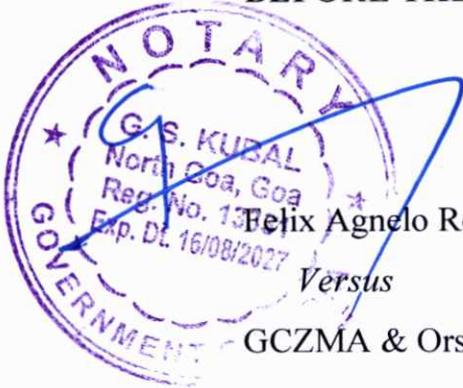


**BEFORE THE NATIONAL GREEN TRIBUNAL, WESTERN
ZONE BENCH, PUNE**



APPEAL NO. 564/2025 (WZ)

Felix Agnelo Remigius Lobo

...Applicant

Versus

GCZMA & Ors

...Respondent

AFFIDAVIT-IN-REPLY ON BEHALF OF RESPONDENT

NO. 1 (GCZMA)

I, Shri Sachin Desai, major of age, holding the office of Director of Department Of Environment & Climate Change, presently the custodian of the records of the, 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, vide Notification dated 27.12.2022, the Goa Coastal Zone Management Authority was constituted for a period of three years, which tenure stood concluded on 26.12.2025. I further say that I am presently holding the office of Director of the Department of Environment & Climate Change and, in such capacity, I am the custodian of the records of the Goa Coastal Zone Management Authority until the constitution of a new Authority. 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 30.04.2025 ("**Impugned Order**") passed by the answering Respondent. I say that *vide* the Impugned Order the Appellant herein was directed to demolish the following structures belonging to the Appellants herein:
 - (i) 1 Concrete Plinth base with M.S. roofing;
 - (ii) 1 Masonry structure with manglore tiles roofing; and
 - (iii) 1 RCC frame structure (toilet block).
4. I say that the Impugned order was passed upon giving the Appellant an opportunity of being heard after following the principles of natural justice. I say that the Impugned order is a reasoned and a speaking order.

(The Impugned Order dated 30.04.2025 is at page 47 of the Appeal)
5. I say that Survey No. 73/40 of Village Anjuna, Bardez, Goa ("**said Property; subject Property**") falls within NDZ as per CZMP 2011. I say that according to CRZ regulations, no permanent construction is permitted within NDZ area, except for repair and reconstruction of structures that existed



prior to 1991, subject to obtaining prior permission from GCZMA.

6. I say that a site inspection was carried out. I say that the Site Inspection Report recorded violations of CRZ Notification 2011.

Annexed hereto is the extract of the Joint Site Inspection Report marked as "**Annexure A**".

7. I say that Show Cause Notice dated 23.05.2023 was issued whereby the Appellant was intimated that pursuant to the inspection the following alleged illegal structures resulting in violation of CRZ Notification 2011 was notices in the subject property, namely:

- (i) 1 Concrete Plinth base with M.S. roofing;
- (ii) 1 RCC Structure;
- (iii) 1 Masonry structure with manglore tiles roofing; and
- (iv) 1 RCC frame structure (toilet block).

(Show Cause Notice dated 23.05.2023 is at page 59 of the Appeal)

8. I say that the Appellant was duly heard in the matter. I further say that on 04.08.2023, the Appellant filed its Reply along with the documents relied upon by the Appellant in support of his case.

Annexed hereto is a copy of the Reply dated 04.08.2023 alongwith the documents relied upon by the Appellant as submitted before the GCZMA marked as "**Annexure B**".



9. I say that the Appellant, in its reply filed before the GCZMA, contended that there existed a structure on the subject property, namely a residential house bearing No. 1114, which was assessed to house tax by the Panchayat in the name of Francisco Lobo (Appellant's father), as evidenced by Receipt No. 452 dated 09.11.1988 issued by the Panchayat, and accordingly asserted that the said structure constitutes a pre-1991 construction.
10. I say that besides the above, the Appellant has failed to produce any cogent, reliable and convincing material/documents to show that the other 3 Impugned Structures mentioned in the Show Cause Notice, are pre-1991 structures. I say that the Appellant is put to strict proof of the same.
11. I say that the matter came to be heard by the Respondent Authority during its 402nd Meeting of the GCZMA held on 11.06.2024. Upon consideration of the material placed on record, including House Tax Receipt No. 452 dated 09.11.1988 produced by the Appellant, the Respondent observed that the said receipt pertains to only one structure standing on the subject property, whereas, in fact, four unauthorized structures were found to exist thereon. The Respondent further observed that, even assuming without admitting that the RCC structure corresponds to the structure reflected in the aforesaid house tax receipt, at best only such single structure could be regarded as a pre-1991 construction. The remaining structures, having no



documentary or contemporaneous evidence establishing their existence prior to the cut-off date, could not be treated as pre-1991 structures. Consequently, the Respondent, upon due application of mind and in exercise of its statutory powers, directed demolition of the remaining three impugned structures vide the Impugned Order.

Annexed hereto are the relevant extracts of the 402nd Meeting of the GCZMA held on 11.06.2024 marked as "Annexure-C".

12. I say that it is material for this Hon'ble Tribunal to note that the Satellite Imagery Report pertaining to the subject property, now sought to be relied upon by the Appellant in the present proceedings, was admittedly submitted before the Respondent only on 26.07.2024, i.e., subsequent to the hearing and final decision rendered on 11.06.2024. I say that the said report had in fact been obtained by the Appellant from the Goa Coastal and Environment Management Society as early as 09.05.2024; however, the Appellant failed to place the same on record at the relevant stage despite having ample opportunity to do so. In these circumstances, the Respondent cannot be faulted for not considering a document that was neither produced nor brought to its notice prior to the passing of the Impugned Order, and the Appellant cannot be permitted to rely upon subsequently produced material to challenge the validity or legality of a decision otherwise taken on the basis of the record then available.



