

BEFORE THE NATIONAL GREEN TRIBUNAL,  
WESTERN ZONE, AT PUNE

Appeal No. 05/2024

BETWEEN:

Anil Hoble

... Appellant

V/s.

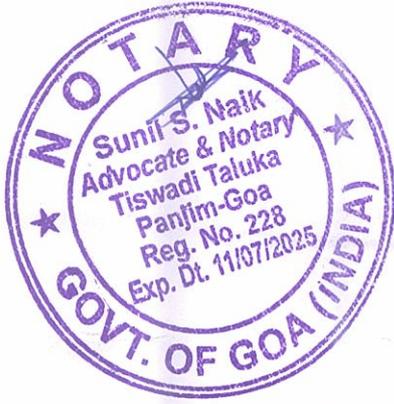
GCZMA & 2 Ors.

... Respondents.

AFFIDAVIT IN REPLY OF  
RESPONDENT NO. 2

I, Shri. Shamir Coutinho, S/o. Caetano Piedade Coutinho, 71 years of age, Chairman of the respondent no. 2 association, having its office at Tenants Association of Morombi O Grande, Merces-Goa, do hereby solemnly affirm and state on oath as under:

1. I say that I have read and understood the contents of the appeal and the same are denied in totality to the extent the same is contrary and inconsistent with the case of the



respondent no. 2 and in reply thereto I further state and submit as under:

2. I say that at the outset the allegations and the grounds raised in the appeal are frivolous, misconceived in law and is based on suppression of material facts and therefore the present appeal deserves to be dismissed at the threshold.
3. I say that the appellant has been in inimical terms with the respondent no. 2 and based on enmity, the complaint has been filed to falsely implicate the respondent no. 2 in false cases and on this ground alone the present appeal is liable to be dismissed.
4. I say that the appellant as well as his brother namely Shri. Ankush Hoble have indulged in illegal activities by carrying out illegal constructions on the protective bunds in survey nos. 65/1-A, 69 of Village Morombi-O-Grande, wherein they have been running commercial businesses illegally, despite being faced with orders of demolition by the



authorities including GCZMA, details of which have been mentioned hereinbelow.

5. I say that Mr. Ankush Hoble, brother of the appellant has carried out illegal construction in the nature of an compound wall of an area of around 70 square meters as well as a structure of an area 71.70 square meters approx., in property surveyed under survey no. 69/1 of Village Morombi-O-Grande and has also carried out illegal filling of the land of an area of 114 square meters approximately in Survey No. 73/2 of Village Morombi-O-Grande in the CRZ-III Zone, he has also constructed a structure of an area of 69 square meters and also filling of the creek of an area 84 square meters, which was being done by illegally cutting down mangroves and filling of the land. It is pertinent to note that the Inquiry Committee of the Goa Coastal Zone Management Authority (hereinafter referred to as GCZMA) in case bearing no. GCZMA/N/ILLE/COMPL/15-16/1160 had



*[Handwritten Signature]*

vide its order 18/02/2016 had directed the Dy. Collector & S.D.O of Tiswadi, to demolish the compound wall and the structure built illegally by Mr. Ankush Hoble in survey no. 69/1 and to remove the filling of the land in the creek and to demolish the structure in survey no. 73/2 of Village Morombi-O-Grande. Hereto annexed is a copy of the inquiry committee order dated 18/02/2016 as ANNEXURE 'A'.

6. I say that the appellant herein has also committed a large scale illegalities in eco-sensitive area in property bearing Chalta No. 1 of P.T. Sheet No. 10 of Panjim City and Survey No. 65/1-A of Village Morombi Grande within the Jurisdiction of Mercas Panchayat, by constructing a commercial building in CRZ area in the abovementioned property where he is running a commercial activity of Bar and restaurant. This is done by filling up of salt pans illegally in NDZ of CRZ-III area. The said illegal development was ordered to be demolished by this Tribunal



*(Signature)*

in Original Application no. 51/2014 in the matter of Shri. Kashinath Shetye & 3 Ors V/s. Srinet Kotwale & Ors, vide its Judgement and order dated 29/05/2015 and a direction was issued to the Deputy Collector to remove the same within a period of 6 weeks, as well as the appellant was directed to pay an amount of Rs. 20 Lakhs as costs towards environment degradation. As report of compliance of the said order was to be filed before this Tribunal within 6 weeks, which order has till date not complied with by the appellant. It is pertinent to note that the abovementioned Judgement dated 29/05/2015 was challenged by the appellant before the Hon. Supreme Court and was upheld by the Hon. Supreme Court in Civil Appeal (Diary No). 26024 of 2016. Hereto annexed are copies of the Judgement dated 29/05/2015 passed in O.A. No. 51/2014, and the order dated 7/10/2016 passed by the Hon. Supreme Court in Civil Appeal (Diary



A handwritten signature in blue ink, appearing to be "Srinet Kotwale", written over a horizontal line.

No. 26024 of 2016 as ANNEXURE 'B'  
COLLY.

7. I say that the appellant has till date not complied with the aforesaid orders and a large part of the structure is still in Khazan land and he has paved the area. There is bar known as Hobles River Land set up on the property wherein the appellant has been carrying out illegal commercial activities as well. Hereto annexed are photographs dated 14/02/2024 of the illegal structures existing in property bearing Chalta No. 1 of P.T. Sheet No. 10 of Panjim City and Survey No. 65/1-A of Village Morombi Grande as well as news reports as ANNEXURE 'C' COLLY.

8. I say that the respondent no. 2 has clearly depicted the abovementioned illegalities committed by the appellant and his brother namely Shri. Ankush Hoble, by highlighting the same using a red marker on recent Google Earth Image. Additionally the respondent no. 2, has also highlighted a portion of the



*[Handwritten signature]*

Protective bund namely santanacho Bund, Zoddi Manus (sluice gate), and illegal opening created on the protective bund by the appellant. Hereto annexed is a copy of the Google Earth Image as ANNEXURE 'D'.

9. I say that the respondent no. 2 has not done any illegal land filling nor have they uprooted the mangrove trees as alleged and therefore this Hon. Authority has no jurisdiction to entertain and dispose of the present appeal, as there is no violation of any CRZ Regulations, and on this ground also the appeal is liable to be dismissed.

10. I say that the respondent no. 2 is a tenants association formed under the provision of the Goa Daman and Diu Agricultural Tenancy (Discharge of Joint Responsibility of Tenants) Rules, 1975 and under the said Rules the above association has been registered before the Mamlatdar of Tiswadi. I say that the Managing Committee is governed by the said Rules.



A handwritten signature in blue ink, appearing to be 'R. Y. Naik'.

11.I say that Section 2(d) of the Goa Daman and Diu Agricultural Tenancy (Discharge of Joint Responsibility of Tenants) Rules, 1975, (hereinafter referred to as "Said Rules"), defines "ASSOCIATION" means a group of tenants who have become deemed purchasers by virtue of the Goa, Daman and Diu Agricultural Tenancy (Fifth amendment) Act, 1976 and who jointly derive benefit from a common major bund or bunds in a locality and is recognized as such under these rules, by the Mamlatdar of the Taluka having jurisdiction.

12.I say that in terms of Section 4 (iii) of the said Rules, one of the functions of the association is to consider and decide the matters regarding the conservancy, maintenance and repairs of any bund, embankment, ridge, sluice-gate or any other matter which may be specially referred to by the Managing Committee for consideration or which the majority of the members of the General Body want to raise.



*[Handwritten signature]*

13.I say that the Managing Committee under the  
aforementioned Rules and more specifically  
Rule 6(5) is also responsible to discharge the  
function as set out therein. The relevant rules  
reads as under:-

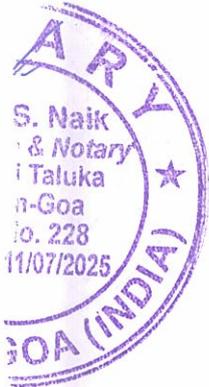
Rules:

6 (5) (b) to take all steps which are necessary  
to be taken for conservancy, maintenance or  
repair of bunds.

