



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

**APPEAL NO. 32/2023(WZ)**

**Lawrence Fernandes**

**...Appellant**

**V/s**

**Goa Coastal Zone Management**

**Authority & Ors.**

**... Respondents**

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

I, Johnson Bedy Fernandes, Indian National, major of age, having office at 4<sup>th</sup> 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 that the Appeal filed by the Appellant is devoid of any merits and in short the contents of the pleadings contained therein are frivolous and vexatious and on this very count, the petition needs to be dismissed in limine by imposing exemplary costs.



2. I say that the Appellant has been seeking to protect the structure located in property bearing Sy. No. 12/3 of village Sernabatim of Salcete Taluka on the pretext of being a mundkarial house. For the sake of brevity the Answering Respondent would want to place on record that the mundkarial legislation which was beneficial legislation to protect the persons residing in dwelling houses located in the property of Bhatkars (Landlords) and the appointed date for eligibility to be a Mundkar was 12/03/1976.
3. I say that the Mundkar Act also provides for rights of inheritance but these mundkarial rights are not transferrable (Section 3 of the Mundkar Act).
4. I say that the entire petition of the Appellant is centered on the fact of the dwelling house bearing No. 108 being a mundkarial house, however the Sale Deed registered on 08/07/2011 discloses an altogether different scenario, opening up the pandora's box where rights have been transferred and not inherited and thus the Appellant cannot get himself clothed under the umbrella of Mundkar Act.
5. I say that the Appellant has not disputed the averments made by the original complainant wherein she has categorically stated that the house bearing No. 108 is located in property bearing Sy. No. 71/9 and this very house Number is sought to be relied upon for property

bearing Sy. No. 12/3 which again goes to the bottom of the case of misguiding and misleading the Authority.



6. I say that J. B. Guest House which is subject matter of this appeal by its very nomenclature cannot be said to be a mundkarial house of the Appellant.
  
7. I say that the Appellant is trying to hoodwink this court by harping upon the dwelling house being a mundkarial house when infact upon purchase of the part of the area of the property bearing Sy. No. 12/3 of village Sernabatim through a sale deed has cunningly and surreptitiously obtained an mundkarial order much after the purchase of land in 2011 which itself speaks volumes about the conduct and demeanour of the Appellant.
  
8. I say that there being no merits in this Appeal filed by the Appellant, and it is respectfully prayed that the said Appeal be dismissed with costs.

  
DEPONENT

VERIFICATION

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GOA

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

Verified at Panaji on this 09<sup>th</sup> day of May, 2024.



*Gracias*  
DEPONENT *alsks*

Executed before me  
At Calangute Bardez - Goa  
Reg. No. 77/05/2024/P  
Dated: 09/05/2024

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