(Letter dated 09.05.2024 is at page 68 of the Appeal. Letter dated 28.07.2024 is at page 72 of the appeal.)

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

- 14. I say that what has been stated in Paras 1 to 13 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: 16.02.2026


DEPONENT

Solemnly affirmed before me by

Sudhin D. S.

Reg. No: 08/941 Date: 16.2.2026

known / Identified to me by.


G. S. KUBAL
Notary (Govt. of India)
Panaji-Goa, India



Sr. No.	Village/ Taluka	Survey No.	CRZ Zone	Name of Premises	Details of Structures	Owner/Occupier	GPS Reading	Remarks
215	Anjuna Bardez	73/40	CRZ-III NDZ	Lobo's	1no Concrete Plinth base with M.S roofing, 1no RCC structure, 1no masonry structure with manglore tiles roofing, 1no RCC frame structure (toilet block).	Felix Lobo, M.No.: 9923993446	15.5752754N 73.7406516 E	Operational
216	Anjuna Bardez	73/1	CRZ-III NDZ		1no masonry structure(Resturant), Masonry compound wall on all sides, 3no structure with GI sheet roof. Concrete flooring for all structures, 1no well.	Augusta Dsouza , H.No. 795, Govekar wado, Anjuna M.No.: 9637201484	15.5760328N 73.7402988E	Operational
217	Anjuna Bardez	73/10 73/15	CRZ-III NDZ	Pacha Goa	1no Masonry structure (toilet block) with G.I Sheet roofing, 1no structure (Resturant & club) partly RCC & Partly M.S fabrication(G+1), Concrete retaining wall touching sea line.	Hamel, Govekar wada, John Azavedo(Manager), M.No.: 9823597156	15.5758444N 73.7404504E	Operational
218	Anjuna Bardez	73/29	CRZ-III NDZ	Chizzale	Concrete Retaining wall touching sea line, 1no temporary store room with concrete plinth & wooden roof, 1no RCC frame structure(G+1), 1no masonry structure with G.I Sheet roof (Kitchen).	Victor Dsouza, H.No.73/6, Govekar wada Anjuna. M.No.: 9986511111 Shravan(Manger), M.No.: 7709533522	15.5757259 N 73.7404188 E	Operational

118

SR.NO 215 (SURVEY NO 73/40)



119

SR.NO 215 (SURVEY NO 73/40)



SR.NO 216 (SURVEY NO 73/1)

Member Secretary

G. C. Z. M. A.

Award No. 2581

Date: 14/08/2023

From:

Mr. Felix Lobo
Resident of H.No.1114
Goenkar Vaddo,
Anjuna,
Bardez,Goa.

Dated: 14th August 2023

To:

The Member Secretary (GCZMA),
Goa Coastal Zone Management Authority
C/o. Department of Environment & Climate Change
(Govt. of Goa)
4th Floor, Dempo Towers
Patto,
Panaji, Goa

Ref: 1.Show Cause Notice bearing Ref. No.

GCZMA/H.C.M/PIL.SUOMOTO.NO.02/2022/23-24/01/580

dated 23/05/2023

2. Reply to the above referred show cause notice

3.Notice for Personal hearing bearing Ref no.

GCZMA/HC.M/PIL.SUOMOTO/2/2022/2023-24/01/1183

dated 31/07/2023

.....
A. S. S. O.
.....
.....

Sub: Written Submissions on behalf of the undersigned

Madam,

This is to place before you the following facts and to request you to order the closure of the matter against the undersigned on account of the reasons stated hereinbelow:

1. The undersigned was earlier served with a show cause notice referred to at Ref no. 1 above, issued purportedly under Sec. 5 of the Environment (Protection) Act, 1986 read with Rule 4 of the Environment (Protection) Rules, 1986 which was served to him on 22/6/2023.
2. In compliance with the directions issued by this Hon'ble Authority, the undersigned filed reply dated 14th June 2023.

Annexed hereto and marked at **EXHIBIT A** is the said reply, the contents of which is adopted for the purpose of this written submission as if the same are specifically incorporated, reproduced and set out herein for all purposes of facts and law.

3. It is most respectfully submitted that the statements made in the show cause notice that the undersigned has carried out one concrete plinth base with MS roofing, RCC structure and a masonry structure with Mangalore tiles and a toilet block in the property bearing survey no.73/40, is factually incorrect and therefore denied.
4. It is categorially stated that in the village of Anjuna, there exists an immovable property surveyed under

survey no.73/40 in which there exists a residential house which is assessed for the purpose of tax by the Village Panchayat of Anjuna, under H.No.1114, right from inception, therefore giving rise to a presumption that the house existing in the said property is a legal house.

Annexed hereto and marked as **EXHIBIT B** is the House Tax Receipt dated 09/11/1988

5. The said house has been assessed for the purpose of tax in the name of Francisco Lobo who is the father of the undersigned herein.

6. The said structure has been released electricity connection as well as water connection in the name of the mother of the undersigned herein and the undersigned has been paying the water and electricity charges to the concerned authorities.

Annexed hereto and marked as **EXHIBIT C** are the Electricity Bills dated 26/12/2005.

7. The structure therefore is a legal structure and the undersigned has not acted in contravention of any of the provisions of the Goa Panchayat Raj Act or the CRZ Regulations.

