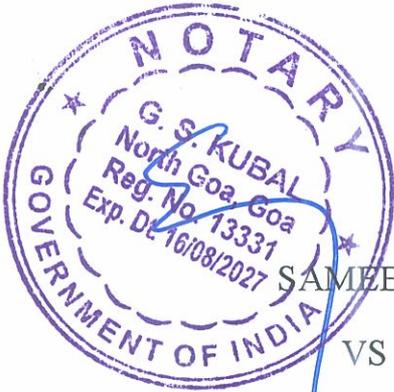


BEFORE THE NATIONAL GREEN TRIBUNAL, WESTERN ZONE BENCH,
PUNE

Original Application No:199/2023(WZ)

IA.No 222/2023(WZ)



SAMEER NAIK

Applicants

VS

GCZMA AND ORS

Respondents

AFFIDAVIT IN REPLY ON BEHALF OF THE RESPONDENT NO.1

I, Mr. Johnson Bedy Fernanades , major of age, presently working as the Member Secretary, of the Respondent No. 1 herein, having office at 4th floor, Dempo Tower, Patto Plaza Panaji Goa do hereby on solemn affirmation, state as under:

1. I say that the Answering Respondent had passed an order of demolition of the compound wall abutting the property bearing Sy.No 122/1-A of village Pernem Taluka dated 13/05/2022. Copy of the order dated 13/05/2022 is annexed and is marked as ANNEXURE-R1/1
2. I say that Dy.Collector of Pernem was called upon to execute the said order of demolition.

3. I say that the Answering Respondent has received an application dated 20/09/2021 from Traditional Fisherman of Vithaldaswada and application dated 01/11/2022 from Sarpanch Secretary Village Panchayat of Morjim with regard to permission for repair renovation of the compound wall or erection of Bio fencing of existing Hindu Crematorium. Copy of the Application dated 20/09/2021 and 01/11/2022 is annexed and is marked as ANNEXURE-R1/2
4. I say that this Authority having already passed an order of demolition of the compound wall has not decided upon the request made by the Traditional Fisherman of Vithaldaswada and Sarpanch Secretary Village Panchayat of Morjim until and unless the initial order of demolition stands to get executed.
5. I say that simultaneously the Applicant vide application dated 19/06/2023 made a representation before the Respondent No.1 citing objections for granting any permission for repair and renovation of said offending compound wall. Copy of the Representation/objection is annexed and is marked as ANNEXURE-R1/3
6. I say that the Answering Respondent had issued a personal hearing notice dated 30/6/2023 to the Applicant and the original Respondents calling upon them to file their objections on the said



representation/objection on 06/07/2023. Copy of the Notice is annexed and is marked as ANNEXURE-R1/4

7. I say that the said representation was placed in 348th Meeting of GCZMA held on 06/07/2023 the minutes of the meeting to be read as under: *Proceeding: Advocate appeared on behalf of Traditional Fisherman Morjim. Decision: The Authority after hearing the parties decided to direct the Applicant to produce ownership documents and NOC from the original owner of the said property. The matter is further posted on 27/07/2023 at 3.00 pm.* Copy of the extract of the meeting is annexed and is marked as ANNEXURE-R1/5

8. I say that the said representation was again placed in 351th Meeting of GCZMA held on 31/07/2023 the minutes of the meeting to be read as under: *Proceedings: Advocate for Sameer Naik objector No.2 remained present. Representative from village Panchayat Morjim remained present and sought time. Decision: The Authority after hearing both the parties decided to post the matter on 31/08/2023 at 3.00 pm for arguments.*

Copy of the extract of the meeting is annexed and is marked as ANNEXURE-R1/6

9. I say that a reminder letter has been issued to the Deputy Collector, Pernem to execute the order and submit a compliance



report to the Respondent No.1. Copy of the letter dated 17/01/2024 is annexed and is marked as ANNEXURE-R1/7

10.I say that the above facts are placed on record in compliance to the order passed by this Court on 30/11/2023.

11.I say that what is stated by me in paragraphs 1 to 10 of the Affidavit in Reply are true to my knowledge and based on the records maintained by my office to which I have access.

Solemnly affirmed at Panaji, Goa.

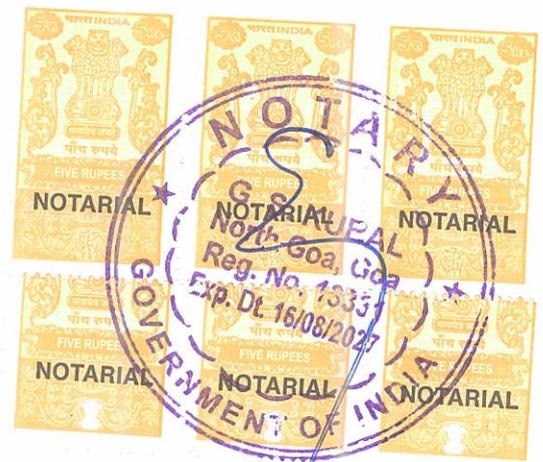
On this 18th day of January , 2024.