6 (5) (f) to take immediate steps for closure of  
breaches in the bunds and get few works  
executed.

14.I say that further Rule 9 deals with the  
execution of works of repair, etc, which Rule  
empowers the managing committee to  
undertake the work of repair and maintenance  
of the bunds and the sluice gates.

15.I say that the fields of the farmers/members of  
the respondent association are situated  
adjacent to the Mandovi river and the said  
fields are surrounded by the protective bund  
called as "Santanacho Bund".

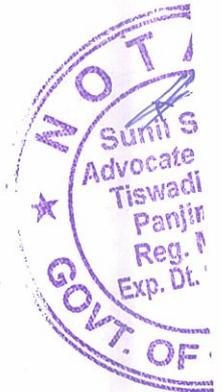


A handwritten signature in blue ink, appearing to be 'Santosh'.

16. I say that a Bund as per Oxfords Dictionary is defined as a wall of stone or earth, built to stop an area being covered by a large amount of water. It is generally defined as an artificial embankment, dam or a barrier made of earth built across a river or stream to prevent flooding.

17. I say that in order to protect the fields from being washed away by the water currents and floods during the monsoons the bunds which are referred to as protective bund have been constructed with mud during olden times in Khazan lands around paddy fields. It is in order to strengthen the bund at some places coconut plantation is also done on the bund. These plantations protect the bund from being eroded as the roots serve as a binding mechanism.

18. It is further to strengthen the bund, the association has undertaken the plantation of mangroves on both sides of the bund wherever possible so that the bund will get protection



*[Handwritten signature]*

from the water currents and the bund will not slip erode every now and then. The bunds have been constructed with mud all around the fields with a topographical height of about 1.5 meters to 2 meters above the level of the fields which depends upon topography at site. The width of the bund also varies depending upon the site and the location from 2 meters to 4 meters or more in width. The bunds which are in the immediate neighborhood of the river are little wider as compared to the internal bunds. Depending upon the location of the bunds they are named by the Association.

19. It is to be mentioned that in pursuance of section 26(3) of Goa, Daman and Diu Agricultural Tenancy Act, 1964, the Government of Goa have notified the Santanacho Bund and other bund of the association as protective bund. The old bunds have been notified. It is once the bund is notified as protective bund the Government of Goa contributes 50% of its contribution



A handwritten signature in blue ink, appearing to be 'Santosh'.

towards the repair of the said bunds and for which the procedure is contemplated under the rules.

20.I say that under the aforesaid Agricultural Tenancy Rules and as per the procedure prescribed under the said Rules the need of repair of the bund once reported to the Mamlatdar, the Mamlatdar directs the Talathi to inspect the bund. It is based on the report of the Talathi, Mamlatdar directs the Soil Conservation Division of the Agriculture department to prepare the estimate of the repair work of the bund. It is once the estimate is submitted to the association by the Soil Conservation Division, the Managing Committee is authorized to get the said repair work done as per the estimate of the Soil Conservation Division. Once this is done no other permission of any other authorities is required as the repair works of the bunds are mainly with the use of mud/soil and no masonry or concrete work is undertaken.



*[Handwritten signature]*

Hereto annexed is a copy of the official Gazette dated 31/07/1975 which has notified various bunds of Morombi-O-Grande Tenants Association which shows the existence of such bunds atleast prior to the notification published in the official gazette referred above as ANNEXURE 'E'.

21.I say that in order to regulate the water in the fields there is a water channel/rivulet which carries river water into Khazan land from the River in this case the Mandovi River during high tide and the water is discharged out into the river during low tide. The water enters and discharges through the sluice gates erected on the bund which regulate the flow of the tidal water.

22.I say that there are two sluice gates belonging to the association which are situated on the bund. These two sluice gates are named as Vodli Manas and Zoddi Manas. The sluice gate Zoddi Manas is existing on the Santanacho Bund. The Tidal water when it



A handwritten signature in blue ink, appearing to be "Santana" or similar, with a horizontal line underneath.

enters into the Khazan it is bunded (blocked) by the sluice gate and then fishing operations are conducted at the bund. The waters are released periodically by operating the sluice gates. Annually the lease by auction of the fishing rights is conducted by the Mamlatdar and the committee of the association at this sluice gate and thereafter for a year the sluice gates are operated by the lessee who is the highest bidder during the auction.

23.I say that it is in the neighborhood of this zoddi manus sluice gate, the complainant Mr. Anil Hoble along with his brother Mr. Ankush Hoble, have encroached upon a portion of the Santanacho Bund by illegally filling up the same with mud and have created a new illegal sluice gate therein in survey no. 69/1 of Village Morombi-O-Grande. They have also illegally constructed three masonry structures without the permission of any authority including the GCZMA in the properties bearing survey no. 69/1 & 73/2 of Village



*[Handwritten signature]*

Morombi-O-Grande, and have been carrying out illegal fishing in the area and for this illegal purpose the said persons have erected a illegal gate thereby blocking the access of the Association to go towards the protective bunds. I say that as a result of this illegal act of the appellant and his brother, the association cannot diligently perform its functions as prescribed under the said Rules of Maintaining the Bund and sluice gates.

24. I say that the association when it noticed that the aforesaid protective bund namely "Santanacho bund" of the association adjoining the zoddimanos was in dilapidated condition and required urgent repair, intimated the Mamlatdar about the repairs to be undertaken to the said protective bund. The Mamlatdar after confirming from the report of the Talathi, directed the Soil Conservation Division to inspect the bund and to prepare the estimate of the report for the repair work of the said bund under the 50-50% pattern



scheme whereunder the 50% of the cost of the repair is to be borne by the association and the balance 50% will be borne by the Government of Goa. Hereto annexed is the copy of the application dated 7/2/2022 addressed to the Mamlatdar of Tiswadi and the order dated 7/3/22 issued by the Mamlatdar of Tiswadi to prepare the estimate of repair work as ANNEXURE 'F' COLLY.

25.I say that the Mamlatdar vide its order dated 7/3/2022, had specifically notified the soil conservation division that the bund is in dilapidated condition and needs repair like filling of ruptures and raising the heights of the bund. It is based on the order dated 7/3/2022 of the Mamlatdar of Tiswadi, the soil conservation division by their report dated 11/4/2022 prepared the estimate of Rs. 2,79,153/- under 50-50% scheme to undertake the repair work of the said protective bund by the association in time period of 60 days time which required them to undertake the repair



*Sunil S.*

work. It is pertinent to note that neither the report of the soil conservation division nor the order of the Mamlatdar specifies that the association needs to take any further permissions from any other authorities before execution of the repair works. Hereto annexed is a copy of the estimate report prepared by the Executive Engineer, the Soil Conservation dated 11/4/2022 as ANNEXURE 'G'.

26.I say that the Bunds and the sluice gates gets damaged due to the water currents and the same requires to be maintained regularly. It is annually that the pre-monsoon repair work of the bund of temporary nature is done to keep the bund in good shape. As per the order of the Mamlatdar by letter dated 25/3/2022 association was directed by the Mamlatdar to undertake pre-monsoon work of the bund and to make necessary arrangement to keep watch on the notified bunds and sluice gate round the clock to avoid any untoward incidents as any damages/breaches caused to the bund washes



away the entire fields. Annexed hereto is the copy of the letter dated 25/3/2022 as ANNEXURE 'H'.

27. It is stated that major repair work of the bund requires to be done under the estimate of the soil conservation division. That the bund since is made up of mud/soil, it requires no other and further permissions from any other authority once the soil conservation division prepares the estimate of repair work and no such permission is contemplated under the Goa Agricultural (Discharge of Joint Responsibilities of Tenants Rules), 1975.

28. I say that pursuant to the complaints of the appellant before the GCZMA, the Soil Conservation Division had conducted a site inspection on 09/05/2023, which was sent to the GCZMA vide its letter dated 19/05/2023, in which report it was observed that the Mangroves existing along the bund and in the vicinity of the Khazan were seen to be intact, and had directed that since the work pertained



*Sanil Advoca*

to maintaining the stability of the khazan bund, the same be resumed at the earliest. Hereto annexed are copies of the letter dated 19/05/2023 & site inspection report dated 09/05/2023 as ANNEXURE 'I'.