8. The Office of the Village Panchayat of Anjuna-Caisua has also been pleased to issue Receipt bearing No.452 dated 9/11/1988 towards payment of house tax in respect of the said house.

9. The name of the father of the undersigned, Mr. Francisco Lobo is found recorded in the Occupants Column of the Record of Rights/Form I & XIV, in respect of the said property.
10. The ancestors of the undersigned are traditional fishermen and therefore the house in question was situated very close to the coast on account of their occupation.
11. The house initially was a mud house and covered with palm leaves to avoid heavy rains and wind from hitting the outer walls on account of its proximity to the beach, giving an appearance that the structures in question are katcha structures, although the structures in question were pukka structures but covered with palm leave on account of the reasons mentioned hereinabove.
12. The Village Panchayat had initiated proceedings in respect of the said structure pursuant to the order passed by the Hon'ble High Court about 13 years ago and thereafter after conducting a detailed enquiry and perusing the documents, the matter was closed for all purposes of facts and law.
13. The Village Panchayat had submitted a report before the Hon'ble High Court in the year 2012 wherein the subject matter of this show cause notice was also found

mentioned at serial no. 117 of the said report and it was confirmed that the show cause notice issued was withdrawn, the structure being a legal structure.

14. The village Panchayat had also issued a certificate dated 15/02/2011 confirming that the residential house bearing no. 1114 is assessed in the name of Francisco Lobo from the year 1983-84.

Annexed hereto and marked as **EXHIBIT D** is the said certificate.

15. It is stated that, in the year 2006, in suo moto Writ Petition no, 2/2006, the Hon'ble High Court had directed the Village Panchayat of Anjuna which is Respondent no. 19, among the 31 Respondents, to identify structures in the coastal belt and confirm as to whether they were in existence as on 19/02/1991 and after the compliance of the same, show cause notice was issued to different parties including the undersigned and a demolition order came to be issued to the undersigned on 15/01/2021 against which, the undersigned preferred an appeal before the Additional Director of Panchayats which was thereafter carried before the Court of the District Judge I in Criminal Revision Application no. 42/2011 and the Hon'ble Court of the District Judge I by Judgement and Order date 16/09/2014 was pleased to quash and set aside the order dated

11/08/2011 and the Panchayat was directed to conduct an inquiry.

16. It is submitted that after a detailed inquiry in the matter, the Village Panchayat, the matter came to be closed.

17. The Earlier proceedings were initiated in compliance with the directions issued by the Hon'ble High Court in suo moto Writ Petition no. 2 /2006 in which the GCZMA was the Respondent no. 2 and the division bench Hon'ble High Court by order dated 21/06/2016 at para no. 11 has held as follows, "In the present petition, it would not be possible to consider individual aspects which would require even evidence to be led and documents to be examined. In such circumstances, the present petition is limited only to generally direct the concerned authorities to perform their statutory functions. This is not a petition where a specific default of any particular party has been examined by this court. The grievance of individual parties affected by such directions would have to be examined independently in accordance with law."

Annexed hereto and marked **EXHIBIT E** is the judgement and order dated 21/06/2016 passed in Writ Petition no. 2/2006.

18. As the Village Panchayat and the GCZMA in compliance with the directions contained in the said order had already initiated proceedings and the village panchayat having already passed a resolution confirming that the structure has been in existence prior to coming into force of the CRZ notification, and the same having been confirmed by the Director of Panchayats, the question of re-opening the issue afresh does not and cannot arise at all.

19. As I have not acted in contravention of any of the provisions of the CRZ Notification or the Environment (Protection) Act, 1986 and the issue subject matter of the show cause notice has already been decided 13 years ago, the question of once again re-opening the said issue, does not and cannot arise at all and therefore it would be just and proper to withdraw the Show Cause Notice or treat the matter as closed.

Thanking you,

Yours faithfully



(MR.FELIX LOBO)

From:
Mr. Felix Lobo
Resident of H.No.1114
Goenkar Vaddo,
Anjuna,
Bardez,Goa.

Dated: 24th June 2023

To:
The Member Secretary (GCZMA),
Goa Coastal Zone Management Authority
C/o. Department of Environment & Climate Change
(Govt. of Goa)
4th Floor, Dempo Towers
Patto,
Panaji, Goa

Ref: 1. Show Cause Notice bearing Ref. No.
GCZMA/H.C.M/PIL.SUOMOTO.NO.02/2022/23-
24/01/580 dated 23/05/2023
Sub: Reply to the above referred show cause notice

Sir/Madam,

I have been served with the above referred show cause notice, issued to me purportedly under Sec. 5 of the Environment (Protection) Act, 1986 read with Rule 4 of the Environment (Protection) Rules, 1986 which was served on me only on 22/6/2023.

I have meticulously perused the contents of the said show cause notice and in compliance with your directions, I have to reply as under:

1. At the very outset it is stated that the Show Cause Notice has been issued purportedly on the basis of a joint inspection report claimed to be conducted by GCZMA and the Panchayat authorities, however, no such report is found annexed along with the show cause notice and therefore the show cause notice is incomplete, as under the principles of

natural justice I am entitled to the copy of the joint inspector report on the basis of which the notice is issued to me.

2. The allegation that I have carried out one concrete plinth base with MS roofing, RCC structure and a masonry structure with mangalore tiles and a toilet block in the property bearing survey no.73/40, is factually incorrect and therefore denied.