[Handwritten Signature]
Deponent

Identified by:

Solemnly affirmed before me by
Johnson B. Fernandes
.....
Reg. No: 06/1040 Date: 18.1.2024
known / Identified to me by.

[Handwritten Signature]
G. S. KUBAL
Notary (Govt. of India)
Panaji-Goa, India



GOA COASTAL ZONE MANAGEMENT AUTHORITY
C/o Department of Science, Technology and Environment (Govt. of Goa)
4th floor, Dempo Towers, Patto, Panaji, Goa,
www.czma.goa.gov.in

Ref. No. GCZMA/N/ILLE-COMPL/21-22/46/351 Date: 13/ 05/2022

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

Sub: Directions to demolish illegal unauthorized construction of compound wall at Infront of property bearing Sy. Nos122/1-A of village Morjim, Pernem Taluka.

Ref.

1.Show cause notice dated 23/09/2021 ref No. GCZMA/ILLE-Comp/21-22/46/965

WHEREAS, The Office of the Goa Coastal Zone Management Authority had received a complaint from Mr Puchakayala Ravi dated 20/09/2021 regarding illegal construction of a compound wall of an dilapidated crematorium is carried out by Mr. Vilas N Morje, Panch Member of Village Panchayat of Morjim and Villagers of Vithaldas wada Morjim Goa.

The Civil Engineer of GCZMA has carried out the Site Inspection of the site on 21/09/2021 and has submitted a report. GCZMA issued show cause notice cum personal hearing notice.

During 273rd GCZMA meeting, Complainant present along with his Advocate, filed reply, Respondent appeared at 3.30 p.m. and filed a reply dated 30.9.2021 and asked the date. The Authority adjourned the matter and posted on 14.10.2021 at 2.30 pm for arguments. Authority decided to issue fresh hearing notices.

During 298th GCZMA meeting, Adv Shivan Desai for Complainant present, Adv V.Amonkar present for the Respondent. The Complainant submitted that the construction of compound wall is illegal, the said crematorium is not highlight on survey plan, further there is no permission for the same and the same falls under NDZ. Further as per the document asked under RTI in Morjim area there is only one crematorium is shown but the crematorium in Question is not shown hence it is clear to say that it is illegal.

The Adv for the Respondent submitted that inspection report dated 21.09.2021 says that there is compound wall and crematorium existing. Further the Respondent submitted that though the said Crematorium is not reflected on regional plan but it is in existence prior to 1991 and on Indian survey Map the said structure is been depicted.

(M)

“The Authority after hearing both the parties and after taking into consideration the written reply along with documents and oral arguments of both the parties. Authority decided to pass the following Order.

WHEREAS it is case of Complainant that there is alleged unauthorizes construction in front of Sy. Nos 122/1-A of village Morjim, Pernem Taluka. It is case of complainant that compound wall constructed for Hindu crematorium is illegal as same is constructed within CRZ -I zone and within NDZ .

That it is case of Respondent that said crematorium existed prior to 1991, to support that statement Respondent produced report of the Department of Geography and Research centre of Parvatibai Chowgule college of Arts and Science based on that report respondent contented that said crematorium existing since 1963.

Authority on due deliberation and perusal of documents produced on record, observed that Respondent has not produced any documents to show that said compound wall constructed with prior permission of GCZMA as said area falls under CRZ regulations. Respondent failed to established that said compound wall constructed prior to 1991.

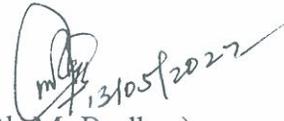
Authority observed that Respondent only pressing on existing of crematorium in the property and whereas here issue is of unauthorized construction of compound wall for which respondent have not produced any documents to established that the said compound wall is legal/authorized and constructed prior to year 1991 before CRZ Notification.

That toposheet relied upon by Respondent is unreliable as same is been prepared by private entity and not by any Govt. Authority. Even otherwise also toposheet is bereft any specific details, more specifically a plain legend to suggest that illegal structure showed on plan is a compound wall. DSLR on survey plan also not showing any structure in subject matter property.

As per Remote sensing Institute (RSI) India survey date 05/04/2011 have not shown any structure/crematorium in subject matter of the property. As per Google image of 2003 no structures existed in property which is subject matter of present complaint. In the subject matter property crematorium is not identified in the list prepared by Mamlatdar of Pernem Taluka. In the order and Judgement dated 25/10/2021 passed in PIL No. 18/2021 H'ble High Court of Bombay at Goa was pleased to accept that there exist one crematorium in Tembwad which adjoining to the property of survey no.119 of village morjim same infact not less than 500mts away from subject property. The H'ble High Court has not acknowledged any crematorium in property which is matter of the present case. The subject matter property comes under No Take zone as per resolution adopted in the 234th meeting of GCZMA.

