

BEFORE THE NATIONAL GREEN TRIBUNAL, WESTERN
ZONE BENCH, PUNE

APPEAL NO. 68/2026 (WZ)

Joe Fernandes

...Applicant

Versus

GCZMA & Ors

...Respondents

AFFIDAVIT-IN-REPLY ON BEHALF OF RESPONDENT

NO. 1 (GCZMA)

I, Shri Sachin Desai, major of age, holding the post of Member Secretary, 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 I am holding the post of Member Secretary, GCZMA. 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.

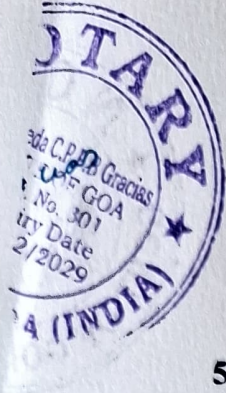
3. I say that the present appeal challenges the Order dated 19.11.2025 (“**Impugned Order**”) passed by the answering Respondent. I say that *vide* the Impugned Order the Appellant herein was directed to demolish the illegal structure erected by the Appellant herein. I say that the Impugned Order was 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 19.11.2025 is at page 34 of the Appeal)

4. I say that Survey No. 119/1 of Village Siolim, Bardez, Goa (“**said Property; subject Property**”) falls within CRZ-III River 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. I further say that the said Survey No. 119/1 of Village Siolim, Bardez, Goa is Government land, and the Appellant has neither any right nor any title to the same. I say that the Government ownership of the subject property is borne out from the revenue records maintained in respect thereof. I say that the Form I & XIV pertaining to the subject property specifically records the name of the “Government of Goa” in the occupant’s column, thereby evidencing its status as Government land.



A handwritten signature or mark in blue ink, consisting of a stylized, elongated shape with a small hook at the bottom.



Annexed hereto is a copy of Form I & XIV of Survey No. 119/1 of Village Siolim, Bardez, Goa marked as "Annexure A".

5. I say that a Show Cause Notice dated 06.04.2022 came to be issued to the Appellant, informing him that Illegal construction of ground plus 2 floors structure admeasuring 219.35 sq mts was observed to have been carried out by the Appellant in the subject property, in contravention of the provisions of the CRZ Notification, 2011.
6. I say that the Appellant, in its reply filed before the Goa Coastal Zone Management Authority (GCZMA), has contended that the Appellant's structure falls in Survey No. 119/11 of village Siolim and not in Survey No 119/1. I say that the Answering Respondent decided to check if the structure falls in Survey No 119/11 or Survey No. 119/1. I say that the Answering Respondent received a report from the Dy Collector confirming that the structure falls in Survey No. 119/1 of Village Siolim, Bardez, Goa.
Annexed hereto is a copy of the Report of the Dy Collector marked as "Annexure B".
7. I say that on 04.09.2024, the Answering Respondent conducted a site inspection to verify the location and status of the subject structure. During the course of the inspection, it was observed that the Appellant had erected a new Ground plus Two storeyed (G+2) structure admeasuring

approximately 219.35 square metres without obtaining the requisite permissions or approvals from the Answering Respondent. It was further observed that the old structure reflected in the survey plan is no longer in existence, the same having been demolished and replaced by a newly reconstructed structure with substantial horizontal as well as vertical expansions. The said reconstruction and extensions have been carried out without obtaining the requisite permissions or approvals from the Coastal Regulation Zone (CRZ) Authority.



Annexed hereto is the superimposed plan marked as "Annexure C"

8. I say that the Appellant has contended that the impugned structure situated in the subject property is a pre-1991 construction. I say that the Appellant has failed to provide any documentary evidence substantiating the said claim.

9. I say that the Appellant has placed reliance upon the Judgment and Order dated 12.12.2000 passed by the Joint Mamlatdar of Bardez to contend that the subject structure existed prior to 1991 and is surveyed under Survey No. 119/11 of Village Siolim. I say that a perusal of the said Judgment reveals that the Joint Mamlatdar declared one Mrs. Catarina Fernandes as a mundkar in respect of her dwelling house bearing No. 335 situated in Survey No. 119/12 and her outhouse bearing No. 336 situated in Survey No. 119/11 of



Village Siolim. The said Judgment, therefore, recognizes mundkarship in relation to a single dwelling house and an ancillary outhouse. In law, a person cannot simultaneously claim mundkarial rights over two independent dwelling houses. Consequently, the Appellant cannot derive any support from the said Judgment to establish the existence of a separate dwelling house in Survey No. 119/11 or to claim any independent mundkarial rights therein.