3. It is categorially stated that in the village of Anjuna, there exists an immovable property surveyed under survey no.73/40 in which there exists a residential house which is assessed for the purpose of tax by the Village Panchayat of Anjuna, under H.No.1114, right from inception, therefore giving rise to a presumption that the house existing in the said property is a legal house.

4. The said house has been assessed for the purpose of tax in the name of Francisco Lobo who is the father of the undersigned herein.

5. The said structure has been released electricity connection as well as water connection in the name of the mother of the undersigned herein and the undersigned has been paying the water and electricity charges to the concerned authorities.

6. The structure therefore is a legal structure and the undersigned has not acted in contravention of any of the provisions of the Goa Panchayat Raj Act or the CRZ Regulations.

7. The Office of the Village Panchayat of Anjuna-Caisua has also been pleased to issue Receipt bearing No.452 dated 9/11/1988 towards payment of house tax in respect of the said house.

8. The name of the father of the undersigned, Mr.Francisco Lobo is found recorded in the Occupants Column of the Record of Rights/Form I & XIV, in respect of the said property.

9. The ancestors of the undersigned are traditional fishermen and therefore the house in question was situated very close to the coast on account of their occupation.

10. The house initially was a mud house and covered with palm leaves to avoid heavy rains and wind from hitting the outer walls on account of its proximity to the beach, giving an appearance that the structures in question are katcha structures, although the structures in question were pukka structures but covered with palm leave on account of the reasons mentioned hereinabove.

11. The Village Panchayat had initiated proceedings in respect of the said structure pursuant to the order passed by the Hon'ble High Court about 13 years ago and thereafter after conducting a detailed enquiry and perusing the documents, the matter was closed for all purposes of facts and law.

12. The village Panchayat had submitted a report before the Hon'ble High Court in the year 2012 wherein the subject matter of this show cause notice was also found mentioned at serial no. 117 of the said report and it was confirmed that the show cause notice issued was withdrawn, the structure being a legal structure.

As I have not acted in contravention of any of the provisions of the CRZ Notification or the Environment (Protection) Act, 1986 and the issue subject matter of the show cause notice has already been decided 13 years ago, the question of once again re-opening the said issue, does not and cannot arise at all and therefore it would be just and proper to withdraw the Show Cause Notice or treat the matter as closed.

Thanking you,

Yours faithfully

(MR.FELIX LOBO)

Exhibit C

MIS-227A-923-5
 No. 12, M. Lobo
 Anjuna

SD: 700/- 140/-
 3027/ANS 3500W
 10308644

LTO Consumer's Copy
 No. 1471921

Payable at Bank/Credit Society

ELECTRICITY DEPARTMENT, GOA

Division No. Sub-Division No. Sign. of M.R. Meter Read

Present 2930
 Previous 2273
 Unit Consumed 657

Date of Issue 13/12/88
 From 0-11-00 To 13-12-88
 Last Date 10-12-88

Average units in case of meter malfunctioning Rs.

DISCONNECTION NOTICE

Energy Charges 2225
 Meter Rent 10
 Elec. Duty Charges Ltd. 13
 Sundry Charges
 Arrears 2005

DO PROMPT PAYMENT
 DISCONNECTION OF SUPPLY

VOID if not payable within Due Date 2248

Bank/Sub. Division/Credit Society
 Received Rs. 2248
 Rupees Two thousand two hundred and 48 only

Receiver's Signature with seal Date 22/12/88

Exact Amount as at "A" in figures and words is to be filled in by the consumer.

Bandekar Offset (Paper White)

Exhibit B

For 1987-88 & 1988-89

फॉर्म नं. ४ Form No. 4 RECEIPT पावती No. 92
 Receipt Book No. 452 पावती बुक नं.

The Village Panchayat Anjuna, Goa
 Received from Francisco Lobo
 यांजकडून साभार पोहचले रुपये Rupees Thirty seven and

on account of House & light Tax वा कारणासाठी

H. No. 1114 H. No. 25-00
 12-00
 5-00

Date / तारीख 9/11/88
 reference to cash entry book
 Page No. पा. नं.



Rs. _____

पावती देणाऱ्या अधिकार्याचा सही आणि हुदा
 Signature and Designation of Issuing Officer

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Exhibit C

EXHIBIT C (2)

SD: 700/- 140/-
 3027/ANS 3500W
 10308644
 LTO Consumer's Copy
 Bill Copy Receipt
 No 1471921
 Payable at Bank/Credit Society

M. M. Lebo
 ANJUNA
 ELECTRICITY DEPARTMENT, GOA
 Division No. Sub-Division No. Sign. of M.R. Meter Reading Present 2930
 Previous 2273
 Unit Consumed 657
 Date of Issue 13/11/88 Energy Charges From 3-11-88 To 13-12-88 Last Date 28/12/88
 Average units in case of meter malfunctioning Rs. 2225
 DISCONNECTION NOTICE
 Energy Charges 2225
 Meter Rent 10
 Elec. Duty Charges Ltd. 13
 Standby Charges
 Arrears 2005
 DO PROMPT PAYMENT TO AVOID DISCONNECTION OF SUPPLY
 Bank/Sub. Division/Credit Society (A) Received Rs. 2248
 Rupees Two Thousand Two Hundred and 48
 Receiver's Signature with seal Date: 26/12/88
 Due Date 22/4/89

CASH RECEIVED
 Bantekar Offset (Paper White)

Exhibit B

For 1987-88 & 1988-89
 फॉर्म नं. ४ Form No. 4 RECEIPT पावती No. 92
 Receipt Book No. 452 पावती बुक नं.
 The Village Panchayat Anjuna, Goa
 Received from Francisco Lebo
 यांजकडून साभार पोहचले रुपये Rupees Thirty seven and
 on account of Home & light Tax वा कारणासाठी
 H No. 1114 H. 2500
 12000
 Date / तारीख 9/11/88
 reference to cash entry book जमेचा संदर्भ
 Page No. पा. नं.
 Rs.