AND WHEREAS the matter was placed before Authority in 301st meeting held on 28/04/2022, Authority arrived at decision to demolish illegal unauthorized construction of compound wall at Infront of property bearing Sy. Nos122/1-A of village Morjim, Pernem Taluka as same falls in NDZ

NOW THEREFORE, as the Respondents has miserably failed to produce the requisite documents including the Conversion Sand, the Construction License, the Approved Plan, permission from GCZMA and Town and Country Planning Department, License from the Village Panchayat the GCZMA in exercise of the powers conferred under Section 5 of the Environment (Protection) Act, 1986 (Central Act 29 of 1986) read with sub-rule (3) (a) of Rule 4 of the Environment (Protection) Rules 1986, and read with power vested with the GCZMA vide Order S.O. 3975 (E) dated 31/10/2019 issued by the Ministry of Environment & Forests, Government of India, hereby directs to demolish illegal unauthorized construction of compound wall at Infront of property bearing Sy. Nos122/1-A of village Morjim, Pernem Taluka and are hereby directed to restore the land to its original condition, within 30 days from the date of receipt of this order, failing which the concerned Deputy Collector/ S.D.O shall demolish all the structures to enable restoration of land to its original state within 15 days and recover the expenses incurred on demolition from Vilas Morje 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.



(Dasharath M. Redkar)

Member Secretary (GCZMA)

OIC

To,

1. Vilas N Morje, Panch Member of village Panchayat of Morjim, pernem.

Copy to,

1. The Sarpanch/Secretary, village Panchayat of Morjim, Goa.

2. The Collector & District Magistrate,(North), Office of the Collector (North), a, Collector Building Panaji -Goa.... for executing the order and ensure compliance of the order.

3. The Deputy Collector & S.D.O of Pernem, ... to assist the Collector for executing the order and compliance.

4. Mr Puchakayala Ravi, r/o H.No. 975,housing Board Colony, Porvorim, Bardez Goa(complainant)

From,

Traditional Fishermans of Vithaldaswada
Morjim, Pernem-Goa

- 1) Govind Dynba Morje
Vithaldaswada, Morjim, Pernem-Goa
- 2) Krishna Jagannath Parab (Traditional Fisherman)
Vithaldaswada, Morjim, Pernem-Goa
- 3) Pundalik Sudan Morje (Traditioanl Fisherman)
Vithaldaswada, Morjim, Pernem-Goa.

Date :- 20/09/2021

20/9/2021

To,

The Director Member Secretary
GCZMA, Dempo Towers
Panjim-Goa

Sub: - Repair and renovation of old existing Hindu traditional Crematorium of traditional fisherman of Vithaldaswada, Morjim, Pernem-Goa with geo tag coordination no 15.624123(L) and 73.730156 (LT)

Sir,

With reference to above referred subject we the undersigned traditional fishermans of Vithaldaswada, Morjim, Pernem-Goa would kindly request your good office to issue NOC for repair of traditional crematorium located at Vithaldaswada, Morjim, Pernem-Goa. The said crematorium is a traditional crematorium used by fisherman community for more than 60 years. The said crematorium is also recorded in the draft CZMP Plan-issued by your good office.

We are enclosing herewith resolution copy of Village Panchayat Morjim dated 14/08/2018, Photographs of the crematorium performing final rites and google map, image for your reference.

Kindly do the needful as soon as possible.

Yours Sincerely

1) Govind Dynba morje

2) Krishna Jagannath Parab

3) Pundalik sudan morje



VILLAGE PANCHAYAT MORJIM
TAL. PERNEM GOA

E-Mail:- grampanchayatmoriim@gmail.com www.vpmoriim.com Phone no. 2244310

Ref. No. V.P./MOR/PER/ letter /2022-23/ 1135

Date: - 31/10/2022

To,
The Hon'ble Chief Minister,
State of Goa,
Secretariat- Porvorim,
Goa.

Member Secretary

G. C. Z. M. A.

Inward No. 2852

Date: 01/11/2022

Santosh
01/11/2022

Sub- Application for permission for repairs/renovation of the compound wall or erection of bio-fencing of the existing Hindu crematorium at Vithaldaswada- Morjim Pernem Goa.

The Village Panchayat of Morjim is filing the present Application seeking permission for repairs/renovation of the compound wall or erection of bio-fencing of the existing Hindu crematorium at Vithaldaswada- Morjim Pernem- Goa. The brief facts leading to the making the present Application/Representation are set out herein below for ready reference:

1. There exists a crematorium in Vithaldaswada- Morjim which is being traditionally used by the local fishermen community for more than 50 years for cremating the dead bodies. There are Reports filed by the Talathi as also by the representative of the Goa Coastal Zone Management Authority demonstrate the aforesaid fact. The copies of the said Reports are annexed for ready reference.
2. Some of the members of the traditional fisherman community had already made an Application for repair and renovation of the "Old existing Hindu traditional Crematorium". However the same has, till date, not being decided by the GCZMA. A copy of the said Application is annexed herewith for ready reference.
3. The Village Panchayat of Morjim way back in February, 2006 has already passed a Resolution for repairs of the road as also the compound wall for the said crematorium. A copy of the said Resolution dated 28th February, 2006 is annexed hereto for ready reference. Moreover, the Village Panchayat of Morjim in August, 2018 passed a resolution of the said crematorium in its records.
4. It is pertinent to take into consideration the Report of the Department of Geography and Reserch Center of the Parvatibai Chowgule College of Arts and Science to demonstrate the existence of the said crematorium much prior to 1991. The said Report issued by the Head of Department of Geography would establish that the Toposheet No. 48E/10/5 surveyed in 1963 - 64 indicates two structures on the same location where the said crematorium is located. The said Report also relies on Google Maps for the year 2003, 2008, 2010, 2012, 2015, 2018 and 2021 to conclude the existence of a rectangular plot with a pathway from the beach side. This Report prepared by the experts in the field is sufficient to prove beyond and doubt that the said crematorium is existing since at least 1963 - 1964. I am enclosing a copy of the said Report along with the supporting documents for the ready reference.
5. From a perusal of the aforesaid documents, it becomes clear that the said crematorium is existing since at least more than 50 years and is being regularly used by the residents of Vithaldaswada- Morjim. It is necessary that the said crematorium is protected by repairing and renovating the existing compound wall. In the alternate and in the event there is any legal difficulty in granting the said permitting, then kindly permit the Village Panchayat to erect/put up a bio-fencing in order to safeguard the said crematorium from any stray animals and cattle.
6. It is most humbly requested to kindly issue the aforesaid permission as early as possible in order to enable peaceful crematorium process.

9c
Yours Sincerely,

Sanjay
SARJAN

Village Panchayat Morjim
Tal: Pernem Goa

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o/c

ANNEXURE - A. III

Date: 17th June, 2023

(65)

From:-
Mr. Sameer B. Naik
H.No.8, Cammer Khazen,
Peddem,
Mapusa, Goa-403507



To,

1. Shri Nilesh Cabral ✓
Hon'ble Minister of Environment & Climate Change,
Government of Goa
2. The Secretary ✓
Environment & Climate Change,
Government of Goa
3. Member Secretary (GCZMA)
Patto, Panji, Goa

O/o Member Secretary
Goa Coastal Zone Management Authority
C/o Department of Environment & Climate Change
Dempo Tower - 9th Floor,
Patto Plaza Panjim-Goa. 403001

Pell 18/6/23

Sub: Objection Letter cum Represent letter for granting of any permission for repair and renovation of compound wall or for erection of bio-fencing of the site illegally used for cremation at infront of Sy.no.122/1-A at Vithaldaswada, Morjim, Pernem, Goa.

Dear Sir,

1. It is shocking to learn from the Minutes of the 339th Meeting of the Goa Coastal Zone Management Authority (GCZMA) held on 11.04.2023 (ANNEXURE-A), that under case no.1.4 application of Repairs and renovation of old existing traditional crematorium of traditional fisherman of Vithaldaswada, Morjim, Pernem-Goa was taken and considered for discussion.
2. In this connection, I hereby lodge my strong objection that the application is considered in aforesaid meeting, fact that there is a demolition order was passed by your authority bearing Ref. No. GCZMA/N/ILLE-COMPL/21-22/46/351 dated 13/05/2022 against same illegal unauthorised construction of

1

True copy

[Signature]

Compound wall illegally used for cremation at infront of property Sy. Nos 122/1-A of Vithaldaswada (ANNEXURE-B), Morjim, Pernem-Goa. The grounds for objecting to such permission are as under:

3. It is pertinent to note that the site for which the afore-referred permission is requested, has always been open land, situated on the sandy portion of the sea and is in fact a State Government/Tourism Department property. Being in close proximity of the turtle nesting site at Morjim, the said site has been designated as a 'No Take Zone' as per the resolution adopted in the 234th meeting of GCZMA. The site is therefore designated as CRZ-I/NDZ as per the CRZ Regulations in force.
4. Sometime in the year 2021, one Mr. Vilas N. Morje, Panch member of the Village Panchayat of Morjim along-with some unknown persons managed to illegally construct a compound wall at the said site and used the same illegally as a cremation site. Such construction, besides being patently illegal, was also otherwise impermissible in law since the site in question was an eco-sensitive area and a 'No Take Zone' for breeding of dwindling species of Olive Ridley turtles. Govt of Goa is trying to make Morjim the Olive Ridley nesting sites.
5. Being so, the GCZMA after issuing Show-Cause Notice to the said Mr. Vilas N. Morje, passed an Order bearing Ref. No. GCZMA/N/ILLE-COMPL/21-22/46/351 dated 13/05/2022, directing the said Mr. Vilas N. Morje to demolish the illegal unauthorised construction of compound wall, in front of property bearing Survey No.122/1-A of Village Morjim. Hereto annexed and marked as (ANNEXURE-B) is a copy of the Demolition Order dated 13/05/2022.
6. Pertinently, it is in respect of the very same construction which has a standing demolition order (as above); for which permission is now mischievously sought for repair/renovation. Infact, the demolition order dt.13.05.2022 has not been challenged by Mr. Vilas Morje or any other person before the