29. It is after the receipt of the report from the soil conservation division, the association started the repair work of the said notified bund since mid of May 2022, however the said work was stopped by Mr. Anil Hoble, Nikhil Hoble, Ankush Hoble and Shyam Hoble, all residents of Merces on 15/5/2022 and the committee members were assaulted with stones, etc. they also threatened to kill the committee members in case the committee continues the work of repair of bund and thereafter false complaint was filed against the Managing Committee about cutting of the Mangroves trees before the authorities. It is infact the appellant i.e. Mr. Anil Hoble and his associates, who had illegally damaged the Mangroves after the Managing Committee had left the site to save



*[Handwritten signature]*

their lives and also illegally had put the silt back into the rivulet (poinn) which was desilted by the association. The chairman filed a police complaint dated 16/5/2022 and thereafter again on 20/5/2022 a complaint was lodged to the authorities namely Mamlatdar of Tiswadi, Police Inspector, Old Goa Police station, Superintendent of Police, North, The Collector, Dy. Collector & S.D.O, bringing to their notice about the devastation of the "Santanacho bund" and cutting of Mangroves by Mr. Anil Hoble and his associates. Annexed hereto are the copies of the complaints dated 16/5/2022 & 20/5/2022 as ANNEXURE 'J' COLLY.

30.I say that the repair work was being done under the estimate prepared by the soil conservation division as per the order of the Mamlatdar. The work of repair of the bund is in the nature of the discharge of joint responsibilities by the tenants and therefore the progress of such repair work is always



under the control of the Mamlatdar and the Mamlatdar needs to be intimated accordingly about the progress, completion and otherwise of the work of repair, so that the Mamlatdar under the Goa Daman and Diu Agricultural Tenancy (Discharge of Joint Responsibility of Tenants) Rules, 1975.

31.I Say that the appellant i.e. Mr. Anil Hoble and his associates despite having no right, obstructed the repair work of the Bund, and therefore by complaints dated 16/5/2022 & 20/5/2022, Mamlatdar of Tiswadi was requested to provide police protection however no action was initiated by the Mamlatdar so also by the other authorities and due to which the repair work was halted as the managing committee who were scared of the above mentioned persons. It is pertinent to mention that Mr. Anil Hoble is a political figure and the authorities does not act against him and his associates for the reasons best known to them.



A handwritten signature in blue ink, appearing to be "Anil Hoble", written over a horizontal line.

32.The association i.e. respondent no. 2, thereafter filed a writ petition bearing no. 49/2023 (f) before the Hon. High court of Bombay at Goa due to the inaction of the Mamlatdar of Tiswadi, with a prayer to provide police protection to the respondent association while undertaking the repair work of the Santanacho bund. It is considering the restricted prayers for police protection the Hon. High court thereafter vide its order dated 23/1/2023 disposed off the said petition based on the statement made by the Ld. Advocate General that police protection as required will be provided to the association. It is thereafter the repair work of the very same bund was undertaken in the presence of the police as and when required. Hereto annexed is a copy of the order dated 23/01/2023 passed by the Hon. High court as ANNEXURE 'K'.

33.I say that thereafter the association without causing any damage to the mangroves has undertaken the repair works of the said



Santanacho bund. It is pertinent to mention that if the bund is not repaired or the bund gets collapsed then the surrounding paddy fields will be inundated with saline water and the fields will also get washed away and it is therefore necessary to protect the bunds. It is specifically denied that the mangroves have been uprooted while undertaking the repair works. It is stated that the repair work is of bund and requires no uprooting of any plants. That the mud filling is done only on the bund as per the repair work undertaken and as per estimates of soil conservation division.

34. It is stated that in the eco-sensitive area in the khazan land surveyed under survey no. 73/3, 72/2, 73/1, & 72/1 of Village Morombi-O-Grande, some illegal construction has been carried out by the appellant and his brother and as against which the respondent association had lodged a complaint to the village Panchayat for exercising powers under the Goa Panchayat Raj, Act, 1994 to demolish



A handwritten signature in blue ink, appearing to be 'Santosh'.

the illegal construction, the Panchayat based on the complaints of the respondent have conducted the Panchanama, however the said illegal constructions have not been demolished. It is since the respondents have been pursuing the complaint of illegal constructions with the authorities the complainant/appellant and his family members are targeting and falsely implicating the respondents in the false complaints. Hereto annexed are copies of the complaint dated 27/12/2022 and the Panchanama and the sketch prepared by the Village Panchayat of Mercedes as ANNEXURE 'L' COLLY.



35. It is pertinent to mention that the structures existing in the eco-sensitive area in the properties adjoining the said bund, needs to be demolished by this authority by exercising extra-ordinary powers so as to protect eco-sensitive area.

36. I say that the Association has not done any illegal construction in the CRZ-IA area as

stated in the show cause notice. The bund is the protective bund and has been in existence since prior to the enactment of the Rules of 1975, however the bund is notified in the year 1975 which itself proves the existence of the bund prior to coming into force of the CRZ and since the repair work of the protective bund has been undertaken strictly under the tenancy rules referred above given the nature of the repairs there was no requirement under law to obtain the prior approval from the GCZMA under the CRZ notification 2011. That the show cause notice has been issued to the respondent based on false complaint dated 18/5/022 lodged by Anil Hoble. That the provisions of CRZ Rules are not applicable to the repair of the existing bunds of the association.

37.I say that the appellant has been filing false complaints as against the association whose responsibility is to look after the Khazan Land and protective bunds, and the appellant and



*Putra*

his brother Mr. Ankush Hoble, have been looking to destroy the protective bunds and use the same to their benefit, by illegally filling up the said bunds and carrying on commercial businesses. It is also pertinent to note that the work undertaken by the association is not to benefit their private interests, but is in the interest of khazan lands and to prevent them from being destroyed due to flooding.

38.I say that taking cognizance of the site inspection report, & Estimate Committee of Agriculture Department, directions issued by the Mamlatdar and other relevant documents, the GCZMA found that there was no illegality committed by this respondent, it was also found that the repairs of the bund and sluice gate was undertaken by this respondent by following the procedure prescribed under the said Rules, decided to discharge the show cause notice issued to this respondent, having



*[Handwritten signature]*

found no illegality in the repair and maintenance work done by the association.

39. I say that under the said Rules, it is the duty of the tenants association under Rule 9 to undertake the immediate repairs and maintenance of Bunds, sluice gates, etc, and any remiss on their part would invite action against them by the Mamlatdar under Rule 6(15) of the Rules, Rule 9 of the said rules reads thus,

“9. Execution of works of repairs, etc. –

(1) The Managing Committee shall undertake the works of immediate repairs and maintenance. There will be no auction or agreement for the execution of works. The works shall be undertaken within 24 hours by the Managing Committee directly to the extent of Rs. 5000 under intimation to the Soil Conservation Division and the Mamlatdar concerned at the earliest but not later than 24 hours.



*[Handwritten Signature]*

(2) All the works, the estimated cost of which exceeds Rs. 5000 shall be executed through the Soil Conservation Division. The Director of Agriculture will have powers to get the works executed directly to the extent of Rs. 10,000/- through the Soil Conservation Division and further to the extent of Rs. 20,000/- with the prior approval of the Development Commissioner. The Managing Committee shall report the matter immediately to the Soil Conservation Division and the Division shall take immediate steps to get the work executed. The cost of such repairs shall be shared according to the rules in force and the Managing Committee shall contribute towards the cost in advance as per decisions of the Mamlatdar on the basis of details furnished by the Soil Conservation Division.

(2A) If the Director of Agriculture or the Incharge of Soil Conservation Division (Executive Engineer) fails to convey his readiness to execute the work of urgent nature,



namely ruptures and breaches to the bunds within ten days and in other cases, within thirty days from the date of report by the Managing Committee, the Managing Committee may carry out the work under intimation to the Soil Conservation Division and the Mamlatdar Concerned.