GRAMPANCHAYAT OF ANJUNA, GOA
 Signature and Designation of Issuing Officer

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Exhibit 'D'

EXHIBIT D 3



Office of the Village Panchay

ANJUNA - CAISUA

Bardez - Goa.

Ph : 2273246

Ref. No. VP/ANJ-CAI/2010-11/3679

Date: 15/2/20

CERTIFICATE

This is to certify that as per the Demand and Collection register of House tax and Light tax the House tax bearing No. 1114 stands in the name of Francisco Lobo from the year 1983-84. which is situated at Anjuna, Bardez-Goa and the tax is being paid in the same name.

This certificate is issued at the written request of Mr. Felix Lobo to produce at the Concern Office.

LAVINIO JUDE REBELLO

Sarpanch,

V.P. ANJUNA

VILLAGE PANCHAYAT

ANJUNA - CAISUA, BARDEZ - GOA



IN THE HIGH COURT OF BOMBAY AT GOA

SUO MOTU WRIT PETITION NO. 2 OF 2006

V e r s u s

1. Union of India,
through its Secretary,
Ministry of Environment and Forests,
Paryavaran Bhavan, C.G.O. Complex,
Lodhi Road, New Delhi.
2. The Goa Coastal Zone Management Authority,
Represented by its Member Secretary,
Dept. of Science Technology and Environment
Government of Goa,
Panaji Goa.
3. State of Goa
through Chief Secretary,
Secretariat, Porvorim Goa.
4. The Sarpanch
Village Panchayat of Querim – Tiracol
Tiracol
Pernem Taluka Goa.
5. The Sarpanch
Village Panchyat of Paliem,
Paliem
Pernem Taluka Goa.
6. The Sarpanch
Village Panchayat of Arambol
Arambol
Pernem Taluka Goa
7. The Sarpanch
Village Panchayat of Mandrem
Mandrem
Pernem Taluka Goa.

8. The Sarpanch,
Village Panchayat of Morgim
Morgim
Pernem Taluka Goa.
9. The Sarpanch
Village Panchayat of Anjuna Caisua
Anjuna
Bardez Taluka Goa
10. The Sarpanch
Village Panchayat of Calangute
Calangute
Bardez Taluka Goa
11. The Sarpanch
Village Panchayat of Candolim
Candolim
Bardez Taluka Goa
12. The Sarpanch
Village Panchayat of Chicalim
Chicalim
Mormugao Taluka Goa
13. The Sarpanch
Village Panchayat of Chicolna – Bogmalo
Chicolna
Mormugao Taluka Goa
14. The Sarpanch
Village Panchayat of Pale – Velsao -Issorcim
Issorcim
Mormugao Taluka Goa
15. The Sarpanch
Village Panchayat of Sancoale
Sancoale,
Mormugao Taluka Goa

16. The Sarpanch
Village Panchayat of Cansaulim – Arossim – Cuelim
Cansaulim
Mormugao Taluka Goa
17. The Sarpanch
Village Panchayat Calata-Majorda-Utorda
Majorda
Salcete Taluka Goa
18. The Sarpanch
Village Panchayat of Betalbatim
Betalbatim
Salcete Taluka Goa
19. The Sarpanch
Village Panchayat of Sernabatim-Vanelim-Colva-Gandaulim
Colva,
Salcete Taluka Goa
20. The Sarpanch
Village Panchayat of Cana Benaullim
Benaullim
Salcete Taluka Goa
21. The Sarpanch
Village Panchayat of Varca
Varca
Salcete Taluka Goa
22. The Sarpanch
Village Panchayat of Cavelossim
Cavelossim
Salcete Taluka Goa
23. The Sarpanch
Village Panchayat of Naquerim – Betul
Naquerim
Quepem Taluka Goa

24. The Sarpanch
Village Panchayat of Cola
Cola
Canacona Taluka Goa
25. The Sarpanch
Village Panchayat of Agonda
Agonda
Canacona Taluka Goa
26. The Sarpanch
Village Panchayat of Poinguinim
Poinguinim
Canacona Taluka Goa
27. The Sarpanch
Village Panchayat of Loliem-Polem
Loliem
Canacona Taluka Goa
28. The Chief Officer
Mormugao Municipal Council
Vasco-da-Gama
Mormugao-Taluka Goa
29. The Chief Officer
Canacona Municipal Council
Nagorcem-Palolem
Canacona Taluka Goa
30. The Colva Civic and Consumers Forum
with its office at H.No.257/1, Bagdem,
Ward 3, Colva, Salcete Goa
through its Secretary,
Mrs. Judith A. B. Almeida
major, r/o H.No.257/1, Bagdem,
Colva, Salcete Goa.
31. Shri Aleixo Arnolfo Pereira
major, r/o H.No.150,

Utorda, r/o Majorda,
Salcete Goa.

.... Respondents

Advocate Ms. Norma Alvares, Amicus Curiae.

Mr. P. Faldesai, Addl. Government Advocate for the respondent nos. 2 and 3.

Mr. P. Korgaonkar, Advocate for the respondent no.9.

Mr. K. More holding for Mr. H D. Naik, Advocate for the respondent no.10.

Mr. N. Sardessai, Senior Advocate with Mr. L. Raghunandan, Advocate for the respondent no. 11.