- competent appellate authority and therefore the same has attained finality and binding on all parties concerned. Therefore, it can be least expected from a regulatory authority such as GCZMA to ignore of its own order; not implemented the same and on the contrary consider application for grant of permission for the same purpose.
7. In any case, it is impermissible in law for any authority to consider an application for grant of permission, in respect of a structure, against which, there is a standing demolition order. Doing so would amount to putting a premium on illegality and making an authority to go against its own earlier decisions.
 8. It is therefore completely impermissible for the said villagers to seek permission for repair/renovation, relying-upon the very same documents, to demonstrate alleged pre-existence of the crematorium at Vithaldaswada.
 9. It is of further pertinence that there is and already existing public crematorium at Tembwada-Morjim which is being used by all sections of the society without any discrimination on the basis of caste, creed, sex etc. and also the same has been recently upgraded with facilities necessary for cremation of dead bodies, including construction of compound-wall with gate.
 10. Incidentally, the existing public crematorium at Tembwada-Morjim is at a distance of less than 1 kilometre from the illegal cremation site at Vithaldaswada.
 11. There being an already existing and functional public crematorium at Tembwada-Morjim; there is no justification for the GCZMA to grant permission for repair/renovation of compound-wall at a site, against which there is a standing demolition order and which is an extremely eco-sensitive area from the point of view of conservation of turtles and designated as a 'No Take Zone'.
 12. Since the impugned site has already been declared as illegal, there is no question of undertaking any cremations at the said site. That being the case, there is also no question of erecting

(68)

any bio-fencing, purportedly 'in order to safeguard the said crematorium from any stray animals and cattle'.

13. In the circumstances aforesaid the undersigned has strong objection to the grant of any permission for repair and renovation of compound-wall or erection of bio-fence, as sought-in the application dt. 20/09/2021. The undersigned submits that grant of any such permission will not only amount to an outright abuse of power and illegality on the face of it, but would further amount to the GCZMA giving a go-by to its own directions (contained in the Demolition Order dated 13/5/2022). Infact, by this letter undersigned called upon the GCZMA to implement and execute its earlier demolition order dt.13.05.2022 without any further delay.
14. The undersigned will not hesitate from challenging any such illegal move on the part of the GCZMA, before the appropriate legal fora. It is therefore prayed that the application dated 20/09/2021 be rejected.

Yours faithfully,


Sameer B. Naik

Encl: As above.

GOA COASTAL ZONE MANAGEMENT AUTHORITY

C/o Department of Science, Technology and Environment (Govt. of Goa)

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

www.czma.goa.gov.in

Ref. No. GCZMA/N/DLE-Comp/21-22/46/930

Date: 30/06/2023

NOTICE OF PERSONAL HEARING

Sub: Personal hearing before the Authority With regards Permission for repairs/Renovation of the compound wall or erection of bio-fencing of existing Hindu crematorium at vithaldaswada Morjim Pernem Goa.

Ref:-

- 1.Application dated 20/09/2021 inward No.2065 by Traditional Fishermans of Vithalwada
- 2.Application dated 01/11/2022 inward No.2852 by Village Panchayat of Morjim
- 3.Representation dated 10/03/2023 inward No.5242 by Shri.Mangesh Shetgaonkar
4. Objection letter dated 17/06/2023 inward no.1798 Shri.Sameer B.Naik

WHEREAS the office of GCZMA is in receipt of application dated 20/09/2021 from the Traditional Fishermans of Vithalwada and Application dated 01/11/2022 from Sarpanch/Secretary Village Panchayat of Morjim with regard to Permission for repairs/Renovation of the compound wall or erection of bio-fencing of existing Hindu crematorium at vithaldaswada Morjim Pernem Goa.

Authority also received representation dated 10/03/2023 from Shri.Mangesh Shetgaonkar and letter dated 17/06/2023 from Shri.Sameer B.Naik objecting the Permission for repairs/Renovation of the compound wall or erection of bio-fencing of existing Hindu crematorium at vithaldaswada Morjim Pernem Goa.

AND WHEREAS, in this regard, the GCZMA has now decided to call the parties for personal hearing on 06/07/2023 at 3.00 pm onwards.

NOW THEREFORE, you are hereby required to remain present for the personal hearing or depute your duly authorized representative with all the relevant documents, before the Authority, on the scheduled date, failing which the Authority shall proceed exparte in the matter.


(Dr.Sneha Gitte IAS)
Member Secretary (GCZMA)

To

1.The Sarpanch/Secretary

Village Panchayat of Morjim

Morjim-Pernem - Goa .

2.Traditional Fishermans of Vithal^{das}wada

Morjim Pernem Goa.