(3) If any Managing Committee does not agree to the executions of the works, the Chairman after examining the grounds of opposition or objection, shall submit the file to the Soil Conservation Division for their decision and the decision of the Soil Conservation Division shall be final.

(4) The Mamlatdar, if he so desires, may inspect the work any time for his own satisfaction.

40. I submit that the association has acted strictly in accordance with Rule 9 of the said Rules.

41. I deny that any mangroves were cut by this association or there was any destruction done of khazan land.



A handwritten signature in blue ink, appearing to be "Santosh".

42.I say that pursuant to the directions issued by GCZMA on 10/08/2023, we have planted 400 mangroves saplings along the sides of Santanacho Bund, a compliance report dated 14/02/2024 has been submitted to Dy. Conservator of Forests on 14/2/2024 with Copy marked to Sub-Divisional Forest Officer (Mapusa), & the Range Forest Officer. Hereto annexed is a copy of the compliance report dated 14/02/2024 with its annexures along with notice dated 20/12/2022 as ANNEXURE 'M' COLLY.

43.I say that the respondent no. 2 has also forwarded a copy of the said compliance report dated 14/02/2024, to the Goa Coastal Zone Management Authority vide their letter dated 18/03/2024. Hereto annexed is a copy of the letter dated 18/03/2024 along with its annexures as ANNEXURE 'N' COLLY.

44.I deny that there is any destruction of any eco-sensitive zone or any mangroves, the



*[Handwritten signature]*

allegations made in the appeal are completely false and misleading.

45.I submit that there is absolutely no case made out by the appellants to interfere with the order dated 30/11/2023 passed by the GCZMA. This appeal is a complete abuse of the process and is filed with malafide intent.

46.I say that this Hon. Tribunal be pleased to direct the GCZMA to inspect the site and ensure compliance of the directions passed by this Hon. Tribunal in Original Application bearing 51/2014.

47.I submit that the appellant has come before this Hon. Court with unclean hands and this appeal is a sheer abuse of process of law and this appeal deserves to be dismissed with exemplary costs.

48.I therefore humbly submit that this appeal be dismissed with exemplary costs and further Goa Coastal Zone Management Authority (i.e. respondent no. 1) be directed to ensure compliance of the directions passed by this



*[Handwritten signature]*

Hon. Tribunal in O.A No. 51/2014 and the Hon. Supreme Court and to report compliance to this Hon. Tribunal as expeditiously as possible.

49.I do hereby solemnly affirm that the contents of the foregoing paragraphs 1 to 10, 15 to 18, 20 to 35, 36(p), 37 to 38, 41 to 47 are true and correct to the best of my knowledge and the contents of the rest of the paragraphs are based on legal advice which I believe to be true.

Solemnly affirmed at Panaji on this 27<sup>th</sup> day of March 2024.

  
Deponent

Identified by

I hereby attest the signature of Shri. Shamir Coutinho who appeared and signed before me and in presence of identifying witnesses Driving license No. GA07 200700 77121 WMM who are known to me  
Reg. No.: 782/2024  
Date: 27/03/2024



  
Sunil S. Naik  
Advocate & Notary  
Tiswadi Taluka  
Panjim-Goa 403 001  
Reg. No. 228

INFORMATION ISSUED UNDER RTI ACT, 2005

BEFORE THE INQUIRY COMMITTEE  
GCZMA

Case No. GCZMA/NILLE/COMPL/15-16/1160

133/c  
4838/L  
18/02/16  
On file  
Pl. issue & put up  
R.A.  
2.1

Shri. Kashinath Shetye

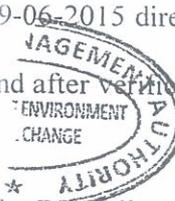
V/s

1. Shri. Ankush Hoble
2. Shri. Umesh Parab

REPORT

1. On a complaint dated 05-06-2015 stating that by cutting mangroves, illegal constructions have been carried without any permission from CCP, GCZMA, TCP, GSPCB, NGPDA, SDM Tiswadi, by Hoble brothers and Fisheries and Radye Ice plant near Hobles River Lounge, the GCZMA on 29-06-2015 directed the Dy. Collector and S.D.M Tiswadi to inspect the site and after verification issue stop work order.

Certified Copy of The Document  
Available in Office Records



2. The Dy. Collector and S.D.M tiswadi on 15-07-2015, informed GCZMA that the Talathi of Panaji submitted that the mangroves have been cut and filling of the land has been carried in the creek close to the Chalta No. 3 of P.T.S No. 9 of Panaji City admeasuring an area of 220 sq.mts. approx. by Umesh Parab and that the Talathi of Merces has reported that Ankush Hoble, has constructed a compound wall of an area of 70 sq.mts. approx. and constructed the structure of an area 71.70 sq.mts. approx in Sy.No. 69/1 of Morombi-O-Grande and also carried out illegal filling of the land of an area

133/c  
4838/L  
18/02/16

of 114 sq.mts. approx. in Sy.No. 73/2 of Village Morombi-o- Grande and constructed a structure of an area of 69 sq.mts. and also filling of the creek of an area 84 sq.mts.

3. On 15-07-2015, the Dy.Collector and S.D.M issued Stop Work Order to Ankush Hoble - the affected party-1 and Umesh Parab-the affected party-2. On 12-08-2015 GCZMA issued a Show Cause Notice to the affected parties 1 & 2 to file reply. After the respective reply has been filed by the affected

parties 1 & 2, GCZMA forwarded the file to the Inquiry Committee in order to hold personal hearing and submit the report.



Certified Copy of The Document  
Available in Office Records

4. At the personal hearing the complainant Kashinath Shetye appeared in person and filed his written statement and produced and relied on the following documents: letter dated 08-02-2005 of Buddinath Dottu Oble to Chief Minister; extract from the book of Comunidade; sketch of the site; letter dated 29-01-2004 of Buddinath Dottu Oble to Old Goa Police Station ; letter dated 20-02-2004 of P.I of Old Goa P.S to the Mamlatdar of Tiswadi Taluka; letter dated 12-05-2004 of Buddinath Dottu Oble to the Director of Science Technology & Environment; letter dated 21-05-2004 of the Collector to the administrator of Comunidade Central Zone; letter dated 28-06-2004 of Buddinath Dottu Oble to P.I. Old Goia P.S; letter dated 29-06-2004 of Buddinath Dottu Oble and the letter dated 16-09-2004 for correcting the survey number to the Sarpanch , Village Panchayat Mercedes; letter dated 02-08-2004 of Buddinath Dottu Oble to the P.I Old Goa, P.S; letter dated 05-08-2004 of GCZMA to Secretary V.P. of Mercedes; letter dated 06-10-2004 of P.I.Old Goa. P.S to Buddinath Dottu Oble; letter dated 28-12-2005 of Buddinath Dottu Oble to the chief Electrical Engineer;

✓  
Jas  
Q

Memorandum dated 04-1-2006 of Dy. Collector of Panchayat to Block Development Officer. The complainant produced also the Judgment dated 29-05-2015 of Hon'ble National Green Tribunal passed in Application no. 51 of 2014.

5. The affected party-1 appeared in person and was represented by Adv. P. Korgaonkar and filed reply to the Show Cause Notice. The affected party-2 Umesh Parab appeared in person and was represented by Adv. G.D. Kistani and filed reply and produced documents: letter dated 28-03-1985 of Panjim Planning Development Authority to Yeshwant K. Porob and Deed of Lease (

dated 15-06-1945.

Certified Copy of The Document  
Available in Office Records

6. The Dy. Collector in the letter dated 15-07-2015 to the GCZMA have stated that the affected party-1 Ankush Hoble has constructed a compound wall of an area of 97 sq.mts. constructed a structure of an area of 71.70 sq.mts. survey no. 69/1 of Morombi-o-grande and also carried out illegal filling of land of an area of 114 sq.mts. in Sy, No. 73/2 of Morombi-o-grande and constructed a structure of an area of 69 sq.mts. and filling of the creek of an area of 84 sq.mts.