Mr. Amit Palekar, Advocate for the respondent nos. 14, 18, 20, 21 and 22.

Mr. S. Redkar, Advocate for the respondent no. 17, 24, 26 an 27

Mr. Shivan Desai, Advocate for the respondent no.19.

Mr. Nigel Da Costa Frias, Advocate for the intervenor.

**Coram:- F. M. REIS &
NUTAN D. SARDESSAI, JJ.**

Date:- 21st June, 2016

ORAL JUDGMENT (Per F. M. Reis, J)

Heard the learned counsel appearing for both the parties.

2. Rule. Heard forthwith with the consent of the learned counsel appearing for the parties.

3. The learned counsel appearing for the respective respondents waive service.

4. A Suo Motu cognizance was taken by this Court based on

the news item in the local news paper by an order dated 31.07.2006 and accordingly notices were issued to the concerned Government Authorities. Thereafter, by order dated 08.08.2006 the learned Amicus Curiae appointed by this Court brought to the notice of this Court the various orders and the guidelines issued in different other petitions in connection with the structures which mushroomed within the NDZ area and subject to the CRZ Regulations, 1991. Accordingly, this Court by order dated 08.08.2006 passed the following directions.

“6. Having heard Mrs. Alvares, it has become necessary to issue following directions to the State Government.

(a) The Chief Secretary State of Goa and the Goa Coastal Zone Management Authority, is directed to indicate on oath as to how many cases of illegal construction were detected in last three years, in how many cases the steps were taken to remove them and how many of them were actually removed.

(b) The State of Goa is directed to disclose on oath as to what facilities are placed at the door of the Goa Coastal Zone Management Authority, so as to enable them to discharge their duties effectively, amongst others leading to removal of illegal construction.

(c) The Goa Coastal Zone Management Authority is directed to disclose on oath with complete details and particulars as to in how many cases as on date, the interim injunctions and/or the stay orders granted by the Civil Courts are operating against them.

(d) The State Government and the Goa Coastal Zone Management Authorities are directed to disclose details with particulars as to how many shacks were put up pursuant to the permission granted by them, how many of them were removed and how many of them are yet to be removed. They are also expected to disclose as to whether or not those shacks, which are still in existence, would interfere with the sand dunes and whether their existence is necessary to prevent erosion of sand dunes.”

5. Subsequently, the matter was examined by this Court on 16.07.2007 wherein it was noted that there were structures existing in the NDZ area, some of which might have come up prior to the coming into force of the CRZ Regulations, 1991 and in order to identify such structures the Village Panchayats along the Coastal Belts were ordered to be impleaded. Accordingly, directions were issued to all such

concerned Panchayats. Thereafter, the matter was taken up on 26.09.2007 wherein the concerned Panchayats also appeared and after perusing the entire records, this Court passed the following directions.

“(1) Each Panchayat/Municipality which has been served with a copy of the survey map prepared by the Directorate of Settlement and Land Records, shall identify from the survey maps given to it, those structures existing as on 19-2-1991 after excluding such structures in respect of which the CRZ Authorities had initiated the action but such action was discharged for any action whatsoever. This may be done by reference to the existing survey plans prepared under the Land Revenue Code or on the basis of permissions/licenses issued by the respective Panchayats/Municipalities. This exercise will be completed by each of the Panchayats/Municipalities by 31st January, 2008.

(2) In respect of other structures shown on the survey maps prepared by the Directorate of Settlement and Land Records i.e. those which are not identified as existing prior to 1991 as contemplated by Direction 1 herein above, the Panchayats/Municipalities shall issue notices to the owners and the occupants of those structures

to show cause as to why the said structure should not be demolished as having been constructed in the NDZ area. Such notices shall be issued latest by 29-2-2008.

(3) On perusal of the reply and after giving opportunity to the owners and occupants of giving them a personal hearing, the Panchayats/Municipalities shall take a decision on the existence of the structure prior to 19-2-1991. This final decision shall be taken by the Panchayats/Municipalities within a period of ninety days from the date on which all the owners/occupants have been served.

(4) The structure in respect of Clause 3 will be demolished in case no stay has been obtained in any statutory appeal/appeals or any other legal remedy and this demolition will be completed within a period of sixty days from the date of the service of the final decision upon the owners and occupants.

(5) We are informed by the learned Advocate General that seven Panchayats and one Municipality has not been served with a copy of survey map as yet and that the same is likely to be served within a period of two weeks from today. In respect of the aforesaid seven Panchayats and one Municipality the schedule

which is given for the issuance of notice in Clauses 1 to 4 herein above as contemplated in Clause 2 will stand extended to 15-3-2008.

(6) If the Panchayats/Municipalities observe any structures in the NDZ area which are not shown in the survey map it will be at liberty to include these structures in the steps described herein above.

(7) It is made clear that these directions only extend to areas which fall within CRZ III.

(8) The Panchayats/Municipalities are directed to regularly monitor the NDZ area to ensure that no additional structures in the 200 meters zone will be permitted to be constructed as indicated in the survey maps. If any new construction is detected the Panchayats/Municipalities shall immediately take action against the same in accordance with law.

(9) It is further made clear that these directions will also not apply to structures which have been held to be validly constructed or repaired with permission of the CRZ Authorities and to structures in respect of which action has already been initiated by the CRZ Authorities/Panchayats/Municipalities before the date of the passing of this order.”

