/S Riva Resorts

... Appellant

V/s

Goa Coastal Zone Management

Authority & Ors.

Respondents

...

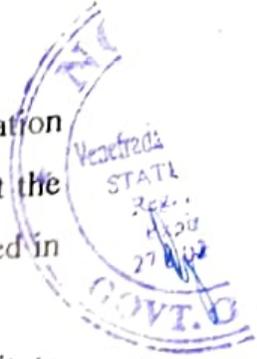
AFFIDAVIT IN REPLY TO THE OBJECTION DATED
31/05/2024 FILED BY THE APPELLANT

I, Johnson Bedy 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:

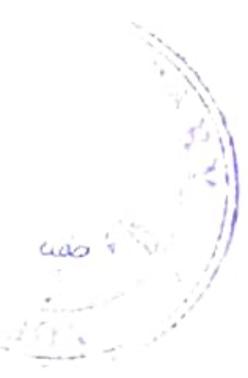
1. I say and submit that the present Respondent is filing the present Affidavit to clarify the issue with respect to the Survey Plan annexed to the Affidavits filed by the present Respondent. The answering Respondent would limit itself to the issue concerning the Annexure marked as Annexure "A" to the Affidavit dated 31/1/2024. The subsequent Additional affidavit dated 19/04/2024 whereby through substitute



Annexure A, a separate plan was placed for consideration before this Hon'ble Court to drive home the point that the document at page No.98 of the paperbook was fabricated in nature.



2. The answering Respondent whilst placing the substitute Annexure A vide Additional Affidavit dated 19/04/2024 has placed on record the said re-survey plan which re-survey was carried out in terms of Section 65-A of the Land Revenue Code which was only for the purpose of identifying additional structures which have cropped up on land after the initial survey which was first carried out in the State of Goa between the year 1968-1970.
3. The answering Respondent submits that the said substitute Annexure A annexed with the Affidavit dated 19.04.2024 may kindly be withdrawn . It is also submitted that the averments made in para 5 of the affidavit in reply dated 31/01/2024 may also be withdrawn to the extent it avers about serious doubts on the authenticity of the documents and Annexure A Colly . In other words, the plan marked in Annexure A Colly which is sought to be relied upon by the answering Respondent is the same document Annexed at page No. 98 of the appeal paper book.
4. I say that vide order dated 19/10/2023, the GCZMA was directed as under:



8. From the side of respondent No. 1- GCZMA, learned counsel Ms. Manasi Joshi has appeared, We direct her that the structured which have been identified for demolition earlier and regarding which the matter is pending before the Hon'ble Supreme Court, should be shown specifically along with their measurements and 68 structures which are being said to have been additionally constructed and have now been directed to be demolished by the impugned order, should be shown with their measurements alongwith their area specifically, by an affidavit to be filed from the side of respondent No. 1-GCZMA.

5. I Say that in terms of the order dated 19/10/2023, the plan showing the structure which have been identified for demolition earlier and regarding which the matter is pending before the Hon'ble Supreme Court along with their measurements is annexed hereto and marked as "Annexure A."
6. I Say that in terms of the order dated 19/10/2023, the plan showing the 68 structures which are being said to have been additionally constructed and have now been directed to be demolished by the impugned order along with their measurements and area is annexed hereto and marked as "Annexure B".
7. The Respondent submits that the appellant is trying to mislead this Court by taking defense which are irrelevant in nature.





8. I say that there being no merits in this Appeal filed by the Appellant, it is respectfully prayed that the said Appeal be dismissed with costs.

[Handwritten Signature]
DEPONENT

VERIFICATION

I, the above named Deponent, do hereby state on solemn oath affirmation that the facts stated hereinabove in this Affidavit in reply are true and correct to the best Knowledge, information and belief, and nothing has been concealed.