Represented by

a).Shri.Govⁿid Dynba Morje

Vithaldaswada, Morjim Pernem Goa

b).Shri.Krishna Jagannath Parab

Vithaldaswada, Morjim Pernem Goa

c).Pundalik Sudan Morje

Vithaldaswada, Morjim Pernem Goa

3.Shri.Sam^eer B.Naik

H.No.8, Cammer khazen

Peddem Mapusa Goa

4.Shri.Mangesh Shetgaonkar

Tembwadas,Morjim Pernem Goa

MINUTES OF THE 348th MEETING OF THE GOA COASTAL ZONE
MANAGEMENT AUTHORITY (GCZMA) HELD ON 06/07/2023 at 03.00 PM IN
THE CONFERENCE HALL, FOURTH FLOOR, DEMPO TOWER, PATTO,
PANAJI-GOA

The 348th Meeting of the Goa Coastal Zone Management Authority (GCZMA) was held under the Chairmanship of the Secretary (Environment) on 06/07/2023 (Thursday) at 03.00 p.m. in the Conference hall, Fourth floor, Dempo Tower, Patto, Panaji - Goa.

The following members were present for the meeting on 06/07/2023:

1. Secretary, Environment & Climate Change/Chairman (GCZMA)
2. Representative on behalf Principal Conservator of Forest, Department of Forest Panaji, Goa
3. Representative on behalf of Director, Department of Tourism, Panaji, Goa
4. Representative on behalf of Director, Directorate of Panchayat, Panaji, Goa
5. Representative on behalf of Director, Directorate of Fisheries, Panaji, Goa
6. Mrs. Radha Rao, Expert Member (GCZMA)
7. Shri Ganesh B. Velip, Expert Member (GCZMA)
8. Dr. Sushant S. Naik, Expert Member (GCZMA)
9. Director, Environment & Climate Change/Member Secretary (GCZMA)

At the outset, the Chairman (GCZMA) welcomed the Members of GCZMA present for the meeting and thereafter the following agenda items were taken up for discussion and decision.

Item No.1

Case No.1.1

To decide on the Complaint Filed by Mrs. Rosita Fernandes, R/o H.No 296, Ward no 9, PalolemCanacona Goa vide letter dated 23/07/2020 filed a complaint against Mr. James Fernandes R/o PalolemCanacona Goa , for constructing illegal house in Survey No 120/21-A-1 of village Palolem -Canacona Goa

Background: Mrs. Rosita Fernandes, R/o H. No 296, Ward no 9, PalolemCanacona Goa vide letter dated 23/07/2020 filed a complaint against Mr. James Fernandes R/o PalolemCanacona Goa , for constructing illegal house in Survey No 120/21-A-1 of village Palolem -Canacona Goa. Show Cause dated 10/02/2023 was issued to the parties.

In view of the above, the matter is placed before the Authority for grant of personal hearing to the parties.

Beati

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Decision: The Authority after detailed discussion decided to call for walk in interview for the appointment of 2 legal assistants in the office of GCZMA.

Case No. 2.31

To decide on purchase of Laptops, plotter, printers, Autodesk autocad software & Hand Held GPS for Technical staff of GCZMA.

Background: The Technical staff consists of 4 engineers and 4 surveyors working on only 3 Desktop and 1 laptop. Therefore there is need to purchase of 1 plotter, 2 printers, 4 Autodesk AutoCAD Software, 3 Laptop and 2 Hand Held GPS.

Decision: The Authority after detailed discussion decided to approve the proposal for purchasing and further decided to call for the quotations from the respective suppliers.

Case No. 2.32

To decide on application from the Traditional Fisherman of vithaldas wada and application from Sarpanch village panachayat Morjim regarding permission for repair /Renovation of the compound wall or erection of bi fencing of existing Hindu Crematorium at vithaldas wada, Morjim, Goa.

Background: This office is in receipt of application dated 10/03/2023 from the Traditional Fishermans of vithaldas wada and application dated 01/11/2022 from Sarpanch village panachayat Morjim regarding permission for repair /Renovation of the compound wall or erection of bi fencing of existing Hindu Crematorium at vithaldas wada, Morjim, Goa.

Authority also in receipt of representation from dated 10/03/2023 from Mangesh Shetgaonkar and letter dated 17/06/2023 from sameer Naik objecting permission for repair /Renovation of the compound wall or erection of bi fencing of existing Hindu Crematorium at vithaldas wada, Morjim, Goa.

Proceeding: Advocate appeared on behalf of Traditional Fisherman Morjim.

Decision: The Authority after hearing the parties decided to direct the applicant to produce ownership documents and NOC from the original owner of the said property. The matter is further posted on 27/07/2023 at 3.00 pm.

Meeting ended with thanks to the Chair.


Member Secretary
(GCZMA)


Chairman
(GCZMA)

MINUTES OF THE 351st MEETING OF THE GOA COASTAL ZONE MANAGEMENT AUTHORITY (GCZMA) HELD ON 31/07/2023 at 03.00 PM IN THE CONFERENCE HALL, FOURTH FLOOR, DEMPO TOWER, PATTO, PANAJI-GOA

The 351st Meeting of the Goa Coastal Zone Management Authority (GCZMA) was held under the Chairmanship of the Secretary (Environment) on 31/07/2023 (Thursday) at 03.00 p.m. in the Conference hall, Fourth floor, Dempo Tower, Patto, Panaji - Goa.