7. Any person can bring to the notice of the concerned authorities and put into motion any violation of CRZ Notification in Coastal and riverine CRZ territory. It is, on the offender the burden of indicating that the activities in CRZ-III were carried in accordance with law. The complainant produced a number of letters of one Buddinath Dottu Oble addressed to various Authorities complaining about the illegal filling of salt pans with mud. construction of pucca shed by Anil Hoble and his brother Ankush Hoble in

Jed  
Q

Sy.No. 72/2, 73/2 and 73/3 of Morombi-o-Grande Village. The Hon'ble Green Tribunal in the Judgement dated 29-05-2015 pronounced in the Application no. 51 of 2014 dealt extensively with the all violations committed by Anil Hoble in No Development Zone of CRZ-III and ordered the Dy.Collector to demolish all structures and allied structures and payment of costs by Anil Hoble for degradation of environment and violation of CRZ.



Certified Copy of The Document  
Available in Office Records

8. The affected party-1 did not produce any documents to show that the structures were existing prior to date of CRZ Notification 19-02-1991, nor any permission or licence of construction of structures in No Development Zone of CRZ-III. So also there is no material to show that the filling of land has been carried by obtaining the sanad for conversion of land. Under such circumstances the GCZMA to take action deem fit in accordance with law on the affected party-1 Ankush Hoble for degradation of the environment and violation of CRZ Notification.
9. In the same letter dated 15-07-2015 of the Dy.Collector to GCZMA, it is stated that mangroves have been cut and filling of land has been carried out in the creek close to the Chalta no. 3 of P.T.S. No. 9 of Panaji City admeasuring an area of 220 sq.mts. by the affected party-2 Umesh Parab, M/s. Radhye Ice Plant.
10. The structure Radye Ice Plant of the affected party-2 is existing by the side of the road Panjim-Riband. All along the right side of the road going from Panjim-Riband is the bank of river Mandovi and all along the right side of

Handwritten initials and a signature mark.

the same road there are mangroves and creeks. The land where the structure Radye Ice Plant was constructed is situated on the right side and touching the road Panjim-Ribander. In the vicinity of this land of Radye Ice Plant is the land and structures that were subject matter of the Judgement dated 15-07-2014 of Hon'ble Green Tribunal. The sketch at Annexure A indicates the position of the structure Radye Ice Plant.



The affected party-2 produced Deed of Lease in Portuguese (Escritura de arrendamento) dated 18-06-1945. This lease deed pertains to the paddy field in the name Satal situated in the city and the payment of rent is in kind. Another document produced by the affected party-2 is the letter dated 25-03-1985 of Panjim Planning and Development Authority stating that since the structure is already existing and the N.O.C requested is only for internal changes, the N.O.C is not required from P.P.D.A.

Certified Copy of The Document  
Available in Office Records

12. None of the documents produced by the affected party-2 to are of any help to indicate that the structure in question was existing prior to the date of CRZ Notification 19-02-1991. The deed of lease dated 16-06-1945 is in respect of lease of a paddy field as the payment of rent is in kind (rice). The N.O.C. dated 25-03-1985, there is no reference to a particular structure, and there no mention of the situation and survey number. As the construction of the structure Radye Ice Plant was carried by cutting the mangroves and filling the creek with mud that resulted in the degradation of environment and violation of CRZ Notification, the GCZMA to take appropriate action in accordance with law.

137  
129/c

13. Hence, the Goa Coastal Zone Management Authority-GCZMA in respect of violations of CRZ Notification by Ankush Hoble, order the Dy. Collector

- a) to demolish the compound wall of an area of 9.70 sq.mts. and the structure having an area of 71.70 sq.mts. in Sy.No. 691 of Village Morombi-o-grande and restore the land to its original condition.
- b) to remove the filling of the land in creek of an area of 114 sq.mts. and 84 sq.mts.: to demolish the structure of an area of 69 sq.mts. in Sy.No. 73/2



order the Dy. Collector to demolish the structure of an area of 69 sq.mts. in Sy.No. 73/2 Village Morombi-O-Grande and restore the land to its original condition.

Certified Copy of The Document  
Available in Office Records

14. In respect of violation of CRZ Notification by Umesh Porob, GCZMA

order the Dy. Collector:

- a) to remove the filling of the land in the creek of an area of 220 sq.mts. close to chalta no. 3 of P.T.S No.9 of Panaji city and restore the land to its original position.
- b) to demolish the structure name 'Radye Ice Plant' now changed in the name of 'Maitrey Cold Storage' situated in the Chalta No. 9 of Panaji City and restore the land to its original position.

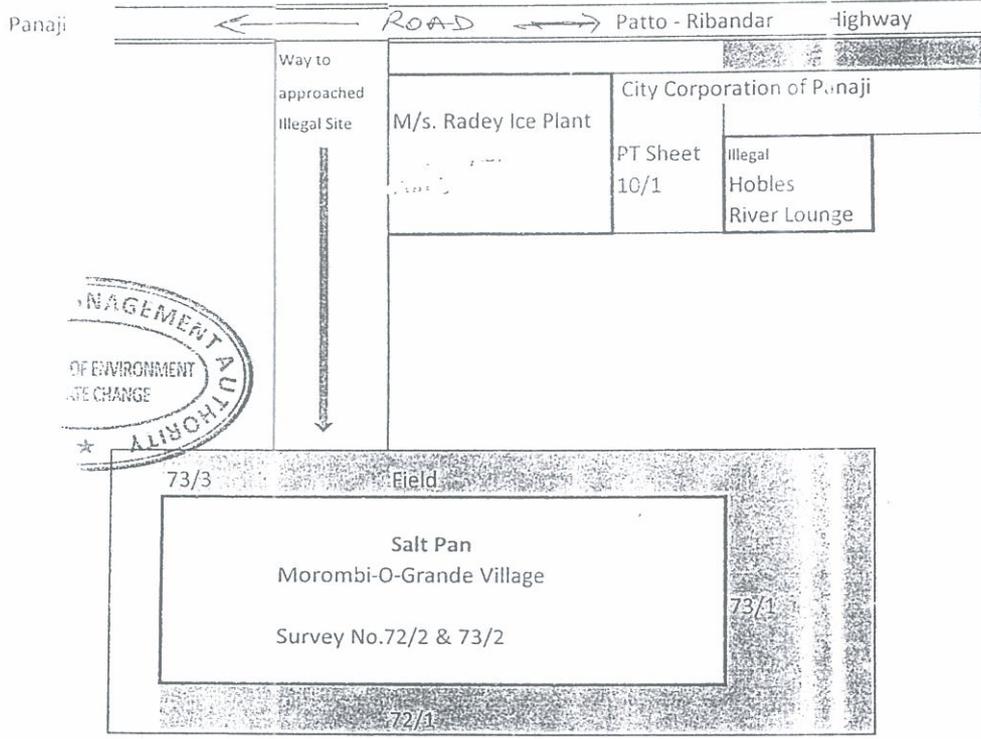
(Afonso Araujo)  
CHAIRMAN

(Kanchan M. Lotlikar)  
MEMBER

(Caetano Joaquim de Braganza)  
MEMBER

Dated: 18/02/2016

*Handwritten signature and text*  
127/c



Original Property belongs to  
Communidade of Morombi-O-Grande  
Tiswadi Taluka

BEFORE THE NATIONAL GREEN TRIBUNAL  
(WESTERN ZONE) BENCH, PUNE

APPLICATION NO.51 OF 2014

**CORAM:**

**HON'BLE SHRI JUSTICE V.R. KINGAONKAR**  
(Judicial Member)  
**HON'BLE DR. AJAY A.DESHPANDE**  
(Expert Member)

**In the matter of:**

**1. KASHINATH JAIRAM SHETYE,**

A-102, Raj Excellency,  
Patto Ribandar, Goa,  
Ph No.2444444,2443333,2444499,2414242  
Mobile No.9420689997.  
Email: [shetyebabu@yahoo.com](mailto:shetyebabu@yahoo.com)  
Pin code 403006.

**2. Dr. KETAN GOAVEKAR**

3<sup>rd</sup> Floor, Wadji Building,  
St. Inez Panjim Goa,  
Mobile; [ksgovekar@yahoo.co.in](mailto:ksgovekar@yahoo.co.in)  
Pin code 403001.