Verified at *Panaji* on this *10th* day of August, 2024



Executed before me
At Panjim Tiswadi - Goa
Reg. No. 115/08/2024
Dated: 10/08/2024

[Handwritten Signature]
DEPONENT *10/8/24*

[Handwritten Signature]
Venefrada C.P.P.B. Gracias
Advocate & Notary Goa State

Annexure A



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, Saligao - Goa vide their letter No.GCZMA/PER/MAN/09-10/28/466 dtd. 17/07/2012 in Survey No. 273 / 3 of Mandrem village of Pernem Taluka falling within 200mts. line from High Tide Line of village Mandrem of Pernem Taluka.

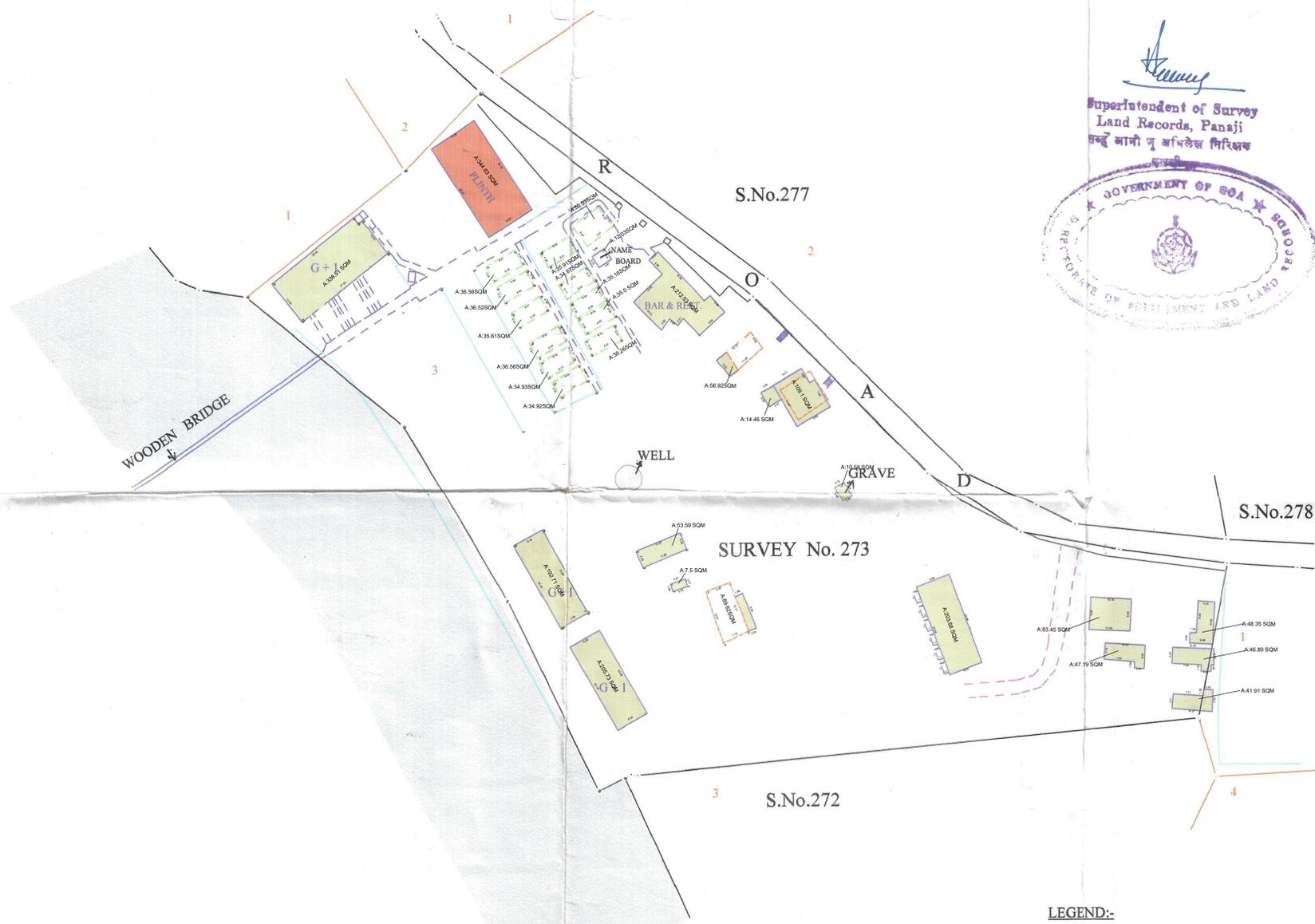
Scale 1:1000



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.