10. I say that the Appellant has failed to produce any cogent, reliable and convincing material/documents to show that the Impugned Structure is pre-1991 structures. I say that the Appellant is put to strict proof of the same. I say that the Appellant herein has failed to produce any permission from this authority pertaining to the said impugned structure.
11. I say that in view of the above, the present appeal is liable to be dismissed.
12. I say that what has been stated in Paras 1 to 11 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.

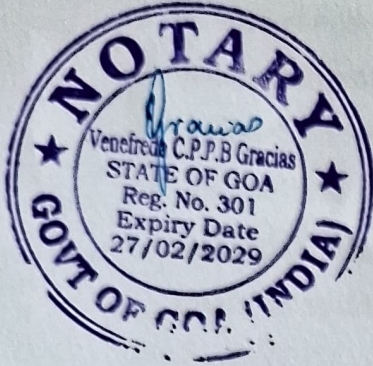
Solemnly Affirm on Oath

Place: Panaji, Goa.

Date: 09.06.2026

[Signature]

DEPONENT



Solemnly affirmed before me

Sachin Desai

Who is identified before me by

_____ At Calangute - Goa

Sr. No. 246/06/2026

Date. 09/06/2026

[Signature]

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



FORM I & XIV

1111

Date : 07/06/2026

नमुना नं १ व १४

Page 1 of 1

Taluka BARDEZ
तालुका
Village Siolim
गांव
Name of the Field Nave Khazan
शेताचें नांव

Survey No. 119
सर्वे नंबर
Sub Div. No. 1
हिस्सा नंबर
Tenure
सत्ता प्रकार

Cultivable Area (Ha.Ars.Sq.Mtrs) लागण क्षेत्र (हे. आर. चौ. मी.)

Dry Crop जिरायत	Garden बागायत	Rice तरी	Khajan खाजन	Ker केर	Morad मोरड	Total Cultivable Area एकूण लागण क्षेत्र
0000.00.00	0004.89.50	0000.00.00	0000.00.00	0000.00.00	0000.00.00	0004.89.50

Un-cultivable Area (Ha.Ars.Sq.Mtrs) नापिक क्षेत्र (हे. आर. चौ. मी.)

Pot-Kharab पोट खराब

Remarks शेरा

Class (a) वर्ग (अ)	Class (b) वर्ग (ब)	Total Un-Cultivable Area एकूण नापिक जामीन	Grand Total एकूण
0000.00.00	0000.00.00	0000.00.00	0004.89.50

Assessment : आकार	Rs. 0.00	Foro फोर	Rs. 0.00	Predial प्रेदियाल	Rs. 0.00	Rent रेंट	Rs. 0.00
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S.No.	Name of the Occupant कब्जेदाराचे नांव	Khata No. खाते नंबर	Mutation No. फेरफार नं	Remarks शेरा
1	Govt. Of Goa		663	

S.No.	Name of the Tenant कुळाचे नांव	Khata No. खाते नंबर	Mutation No. फेरफार नं	Remarks शेरा
1	-----Nil-----			

Other Rights इतर हक्क Name of Person holding rights and nature of rights: इतर हक्क धारण करणा-याचे नांव व हक्क प्रकार	Mutation No. फेरफार नं	Remarks शेरा
-----Nil-----		

Details of Cropped Area पिकाखालील क्षेत्राचा तापशील

Year वर्ष	Name of the Cultivator लागण करणा-याचे नांव	Mode रित	Season मौसम	Name of Crop पिकाचे नांव	Irrigated बागायत	Unirrigated जिरायत	Land not Available for Cultivation नापिक जमीन		Source of irrigation सिंचनाचा प्रारि	Remarks शेरा
					Ha.Ars.Sq.Mts हे. आर. चौ. मी.	Ha.Ars.Sq.Mts हे. आर. चौ. मी.	Nature प्रकार	Area क्षेत्र Ha.Ars.Sq.Mts हे. आर. चौ. मी.		
	-----Nil-----									

End of Report

For any further inquires, please contact the Mamlatdar of the concerned Taluka.



Member Secretary, DMR-157
G. C. Z. M. A. (Baileudo)
Inward No. 1199
Date: 05/06/25

OFFICE THE DY. COLLECTOR & S.D.O. MAPUSA GOA

Government Complex Building, Morod, Mapusa Goa.