**3. DESMOND ALVARES**

H.No.470 Dossoxir,  
Assagao Bardez Goa,  
Mobile no;962334974  
Email; [desmondsoasis@yahoo.co.in](mailto:desmondsoasis@yahoo.co.in)  
Pin code 403507.

141

**4. SANJAY SARMALKAR**

**F-2 Madhuban 2**

**Opp St. Inez Church**

**Panjim Goa**

**Mobile No.9890806287**

**Email: sanjaysarmalkar@ gmail.com**

Pin code 403001.

.....**APPLICANTS**

**VERSUS**

**1. SHRI SRINET KOTWLAE,**

Member Secretary,

CRZMA C/o Science & Technology & Environment

Dempo Towers, Panjim Goa

Pin code 403 001.

**2. THE CHIEF SECRETARY,**

Secretariat, State of Goa,

Porvorim Goa

Pin code 403 521.

**3. ANIL HOBLE,**

R/o H.No.345 Wadi,

Merces Tiswadi, Goa,

Pin code 403005.

.....**RESPONDENTS**

**Counsel for Applicant (s):**

**Mr. Asim Sarode, Alka Babaladi, T.A.Godbole,**

**Counsel for Respondent (s):**

**Mr. Dattaprasad Lawande F.M.Mesquita for Respondent Nos. 1,2.**

**Mr. Nitin Sardessai a/w Mr Aprameya, Atul Huble for Respondent No.3.**

**DATE: MAY 29<sup>TH</sup>, 2015.**

**J U D G M E N T**

1. By this Application, the Applicants named above, seek following reliefs:

1. Order for forthwith stay of all commercial activities like Restaurant, wine shop, lubricant shop and any other commercial activities in the Chalta No.1/PTS no.10 of Panjim city and S. No.65/1-A Village Marambio Grande in Mercas Panchayat which is done by filling the salt pans in No Development Zone (NDZ) of CRZ-III area by ANIL HOBLE 7 MERCES GOA.

2. To take a hearing on the Applicants complaint and pass necessary orders thereof.

3. To produce the sale-deed dated 03.08.1992 which is a conclusive proof of Built up area which is suppressed to avoid action.

4. To demolish the construction done after 19.02.1991 without taking permission of CRZMA and GSPCB Chalta no 1/PTS no 10 of Panjim city and S.No. 65/1-A village Marambio Grande in Mercas Panchayat in No Development Zone (NDZ) of CRZ-III area by ANIL HOBLE 7 MERCES GOA.

5. To remove the mud put on the stream which flows from Panjim to Ribandar on the side

of Old NH 4-A to make entrance for vehicles by filling.

6. To bring the mangroves cut to their original position.

7. To bring the salt pans filed back to original position.

2. The Application is filed under Section 14(1) read with Section 14(3) of the National Green Tribunal Act, 2010. The Applicants seek restoration of environment, demolition of construction done of commercial premises by Respondent No.3 – Anil bearing house No.345 in CRZ-III area, (NDZ), without following due procedure, encroachment, as well as by use of political power under guise of sale-deed dated 3.8.1992.

3. It is the case of Applicants that they are interested in the cause of environment. They noticed diminution of flora and fauna within their area. They also noticed destruction of mangroves which obviously affected bio-diversity in the area. There was salt pan and river creek of which the use was made for proper and natural flow of water and maintenance of water level. Respondent No.3 – Anil, destructed the river creek and salt pans while making illegal construction over land bearing Survey No.65/1-A of village Morombio Grande in Mercas Panchayat by filling salt

pan. He started a restaurant, wine shop, lubricant shop and other commercial activities in the said developed and constructed area without any legal authority. The GCZMA, did grant permission dated 8.12.2008 for re-roofing and re-flooring, without showing any specific area and plans, and without verification of such plans with ulterior motive. The then Member Secretary by name Levinson Martin granted permission for extraneous considerations. The Applicants made various complaints to the authorities against illegal constructions made by Respondent No.3 Anil. They filed Writ Petition in the Hon'ble High Court and thereafter filed Contempt Petition No.21 of 2012 and Contempt Petition No.22 of 2012, in which Notices have been issued by the Hon'ble High Court of Bombay at Goa. On 22.3.2012, Goa State Pollution Control Board (GSPCB), issued order for inspection of the property in question. On 25.5.2012, Notice under section 5 of the Environment (Protection) Act, 1986, was served on Respondent No.3 Anil by GCZMA/CRZ authority. The inspection was carried out by the Superintendent of Survey and Records and also by the Assistant Engineer of GSPCB, which shows that no permission was taken by Respondent No.3 Anil, for construction of commercial building, standing on the

plot in question. The Applicants allege that Respondent No.3, Anil is carrying out expansions and modifications to the earlier temporary structure of guarange so as to make it a completely new and permanent building for Bar and Restaurant. This is detrimental to coastal eco system and river eco system, excessive vegetation and will cause pollution of river water due to pouring in sewage generated from Bar and Restaurant, without any permission. The authorities have maintained silence due to political pressure of Respondent No.3 Anil. Consequently the Applicants have filed this Application.

4. By filing affidavit in reply, Respondent No.3 Anil resisted the Application. He contended that the Application is, in fact, by way of an Appeal under Section 16, of the NGT Act, 2010 and therefore, is untenable. He has further contended that the Applicants have not complied with Rule 13(7) of the NGT (Practices & procedure) Rules, 2011 and, therefore, the Application is liable to be dismissed.

5. According to him, the Application is barred by limitation, inasmuch as construction activity was going on since 2011 and cause of action had arisen much prior to six (6) months of filing of the Application.

Therefore, the application deserves to be dismissed, as the same is barred by limitation. Apart from such preliminary objection, he alleges that in context of Writ Petition No.1 of 2013, filed by Applicant No.1 Kashinath Shetye, all the allegations made against the then Chief Minister had been withdrawn and, therefore, the said Writ Petition was allowed to be withdrawn as per order of the Hon'ble High Court dated January 21<sup>st</sup>, 2013. He denied that he is politically influential person and has caused environmental damage by making any construction in NDZ area. He admits that on 31.3.2014, he started running Bar and Restaurant after completing necessary formalities of permission and approval as required by law. According to him, there was old structure existing prior to CRZ Notification, 1991 in the property which he got repaired and roofed with due permission of the local authority. He denied that he had done work of construction by filling salt pan and water creek situated adjacent to Mandovi River on opposite side of the road by causing encroachment. The case of Respondent No.3 Anil is that report of Talaulikar does not show whether salt pan was legal or illegal. In other words, it is his case that earlier construction existed before 1991 and that post 1991,

there was certain repairs and renovations carried out by him after necessary permission issued by the local authority. He denied that he had purchased standing structure from anyone vide sale-deed dated 3.8.1992. According to him, omission to indicate area of re-flooring and re-roofing at the time of repairs of old structure and renovation is of no significance. He, therefore, denied that existing structure in the properties bear Survey Nos. 83/2-A, 83/-A, and 63/1-A of village Morombi-O-Grande, are illegal. He says that the old structures did exist prior to 1967 and have been only improved/repared/re-roofed, in accordance with the Rules and that too with due permissions of authorities. He, therefore, sought dismissal of the Application.

**6.** Other Respondents did not file reply affidavits for the reasons best known to them.

**7.** For the purpose of preliminary objections, non-compliance of Rule 17 of the NGT (Practices and Procedure) Rules, 2011, we may only state that there is no penal consequence provided for in the N.G.T.Act. The Application cannot be dismissed for want of such non-compliances. The procedural non-compliances can be done away with in view of power to mould the

procedure under Section 19 of the NGT Act, 2010. The Rules are for convenience of the parties and the Tribunal. The objections could have been raised by the Respondent No.3, before the Registrar, NGT (WZ) at the earliest and could be pressed before the matter was taken up for final hearing. We do not think that this a serious objection which would entail any serious consequence like dismissal of the Application, and as such, the objection is discarded.