6. Based on the directions issued by this Court, the concerned Panchayats carried out the exercise of identifying the structures which were located in the NDZ area and also whether any of such structures were in existence prior to the coming into force of the CRZ Regulations, 1991 and the exercise with that regard was carried out from time to time and as and when there was any default or breach in carrying out such exercise, this Court issued directions to ensure that the exercise would be expeditiously completed.

7. The records however reveal that as far as Village Panchayat of Colva is concerned, there were doubts about the averments in the affidavit about the action already taken and as such by an order dated 15.01.2013 the GCZMA was directed to carry out an inspection and submit a report. Accordingly, a report was submitted inter-alia identifying the number of structures which were existing in the NDZ area and it was pointed out that the issue about such structures was under consideration before the Inquiry Committee constituted by the GCZMA. It appears that the directions issued by this Court to examine the structures identified in the inspection report and under consideration before the Inquiry Committee have not yet been completed as reflected in the affidavit filed by the respondent no.2/GCZMA dated 11.04.2016

that the action is proposed to be taken with regard to such structures as referred to by the local Village Panchayat. There is no compliance report filed with regard to such structures by the Village Panchayat of Colva.

8. The records also reveal that as far as the Village Panchayat of Anjuna is concerned, the action initiated in respect of the structures existing in the NDZ area have not attained finality which can be seen from their compliance report /affidavit dated 20.06.2016 which inter-alia suggest that the exercise is still in progress.

9. Mr. S. Desai, learned counsel appearing for the proposed intervenors contends that there are existing structures in the area which were within the jurisdiction of Colva Panchayat on which count the intervention application has been filed. The learned counsel further points out that though actions are taken as against the existing structures pursuant to the directions issued by GCZMA and the matter is pending before the learned NGT, nevertheless, as the issue with regard to such structures within NDZ area is under consideration in the above petition, it would be appropriate that the legality or otherwise of such structures of the proposed intervenors be also examined by this Court. The learned

counsel as such points out that the application for intervention be allowed and the matter be accordingly examined by this Court.

10. Mr. Nigel Da Costa Frias, learned counsel appearing for the intervenor however submits that as far as such structures of the proposed intervenors are concerned there is already an order of demolition passed by the GCZMA and the appeal has been preferred by the proposed intervenors. The learned counsel further pointed out that a review petition filed by the proposed intervenors is also under consideration before the learned NGT. As the matter is already under consideration before the NGT, the question of considering the legality or otherwise of such structures in the present petition would not at all be justified.

11. The present petition is limited to direct the concerned authorities to generally perform their statutory functions and initiate action against the defaulters in accordance with law. The legality or propriety of such action by the concerned Panchayats and GCZMA is a matter which would have to be independently examined in appropriate cases by the concerned authorities in accordance with law. In the present petition, it would not be possible to consider individual aspect

which would require even evidence to be led and the documents to be examined. In such circumstances, the present petition is limited only to generally direct the concerned authorities to perform the statutory functions to proceed to take the action against any illegal constructions which are existing in the NDZ area as defined under the CRZ Regulations. This is not a petition where a specific default of any particular party has been examined by this Court. The grievance of individual parties affected by such general direction would have to be examined independently in accordance with law.

12. As pointed out herein above, we find that most of the concerned Panchayats had already initiated action against such structures existing in the NDZ area in violation of the CRZ Regulations. But however, as far as Colva and Anjuna Panchayats are concerned, we find that the authorities would have to proceed to take necessary action in connection with the existing structures in violation of the CRZ Regulations in the NDZ area.

13. In such circumstances, it would be appropriate to dispose of the above petition in terms of the interim directions issued by this Court by order dated 08.08.2006 and 26.09.2007.

14. Besides the above directions, the Anjuna as well as the Colva Panchayats namely respondent nos. 9 and 19 and the GCZMA are directed to take necessary action with regard to the structures identified in the report of the GCZMA and proceed to take necessary action in accordance with law within three months from today and file a compliance report with that regard.

15. We record our appreciation to the efforts and services rendered by the learned Amicus Curiae in assisting the Court in taking a view in the above Writ Petition in public interest. We accordingly fix a token amount payable to the learned Amicus Curiae which is quantified at Rs.80,000/-. The Registry is directed to pay the learned Amicus Curiae a sum of Rs.30,000/- deposited in the Registry pursuant to the orders passed in the above petition. The remaining such of Rs.50,000/- shall be paid by the State Government – respondent no. 3 within four weeks from today. Rule is made absolute in the above terms. The petition stands disposed of accordingly.

NUTAN D. SARDESSAI, J.

F. M. REIS, J.

at*

Extract of 402nd GCL ZMA meeting held on 10/06/2024

Proceeding: Respondent Absent. The Respondent in response to the Show Cause Notice stated that there was existed structure in property bearing Sy. No. 132/2 of village Anjuna which was constructed prior to 1991 which has been assessed for the purpose of tax under House No. 264. He stated that said structure is a temporary structure and it cannot cause any damage or harm to the Environment. He had also applied for permission to repair existing structure in the said property which was granted by village panchayat Anjuna on 10/06/1986. He submitted that on the basis of order passed by Hon'ble High court in Suo Motu Writ Petition No. 2/2006, the village panchayat had initiated action on similar lines as in present petition and the local body had passed order of demolition which was however set aside in Appeal by Director of Panchayat. He went on to submit that against very same structure, local body once again passed order of demolition acting upon dated 11/10/2022 passed in Writ Petition No. 2148/2022 and once again Director of Panchayat upon seeing the documents of the Respondent had setaside the order passed by the local body. He also relied upon Gut Book maintained by Talathi wherein the structure is finding a mention in the Gut Book. He hence prayed that Show Cause Notice be withdrawn and proceedings be dropped as the structure located in property bearing in Sy. No. 132/2 was in existence prior to 1991. Additionally he has also relied upon electricity bill of the year 1994 to drive home the point that the alleged offending structure was prior to 1991.