Phone No:- 0832-2262038 (Fax) 2250398

Email: sdm-mapusa.goa@nic.in

No. DC/SDM/MAP/CRZ/Siolim/2025/ 6109

Dated: 04/06/2025

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

Sub:- In the matter of Aleixo Periera V/s Collector (North)
Contempt Petition No.14/2024 in PIL Writ Petition
No.869/2021(f)

- Ref:1.** GCZMA/N/ILLE-COMPL/22-23/07/634 dated 14/05/2025
2. GCZMA/N/ILLE-COMPL/22-23/09/629 dated 14/05/2025
3. GCZMA/N/ILLE-COMPL/22-23/11/631 6dated 14/05/2025
4. GCZMA/N/ILLE-COMPL/22-23/17/630 dated 14/05/2025
5. GCZMA/N/ILLE-COMPL/22-23/10/632 dated 14/05/2025
6. GCZMA/N/ILLE-COMPL/22-23/13/633 dated 14/05/2025
7. GCZMA/N/ILLE-COMPL/22-23/167/628 dated 14/05/2025
8. GCZMA/N/ILLE-COMPL/22-23/16/637 dated 14/05/2025
9. GCZMA/N/ILLE-COMPL/22-23/04/636 dated 14/05/2025
10. GCZMA/N/ILLE-COMPL/22-23/06/635 dated 14/05/2025

Sir,

With reference to above, this office had issued a memorandum to the Mamlatdar of Bardez with direction to verify the fact and submit the compliance report.

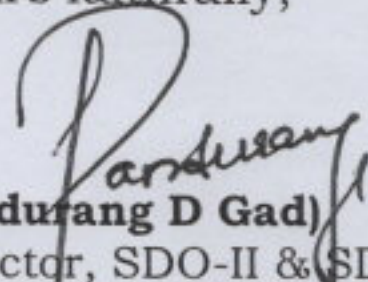
The Mamlatdar of Bardez vide letter No.MAM/BAR/CI-II/Misc /2024/4262 dated 02/06/2025 has submitted report obtained from the Talathi of Siolim Saza as below.

Name of the Violator	Sy. No.	Village
1.Esmeralda Fernandes	119/1	Siolim
2.Ravina Pereira	119/1	Siolim
3.Severina Pereira	119/9	Siolim
4.Madhukant Shirodkar	141/1	Siolim
5.Anthony Fernandes	119/1	Siolim
6.Sagar Shiva Pednekar	119/1	Siolim
7.Kishor P. shirodkar	141/1	Siolim
8.Mukesh Toraskar	119/1	Siolim
9.Nifty Fernandes	119/1	Siolim
10.Joe Fernandes	119/1	Siolim

-2-

This is for your kind information and further necessary action at your end.

Yours faithfully,



(Pandurang D Gad)

Dy. Collector, SDO-II & SDM.,
Holding Charge of Dy. Collector, SDO-I
Mapusa, Bardez Goa.

✓ Encl: As above

OFFICE OF DY COLLECTOR

INV. NO. 10704

3/6/25

MAPUSA - GOA

ward Clerk



OFFICE OF THE MAMLATDAR OF BARDEZ, MAPUSA GOA

Government Offices Complex Building,

Morod, Mapusa Goa

Phone No. 2262233 (Fax), 2262210

E-mail: mam-bardez.goa@nic.in

No. MAM/BAR/CI-II/Misc/2024/4262

Date:- 02/06/2025

To,
The Deputy Collector & SDO,
Mapusa, Bardez, Goa

**Sub:- In the matter of Aleixo Pereira V/s Collector (North) Contempt
Petition NO. 14/2024 in PIL Writ Petition No. 869/2021 (f)**

**Ref:-DC/SDM/CRZ/Esmeralda Fernandes/2025/5789 dated
21/05/2025**

Madam,

With reference to the above cited subject, necessary report was obtained from the Talathi of Siolim saza wherein it is submitted that site inspection alongwith the Field Surveyor attached to this office and it is submitted as below:-

<u>Name of the Violator</u>	<u>Sy. No.</u>	<u>Village</u>
1. Esmeralda Fernandes	119/1	Siolim
2. Ravina Pereira	119/1	Siolim
3. Severina Pareira	119/1	Siolim
4. Madhukant Shirodkar	141/1	Siolim
5. Anthony Fernandes	119/1	Siolim
6. Sagar Shiva Pednekar	119/1	Siolim
7. Kishor P. Shirodkar	141/1	Siolim
8. Mukesh Toraskar	119/1	Siolim
9. Nifty Fernandes	119/1	Siolim
10. Joe Fernandes	119/1	Siolim

This is for kind information.

Yours faithfully,

(Anant R. Malik)

Mamlatdar of Bardez Taluka

Mapusa - Goa

Encl:-
Report of Talathi

Tal/Siolim/CRZ-Inquiry/2025
O/o The Talathi of Siolim
Siolim Bardez Goa

OFFICE OF THE MAMLATDAR	
OF BARDEZ MAPUSA	
INWARD NO	13288
DATE	30/05/25

Dated:-30-05-2025

C.I-I

Dsou
30/05/25

To
The Mamlatdar of Bardez
Mapusa Bardez-Goa

Sub:-In the matter of Aleixo Periera v/s Collector(North) contempt Petition No.14/2024 in PIL Writ petition No.869/2021(f).