**8.** This takes us to the objection raised regarding limitation available under Section 14 of the NGT Act, 2010. In this context, we may take note of the fact that the Applicants are making complaints since long to various authorities. The complaints were addressed by GCZMA and other authorities recently. By order dated 2.4.2014, GCZMA, directed that licence of Respondent No.3 Anil shall be kept in abeyance. By order dated 17.4.2012, the GCZMA, called the parties for personal hearing. In the said proceedings before the GCZMA, Respondent No.3 Anil filed his reply dated 8.4.2014. An Enquiry Committee gave report dated 30.4.2014. The last communication of GCZMA, is dated 2.5.2014. The Present Application is filed within one week thereafter, i.e. on 8-5-2014.

9. In the circumstances stated above, it is necessary to see when the 'first cause of action' had arisen for filing of the Application. The Applicants may know that illegal acts were being done by Respondent No.3 Anil at the NDZ site. Still, however, that itself does not give them cause of action as such, unless they were aware that such kind of work is being done in violation of CRZ Notification. For such purpose, Respondent No.3 Anil is required to show that the Applicants were having complete knowledge in respect of alleged violations and yet they had maintained meaningful silence.

10. In "**J. Mehta vs Union of India and Ors**" (M.A.Nos.507,509,644 and 649/2013, in Application No.88/2013) of the **National Green Tribunal (PB)**, considered the question of limitation in following way:

*"53. Thus, it is clear that the cause of action should have a direct nexus with the matters relating to environment. In the present case, the respondents can hardly be heard to contend that since they have been flouting with impunity, the law, the terms and conditions of the EC for long, and therefore, every person is expected to know such violations or unauthorized use, and as such, the application would be barred by limitation. Respondent No. 9 has not come to the Tribunal with clean hands and disclosed complete details, which were exclusively*

within their knowledge and possession. In the normal course of business, Respondent No. 9 would have first entered into agreements with other persons for providing these premises, either on sale or lease, as the case may be. Then such buyers/lessees would start making constructional changes and provide infrastructure necessary for using the parking and services area for commercial purposes. Then alone, such persons would have started using the premises for such purposes. All these facts have been withheld by Respondent No. 9. Therefore, the Tribunal would be entitled to draw adverse inference against Respondent No. 9 in that behalf. In any case, Respondent No. 9 and other private respondents have converted the user of the premises contrary to the specified purpose and in violation of law and terms and conditions of the EC. Thus, even such an approach would support the case of the applicant and in any case the respondents cannot be permitted to take advantage of their own wrong or default.

**54.** *The cause of action is not restricted to 'in personam' but is an action available to any person in terms of Section 14 of the NGT Act. It empowers any person aggrieved to raise a substantial question relating to environment including enforcement of any legal right relating thereto. Every citizen is entitled to a clean and decent environment in terms of Article 21 of the Constitution and the term 'cause of action first arose' must be understood in that sense and context. The applicant has been able to establish that he first came to know about the misuser and change of user, particularly with regard to adverse environmental impact, only in the middle of December, 2012 and immediately thereafter, he*

took steps retuning the authorities concerned to take action as per law but to no avail. Then 'he filed the present application within the prescribed period of six months. The respondents have not been able to rebut successfully the factual matrix stated by the applicant. As already stated, they have withheld relevant facts and information from the Tribunal.

55. A cause of action is a bundle of facts which should give, in its composite form, right to a plaintiff against the defendant to approach a court or Tribunal for a legal remedy or redressed of his grievance. Thus, the existence of a legal remedy to the plaintiff is a sine qua non for an actionable cause of action. In view of the above reasoning, we have no hesitation in concluding that the present application is not barred by time.

56. Lastly but most importantly, now we have to deal with the question as to whether the breach of conditions of EC is likely to cause environmental and health hazards or not. We have already held that Respondent No. 9 has not only violated the specific terms and conditions of the EC dated 27th November, 2006 but has also miserably failed to submit an application for reappraisal of the project. Furthermore, the said Respondent No. 9 has committed breach of the bye laws, fire safety measures, Corporation laws, etc. All the public authorities have specifically taken the stand that at no point of time, did they accord any permission or sanction for conversion of the parking area for commercial purposes and its misuser or unauthorized construction. In fact, according to them, they have taken appropriate steps against Respondent No. 9 in accordance with law. We have already noticed that this Tribunal is not concerned with the violations and breaches committed by

Respondent No. 9 with regard to other laws in force but for environmental laws in terms of Schedule I to the NGT Act and its adverse impact on environment and public health.

57. It has come on record that approximately 59 of commercial area has been increased by such unauthorized conversion and misuser. The terms and conditions of the EC have specifically provided that in the event of any change in the scope of the project, Respondent No.9 was expected to take steps for reappraisal of the project and take fresh EC, which admittedly, has not been done by Respondent No. 9 despite lapse of considerable time. These violations would consequently have a direct impact on traffic congestion, ambient air quality, contamination of underground water, sewage disposal and municipal solid waste disposal besides other adverse impact on population density in the area. With the significant change of commercial area by 59, the EC itself would be substantially affected and it would be for the authorities concerned to examine whether the EC can be continued or requires to be recalled. There is a drastic change in PSY with change in sq.ft. area as the EC was not intended for such area to which Respondent No. 9 has now expanded its activity. Furthermore, assessment of water requirement is based upon the number of users and other services in the area and this substantial change has fundamentally been altered and would have drastic and adverse effects on all these aspects. The EIA Report submitted by Respondent No. 9 itself shows that these are the various aspects, the variation of which is bound to alter the entire basis for grant of the EC. For instance, the parking for 1772 cars was to be

provided in the project in terms of EIA report. For this purpose, the basement, lower ground floor in one block and the multi-level car parking in the Block 2P had been provided. Major part of this area had been converted and used by Respondent No. 9 and other private respondents for commercial purposes. It is not even the case of Respondent No. 9 that the required number of cars can be parked in that building. The cars which could have been parked in the building now would have to be parked on the public roads/places leading to lowering the road capacity resulting in lowering the average speed of the vehicle, consequently increasing the air pollution.”

(Emphasis by Us)

The term ‘cause of action’ is a bundle of facts. There cannot be two opinion about legal position that once the ‘cause of action’ starts running, then it cannot be stopped. In case of violation of Law, particularly, like CRZ Notification, violation continues, when the construction activity goes on without hindrance. As stated before, the competent authority directed the Respondent No.9, to stop construction activity and therefore, the construction work now has come to halt. It appears *prima facie* that the question regarding alleged violation of CRZ, Notification, is yet to be determined by GCZMA. Under the circumstances, the Application cannot be held as totally barred by limitation, inasmuch as the ‘cause of action’ is continuous and still remains unabated. In

our opinion, question of *locus* as well as question of limitation ought to be decided on case to case basis.

**11.** Before advertng to merits of the matter, it is worthwhile to note that the Hon'ble High Court of Bombay at Goa, in Writ Petition No.422 of 1998-1999 (Goa Foundation v, Panchayat of Candolim and Panchayat of Calangute & Ors.) analyzed the issue regarding rule of non-permissibility of construction carried out in CRZ area after 19<sup>th</sup> February, 1991. The relevant observations of the Hon'ble High Court, may be reproduced as follows:

“The clause (iii) thereof refers to “construction/reconstruction of dwelling units between 200 and 500 metres of the HTL”. In other words, while the clause (iii) specifically refers to the development of an area lying between 200 and 500 metres of HTL exclusively for construction or reconstruction of the dwelling units, the open plots in such area are allowed to be utilized for construction of the hotels in terms of the clause (ii) thereof. The expression “construction /reconstruction of dwelling” in clause (iii) further refers to “within the ambit of traditional rights and customary uses such as existing fishing village and gaothans”. It is settled principle of law of interpretation that no word in a statutory provision

including the one in the subordinate legislation can be presumed to be redundant or unintentional. Reference to the "traditional rights" and "customary uses" while regulating construction activities of dwelling units in the coastal area is neither unintentional nor insignificant but evidently it discloses the intention of the framers of the law that the construction activities of dwelling units have to be "within the ambit of traditional rights and customary uses" prevalent and practiced in the concerned locality i.e. coastal area. Obviously, it will relate to the persons engaged in traditional occupation in such locality in the coastal area which would include fishing, toddy tapping, plantation etc. otherwise the framers of the law would not have occasion to restrict the activity of construction of dwelling unit "within the ambit of traditional rights and customary uses". The said expression essentially discloses that the law makers have considered the importance and necessity of and have, therefore, granted recognition to the activities of the nature of traditional occupation in such coastal area and that has been described as the ambit of extent to which the construction activities can be permitted to have the dwelling units in the said area".