[Signature]
Superintendent of Survey
Land Records, Panaji
पन्हे बानी पु बभिलेस विरिख
GOVERNMENT OF GOA
DIRECTORATE OF SETTLEMENT AND LAND RECORDS



- LEGEND:-**
- NEW STRUCTURES SURVEYED ON 20/07/2012 & 21/07/2012.
 - WOODEN STRUCTURES
 - OLD STRUCTURE AS PER SURVEY PLAN
 - PATH WAY
 - KATCHA ROAD
 - RETAINING WALL
 - WOODEN FENCING

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

Surveyed by :- Shri Rajesh Harmalkar (F.S.) *[Signature]*

Shri Siddesh S.N. Tuenkar (F.S.) *[Signature]*

Prepared by :- Clancy Fernandes (F.S.) *[Signature]*

Computer Generated On 24-07-2012

[Signature]
Compared by :- Arunkumar S. Dhale (Head Surveyor)

File No.19/DSL/Resurvey cell/CRZ-Mapping/63/09

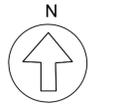
Annexure B



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.

NDZ LINE AS PER CZMP 2011



SCALE : 1:1000

LEGEND:-

- New RCC Structure
- RCC Structure under construction
- Cottages
- 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



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.

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.

PREPARED BY

Sd/-
 SACHIN CHOWDHARI (F.S.)
 Sd/-
 SHRIKANT P. PATIL (F.S.)

SEEN BY

Sd/-
 FIELD SURVEYOR
 GCZMA, PORVORIM - GOA

SEEN BY

Sd/-
 PRAKASH B. NAIK.
 Head Surveyor

AREA STATEMENT OF THE STRUCTURES		
STRUCTURE NO.	DESCRIPTION OF STRUCTURES AS PER ORDER	AREA IN SQ.MTRS
1	Concrete Platform	42
2	Concrete Platform	20
3	RCC Structure under construction	14
4	RCC Structure under construction	62
5	Tiled Footpath	172
6	Tiled Footpath	156
7	Swimming Pool / Water tank	48
8	New RCC Structure	216
9	Cottages	371
10	Tiled Footpath	95
11	Structure	30
12	Structure	9
13	New RCC Structure	62
14	Structure	64
15	New RCC Structure	73
16	Structure	37
17	Concrete Platform	127
18	Tiled Footpath	159
19	Structure	194
20	New RCC Structure	210
21	New RCC Structure	45
22	Concrete Platform	68
23	Concrete Platform	11
24	Concrete Platform	11
25	Concrete Platform	315
26	Swimming Pool / Water tank	105
27	Concrete Platform	185
28	New RCC Structure	57
29	Tiled Footpath	177
30	PCC Pathway / Ramp	74
31	New RCC Structure	71
32	Tiled Sitout	64
33	New RCC Structure	47
34	Swimming Pool / Water tank	18
35	Swimming Pool / Water tank	36
36	New RCC Structure	36
37	Concrete Platform	22
38	Concrete Platform	30
39	Structures	61
40	Structures	60
41	Structures	62
42	Structures	60
43	New RCC Structure	85
44	New RCC Structure	120
45	Structures	29
46	Concrete Platform	23
47	Concrete Platform	21
48	Concrete Platform	24
49	Concrete Platform	21
50	Tiled Footpath	240
51	Structures	6
52	PCC Pathway / Ramp	350
53	Structures	268
54	Concrete Platform	96
55	Structures	49
56	Structures	18
57	Structures	28
58	New RCC Structure	208
59	New RCC Structure	55
60	Tiled Sitout	8
61	Tiled Sitout	7
62	Tiled Sitout	7
63	Tiled Sitout	7
64	Tiled Sitout	7
65	Tiled Sitout	7
66	Wooden Bridge	103
67	Structures	109
68	PCC Pathway / Ramp	226