DECISION: The Authority has perused the documents and needed some clarity on the documents produced by the Respondent hence decided to post the matter on 06/08/2024 at 3.30p.m to seek further clarification in the matter.

Case No. 1.9

Felix Lobo

Village / Taluka	Survey No.	CRZ Zone	Name of Premises	Details of Structures	Owner/ Occupier	GPS Reading	Remarks	Distance from HTL
Anjuna Bardez	73/40	CRZ-III NDZ	Lobo's	1no Concrete Plinth base with M.S roofing, 1no RCC structure, 1no masonry structure	Felix Lobo, M.No.: 9923993446	15.5752754 N 73.7406516 E	Operational	Within CRZ Limits

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				with mangalore tiles roofing. Ino RCC frame structure (toilet block).				
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During the 252nd GCZMA Meeting held on 08/08/2023 proceeding: Respondent present and submitted that he has filed reply and further sought time to argue the matter. Decision: The Authority adjourned the matter and further decided to communicate the next date.

During the 367th GCZMA Meeting held on 3/11/2023 Adv R Frias appeared on behalf of the Respondent. Adv stated that he needs time to argue the matter

It was decided that, in view of the request made by the Adv for the Respondent and granting fair hearing to the Respondent the Authority decided to grant time and posted the matter on 17/11/2023 as final opportunity failing which orders will be passed based on the available documents on record.

The matter was taken up in the 369th Meeting held on 17/11/2023 proceeding: Respondent present for hearing and argued the matter. Decision: The Authority heard the parties and posted the matter for orders.

The matter was taken up in the 373rd Meeting held on 24/11/2023 Proceeding: Adv appeared for the Respondent. Adv stated that he has a house tax receipt for the year 1983-84. Electricity Bill, Extract from the assessment register maintained by the Panchayat, and that he uses the house for his residence. The Authority decided that The Authority heard the parties and posted the matter for orders.

The matter was taken up in the 390th GCZMA meeting held on 05/03/2024 was rescheduled to 12/03/2024 Proceeding: Respondent Present. Respondent sought time. Decision: Decision: The Authority heard the Respondent and decided to grant time and posted the matter on 02/04/2024 at 3.30pm.

The matter was taken up in the 392nd GCZMA Meeting held on 02/04/2024 the proceeding at the hearing Respondent Present. The Authority decided to post for order on 18/04/2024 at 3.30p.m

The Matter was taken up in the 394th GCZMA Meeting held on 18/04/2024 the Proceeding: Adv for the respondent present filed reply along with documents Decision: The Authority posted the matter for clarifications/ orders on 16/05/2024 at 3.30p.m

The Matter was taken up in the 399th GCZMA Meeting held on 16/05/2024 the proceeding: Respondent absent. The Authority's Decision: Matter posted for orders on 04/06/2024 at 3.30p.m

That the meeting scheduled on 04/06/2024 at 3.30p.m was adjourned and rescheduled to 11/06/2024 at 3.30p.m

Proceeding: The Respondent submitted that no notice was issued to him about the

purported site inspection and thence he disputed the said report. He also disputed the contents of the show cause notice is so far as the alleged illegalities of RCC structure and masonry structure with mangalore tiles and a toilet block in the property bearing Survey No.73/40 is concerned. He stated that House No. 1114 has been assessed for the purpose of tax in the name of Francisco Lobo who is his father. This very structure has been duly electrified and supplied with potable drinking water by the PWD. He stated that he hails from traditional coastal community. He further stated that the local body had in the past i.e about 13 years back had initiated proceedings on this very same structure and that too on the basis of the dictates of the Hon'ble High Court and upon having conducted an indepth inquiry had exonerated him from the rigorous of the CRZ norms. He thus prayed that the show cause notice issued as against him be dropped and the proceeding be closed.

Decision: The Authority upon hearing the Respondent was of the opinion that assessment of collection of house tax depends on structure to structure. On ground there is more than one structure as against which there should have been separate and independent house numbers. The structure with RCC roofing can be given the leverage of assigning H.No. 1114 for which there are house tax receipts being issued as early as 1988. Rest of the structures cannot be said to have been in existence since prior to 1991. The ruling of the District and Session Court passed in Case No Civil Revision Application No. 43/2013 was not based on merits of the case but on technical grounds i.e the wife of Felix Lobo namely Maria Sebastian Lobo being not made a party in the proceedings of illegal construction initiated by the local body and thus this order will be of seldom help to rescue the Respondents Apart from the RCC structure all of the other structures as arrayed in the violations listed out in the Show Cause Notice dated 23/05/2023 would in our opinion be illegal in nature and post 19/02/1991. The Authority thus deems it fit to issue direction to demolish the concrete plinth base with MS roofing, the masonry structure with mangalore tiles and the RCC framed structure (toilet block) except the structure with RCC roofing bearing House Ho 1114 situated in Anjuna.

Case No 1. 10

Carmelina D'Souza

Village / Taluka	Survey No.	CRZ Zone	Name of Premises	Details of Structures	Owner/ Occupier	GPS Reading	Remarks	Distance from HFL
Anjuna Bardez	72/4,3	CRZ-III NDZ	Villa Goa	Masonry compound wall on all sides, Ino Tempora	Carmelina DSouza. Hs.No	15.574741 N 73.7413457 E	Operational	Within CRZ Limits