The following members were present for the meeting on 31/07/2023:

1. Secretary, Environment & Climate Change/Chairman (GCZMA)
2. Representative on behalf of Chief Conservator of Forests, Department of Forest, Panaji-Goa.
3. Representative on behalf of Director, Directorate of Panchayat, Panaji, Goa
4. Principal Chief Engineer, Public Works Department, Panaji, Goa
5. Representative on behalf of Director, Department of Tourism, Panaji, Goa
6. Mrs. Radha Rao, Expert Member (GCZMA)
7. Shri Ganesh B. Velip, Expert Member (GCZMA)
8. Dr. Sushant S. Naik, Expert Member (GCZMA)
9. Director, Environment & Climate Change/Member Secretary (GCZMA)

Item No.1

Case No.1.1

To decide on a complaint dated 27/03/2023 from Shri DulbaVolvoikar, r/o H.No B-1-63, Near Betim Chowki, BetimBardez Goa with regards to illegal construction carried out in Sy.No 61/1 of village Reis MagosBardez Goa By Mr. Ratnakar XambaVolvoikar and Mr. Saish Ratnakar Volvoikar Both R/o H.No 1804, Saidwarka, Nr. Telephone Dept, Alto, Porvorim, Bardez Goa thereby violating the CRZ Norms.

The Office of the Goa Coastal Zone Management is in receipt of the Complaint dated 27/03/2023 from Shri DulbaVolvoikar, r/o H.No B-1-63, Near Betim Chowki, BetimBardez Goa with regards to illegal construction carried out in Sy.No 61/1 of village Reis MagosBardez Goa By Mr. Ratnakar XambaVolvoikar and Mr. Saish Ratnakar Volvoikar Both R/o H.No 1804, Saidwarka, Nr. Telephone Dept, Alto, Porvorim, Bardez Goa thereby violating the CRZ Norms.

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The Applicant had approached the Hon'ble High Court and Hon'ble High Court has been pleased to dispose the off the matter vide dated 02/05/2023 thereby directing this Authority to dispose the matter within 3 months.

During 347th meeting held on 22/06/2023. Adv. Gosavi present along with the Complainant. Respondent present in person and files application seeking time.

The Authority granted time and directed the Respondent to file reply in advance as the said matter is time bound matter and has to be disposed off by 02/08/2023 at 3.00pm and posted the matter on 06/07/2023 at 3.00pm.

During 348th meeting held on 06/07/2023. Complainant present along with his Advocate. Respondent present in person and requested for some additional time to file reply.

The Authority after hearing both the parties decided to grant time to the Respondent. Respondent is given last and final opportunity to file reply failing which, the Authority will pass an appropriate order. As Per Hon'ble High Court directions the said matter is time bound matter and has to be disposed by August 2023 . Matter is posted on 20/07/2023 at 3.00pm.

During 350th meeting held on 20/07/2023. Complainant along with Advocate present. Advocate A. Parab present for the Respondent and filed reply. Advocate for the Complainant produced High Court Order stating that the matter has to be decided before 1st August 2023.

The Authority after hearing both the parties and taking into consideration the documents submitted by Respondent decided to post the matter on 27/07/2023 at 3.00 pm for arguments. However due to ongoing monsoon assembly session the matter could not take place on 27/07/2023. The same is posted on 31/07/2023.

Proceedings: Complainant along with Advocate present. Advocate A. Parab present for the Respondent and filed reply and stated that his structure is prior to 1991. The Respondent submitted that due to sudden damage of house, they had to repair the house. He further submitted that the Respondent had filed application for repair and renovation before the Panchayat. The Complainant submitted that the Respondent has not taken any permission for repair from the concern Authorities.

Decision: The Authority after hearing both the parties and taking into consideration the documents submitted by both the parties decided to post the matter for pronouncement of Order on 03/08/2023 at 3.00 pm.

Case No.1.2

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Decision: The Authority after detailed discussion and going through the documents decided to seal the property and issue directions to the Deputy Collector, Tiswadi Talukato seal the property till further orders and posted the matter on 17/08/2023 at 3.00 pm.

Case No.1.11

To decide on complaints from Mr. Anthony Lopes, with regards to illegal construction in the No Development Zone in the property of GTDC as termed as Baga Circuit in the Sy.No 283/4 of village Calangute, Taluka Bardez,Goa.

Background:The Office of the Goa Coastal Zone Management is in receipt of complaints dated 20/09/2022 and 04/07/2022 from Mr. Anthony Lopes, R/o 234,Cobravaddo,Calangute, Bardez, Goa with regards to illegal construction in the No Development Zone in the property of GTDC as termed as Baga Circuit in the Sy.No 283/4 of village Calangute, Taluka Bardez,Goa.

On receipt of complaint, Engineers and Field Surveyors attached to this office conducted a site inspection.

The said matter was placed on 348th GCZMA meeting held on 06/07/2023. Complainant absent sent a mail requesting for time GTDC representative present in person.

The Authority considered the request of the Complainant and posted the matter on 27/07/2023 at 3.00 pm. However due to ongoing monsoon assembly session the matter could not take place on 27/07/2023. The same is posted on 31/07/2023.