REF:DC/SDM/MAP/CRZ/Esmeraalda Fernandes/2025/5789

Dated:21/05/2025

MAM/BAR/CI.I/2025 Dated:22-05-2025

DC/SDM/MAP/CRZ/Joe Fernandes/2025/5788

DC/SDM/MAP/CRZ/Nifty Fernandes/2025/5786

DC/SDM/MAP/CRZ/Mukesh Toraskar/2025/5787

DC/SDM/MAP/CRZ/Kishor/2025/5790

DC/SDM/MAP/CRZ/Sagar/2025/5780

DC/SDM/MAP/CRZ/Anthony Fernandes/2025/5782

DC/SDM/MAP/CRZ/DEMO/2025/5700

DC/SDM/MAP/CRZ/Madhukant Shirodkar/2025/5784

DC/SDM/MAP/CRZ/Severina Pereira/2025/5783

DC/SDM/MAP/CRZ/Ravina Pereira/2025/5785

DC/SDM/MAP/CRZ/Esmeraalda Fernandes/2025/5789

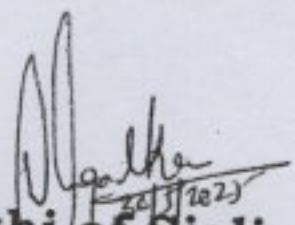
Dated:21/05/2025

Sir,

With respect to above,conducted site inspection of the property was carried out in regards to verify the structures fall in Sy.no.119/1 or 119/2 of village Siolim Bardez Goa. However,site inspection along with the field Surveyor attached to the office of the Mamlatdar Shri Pramod Naik and revealed as follows

ame of the violater	Survey No	Village
Esmeraalda Fernandes	119/1	Siolim
Ravina Pereira	119/1	Siolim
Severina Pareira	119/9	Siolim
Madhukant Shirodkar	141/1	Siolim
Anthony Fernandes	119/1	Siolim
Sagar Shiva Pednekar	119/1	Siolim
Kishor P Shirodkar	141/1	Siolim
Mukesh Toraskar	119/1	Siolim
Nifty Fernandes	119/1	Siolim
Joe Fernandes	119/1	Siolim

This is for your kind information


 Talathi of Siolim
 Bardez Goa

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Site Inspection Report (Mapping)

As decided in the GCZMA authority meeting, a mapping of structures belonging to A. Nifty Fernandes, B. Esmeralda Fernandes, C. Joe Fernandes using DGPS instrument was scheduled on 04/09/2024. Accordingly, a site inspection was conducted on 04/09/2024 by Mr. Nehal Devidas (Engineer) and Mr. Raunat Dessai (Field Surveyor) attached to this office.

Details of mapping are as follows:

At the time of inspection, the structures were identified by Mrs. Esmeralda Fernandes and accordingly details were noted down.

A. Nifty Fernandes

The structure under consideration lies in Sy. No. 119/1 of Siolim Village Bardez taluka and within CRZ III (River - NDZ) as per CZMP 2011. As per the mapping, the plinth area of structure is approx 153.00 sqm. The structure is a ground + 1 floor permanent structure.

B. Esmeralda Fernandes

The structure under consideration lies in Sy. No. 119/1 of Siolim Village Bardez taluka and within CRZ III (River - NDZ) as per CZMP 2011. As per the mapping, the plinth area of structure is approx 145.55 sqm. The structure is a ground floor permanent structure.

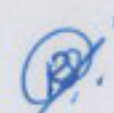
C. Joe Fernandes

The structure under consideration lies in Sy. No. 119/1 of Siolim Village Bardez taluka and within CRZ III (River - NDZ) as per CZMP 2011. As per the mapping, the plinth area of structure is approx 219.35 sqm. The structure is a ground + 2 floors permanent structure.

A copy of mapped plan is annexed alongside the report.

R/c
SDD
Adv. for Respondents
05.12.2024

Mr. Nehal Devidas
(Engineer, GCZMA)


Mr. Raunat Dessai
(Field Surveyor, GCZMA)



Map prepared as per the site inspection with Global Positioning System Survey in plot bearing Survey no.119/1 of Village SIOLIM SODIEM Bardez Taluka and as per the database approved CZMP of Goa prepared as per CRZ notifications, 2011.

LEGENDS	
100M RIVER NDZ	
STRUCTURE "A"	
STRUCTURE "B"	
STRUCTURE "C"	
HIGH TIDE LINE	