Proceedings: Advocate N Vaz appeared for GTDC and sought one week time.

Decision: The Authority after hearing decided to post the matter on 03/08/2023 at 3.00 pm.

Case No. 1.12

To decide on application from the Traditional Fisherman of vithaldaswada and application from Sarpanch village panachayatMorjim regarding permission for repair /Renovation of the compound wall or erection of bi fencing of existing Hindu Crematorium at vithaldaswada, Morjim, Goa.

Background: This office is in receipt of application dated 10/03/2023 from the Traditional Fishermans of vithaldaswada and application dated 01/11/2022 from Sarpanch village panachayatMorjim regarding permission for repair /Renovation of the compound wall or erection of bi fencing of existing Hindu Crematorium at vithaldaswada, Morjim, Goa.

Authority also in receipt of representation from dated 10/03/2023 from Mangesh Shetgaonkar and letter dated 17/06/2023 from sameer Naik objecting permission for

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repair /Renovation of the compound wall or erection of bi fencing of existing Hindu Crematorium at vithaldaswada, Morjim, Goa.

The said matter was placed on 348th GCZMA meeting held on 06/07/2023. Advocate appeared on behalf of Traditional Fisherman Morjim.

The Authority after hearing the parties decided to direct the applicant to produce ownership documents and NOC from the original owner of the said property. The matter if further posted on 27/07/2023 at 3.00 pm. However due to ongoing monsoon assembly session the matter could not take place on 27/07/2023. The same is posted on 31/07/2023.

Proceedings: Advocate Sameer Naik for objector No.2 remained present. Representative from village Panchayat Morjim remained present and sought time.

Decision: The Authority after hearing both the parties decided to post the matter on 31/08/2023 at 3.00 pm for arguments.

Case No.1.13

To decide on complaint from Shri. Vinod V.Juvekar against Shri. Gajanan Juvekar and Mr. Vishnu Juvekar , in survey No.95/1 of village CavelossimSalcete Taluka.

Background: GCZMA in receipt of a complaint letter dated 11/12/2018 from Shri. Vinod V.Juvekar, Flat No.1, Shree Gurukrupa Co-op, Hsg Soc. Ltd. Super Market, Ponda Goa., against Shri. Gajanan Juvekar and Mr. Vishnu Juvekar , in survey No.95/1 of village CavelossimSalcete Taluka regarding illegal construction of one laterite masonry with manglore tiles roof one RCC framed structure with G.I.sheet fabrication one RCC load bearing structure with flat slab one Load bearing structure one Partly RCC structure and partly A.C. Sheet roof Temporary Structure

On receipt of complaint Authority forwarded same to Chairman of District Level committee to inspect the site and to submit the report, DLC now submitted report before Authority after conducting site inspection.

The said matter was placed on 331st GCZMA meeting held on 16/02/2023. Advocate Shri. Vishal Amonkar appeared on behalf of Respondent, Complainant absent and Respondent advocate submitted that Respondent has not received DLC report hence prayed some to file reply.

Authority directed Respondent advocate to collect DLC report from the office during working time and decided to adjourn the matter for filing reply of Respondent on 16/03/2023 at 3.00 pm.

The said matter was placed on 335th GCZMA meeting held on 16/03/2023. Complainant was absent. Advocate Vishal Amonkar appeared along with the Respondents. Respondent filed reply and stated that there is no illegal construction at site.

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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

Ref.No.GCZMA/N/ILIT-Compl/21-22/46/3292 Dated: 17/01/2024

REMINDER I

18

To

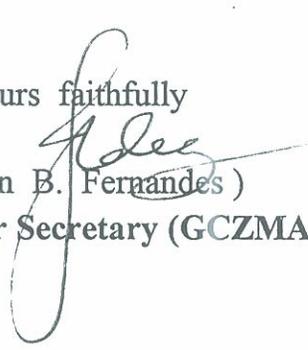
1. The Deputy Collector & S.D.O
Pernem,
Pernem Goa.
2. The Deputy Collector & SDO &
Incharge of Demolition Squad, Collectorate Building,
Swami Vivekanand Road, Panaji,
Tiswadi Goa

SUB: Execution of the order dated 13/5/2022

The office of GCZMA had passed an order of demolition dated 13/05/2022 directing the Respondent Mr. Vilas Morje, Panch Member of village Panchayat of Morjim to demolish the compound wall abutting property bearing Sy.No 122/1-A of village Morjim, Pernem Goa.

You are therefore requested to requisition the demolition squad and execute the demolition order passed by this office within 1 month from receipt of this notice and submit a compliance report at the earliest so as to place the same before the Hon'ble NGT, (WZ) Pune.

Yours faithfully


(Johnson B. Fernandes)
Member Secretary (GCZMA)

Copy To,

1. The Collector, North Goa, Collectorate Building, Swami Vivekanand Road, Panaji, Tiswadi Goa.....for information and necessary action.
2. The PI, Pernem Police Station, Pernem-Goa....for information and necessary action.