12. The Hon'ble High Court summarized findings and gave directions in paragraph 32 as follows:

- (A) To conduct survey and inquiry as regards the number of dwelling units and all other structures and constructions which were existing in the CRZ-III zone in Goa, village or town wise as on 19<sup>th</sup> February, 1991 and increase in number thereof thereafter, date-wise.
- (B) To identify on the basis of permission granted for construction of the dwelling units which are in excess of double the units with regard to those which were existing on 19<sup>th</sup> February, 1991.
- (C) To identify all types of structures and constructions made in CRZ-III zone, except the dwelling units, after 19<sup>th</sup> February, 1991 in the locality comprised of the dwelling units and to take action against the same for their demolition in accordance with the provisions of law.
- (D) To identify the open plots in CRZ-III zone which are available for construction of hotels and to frame appropriate policy/regulation for utilization thereof before they are being allowed to be utilized for such construction activities.
- (E) Till the until the survey and inquiry is completed, as directed above, no new licence for any type of construction in CRZ-III zone shall be issued or granted, and no new structure of whatsoever nature shall be allowed to be constructed in CRZ-III zone, except repairs and renovation of the existing houses which shall be subject to the appropriate order on completion and result of the survey and

inquiry to be held as directed above and this should be specifically stated in the licences to be granted for the purpose of repairs and/or renovation of the existing houses.

- (F) The respondent No.5 to conduct inquiry and fix responsibility for the violation of the CRZ notification in relation to clause-III of CRZ-III zone and to take appropriate action against the persons responsible for such violation of the provisions of the Environmental Protection Act and the said notification in relation to the CRZ-III zone.
- (G) All these directions stated above are in relation to the CRZ-III zone in Goa in terms of the said notification.
- (H) The survey and the inquiry should be conducted as expeditiously as possible and should be concluded preferably within a period of six months, and in any case, by 30<sup>th</sup> May,2007, and report in that regard should be placed before this Court in the first week after the Summer vacation of 2007, for necessary further order,,
- (I) Meanwhile, on conclusion of the survey and the inquiry, necessary action should proceed against the offending structures and report in that regard also should be placed along with the above referred report.
- (J) The respondent Nos. 3 and 4 shall ensure prompt compliance of the directions given in this judgment and shall be responsible for submitting the report required to be submitted as stated above.
- (K) All the records relating to the survey and the inquiry should be made available to the public available to the public and in that regard a website should be opened and the entire material

- should be displayed on the web-site. The respondent No.3 should ensure due compliance of this direction by 10th June 2007.
- (L) The respondent nos. 1 and 3 shall pay costs of Rs,10,000/- in each of the petitions to the petitioners.
  - (M) Report to be received from the respondents should be placed before this Court in the third week of June, 2007.
  - (N) Rule is made absolute in above terms.

**13.** From the directions of the Hon'ble High Court, it is explicit that unless survey and enquiry is completed the authority could not have given licence for any type of construction in CRZ-III, area, except for the purpose of renovations of existing houses. Moreover, identification of all types of structures and constructions made in CRZ-III area in respect dwelling units, constructed after 1991 actions were directed to be taken. Third and most important observation noted by the Hon'ble High Court is that the construction work in CRZ-III area specifically were referable only to dwelling units "within impact of traditional rights and customary uses, such as existing fishing villages and Gaothans". Thus, it was not permissible for renovations or repairing of the house and utilize it for commercial purposes, especially to establish a Restaurant and Hotel.

14. The inspection report submitted by the Enquiry Committee of GCZMA in case No. GCZMA / ILLE / GMPL/14-15/01, reveals that the suit property falls within area of 100m from bank of river Mandovi. The report shows that no construction activity is permissible within NDZ area except for repairs/reconstruction of structure with existing plinth (platform) area. It is stated that the existing property is situated within NDZ. The report shows that Respondent No.3 – Anil claims that business of repairs of motor-vehicles was being carried out by him in the name and style of “Khapro Garage /Workshop” since 2.3.1967. The certificate dated 28.6.1981 issued by the Directorate of Industries and Mines, go to show that Khapro garage /Workshop was registered with the department of Industries and Mines on 2.3.1967. The report shows that Respondent No.3 Anil carried out business of liquor vending, which he was doing earlier in 1967 by obtaining necessary permissions due to change of business and extended it by commencement of restaurant activity for which permission was granted by the authority on 8.12.2008. Therefore, there was no destruction of mangroves and hence, the complaint of the Applicant was directed to be filed.

15. Clinching question is whether Respondent No.3 Anil was in possession of any construction permission prior to 1991, or that the prior owner from whom the property was transferred, was in such construction possession?

16. Now, it is essential therefore to know location of the guarage which allegedly was in existence before 1991 in one of the land. First, the location of Restaurant and Bar is now said to be within Panjim city and obviously, in middle of survey No.65. The ownership of Respondent No.3 Anil emerges from the sale deed dated 3.8.1992. A copy of sale-deed is obtained by Applicant No.1 from office of the Sub-Registrar, under provisions of the R.T.I. Act. The significant fact appearing from recitals of the sale-deed is that Respondent No.3 Anil is a purchaser of the property from Ms. Alda Caldeira, daughter of G. Caldeira and Mr. Abilio Fuptado so of Furtado. Both the vendors categorically mentioned in the sale-deed that the property was having a guarage on Chalta No.1/P.T.Sheet No.10. The schedule of the property is also given at the bottom of the sale-deed. The schedule shows that small guarage was in the corner side of north-east of Survey No.83/2-A, which is described as Survey No.65/1-A. It is crystal clear, therefore that

there existed no house property in the middle portion of Survey No.65 and there was only a small garage at corner of north-east side of the land. The pleadings of Respondent No.3 Anil, in para-30 would show that a structure was used as Khapru garage/workshop.

17. Respondent No.3 Anil, in para 31 and 32 of his pleadings, expanded his case as follows:

“The structure existing in the said properties were divided over the years into different units since I and my family started different businesses. I say that the structure was allotted different House numbers and I have been regularly paying House Tax and other Taxes to the local authorities from time to time”.

“I had started different business of sale of lubricants, sale of IMFL and CL and repairs of vehicles in different units of the same structure.”

18. In view of intention of CRZ Notification, 1991, which is analyzed and duly explained by the Hon'ble High Court of Bombay in case of Goa Foundation v. The Panchayat of Candolim and Panchayat of Calangute, referred to above, the legal position is very clear. Permission in NDZ area for repairs and renovations could be granted only in respect of

'residential houses' which were being used by the traditional inhabitants and not for "commercial" purposes. There existed no house property where the Restaurant and Bar (wine vending shop) and other structures are now standing. There was only small guarage in north-east corner of land Survey No.83/2-A, prior to 1991. This fact also can be gathered from the revenue entries, which are in Form No.I and IV. The revenue entries in respect of agricultural lands do not show existence of any plinth or construction of any part of land. Moreover, why should one keep only unconstructed plinth in the middle of a land, where a guarage was being used at the corner. Respondent No.3 Anil, seeks to rely upon communication of village Marambio Grande in Mercedes Panchayat dated 20.10.2008, which shows that it has no objection for re-roofing and re-flooring of existing structure bearing No.62/3, located at Waddi Mercedes Tiswadi-Goa. The settlement and land records map ( P-1, 3/1), shows that Restaurant and Bar is in the midst of Survey No.65/1-A. There is no co-relation between NOC granted by village Panchayat Mercedes in context of Survey No.62/3. Because the land is of Vaddy Marces, whereas, Survey No.65/1-A, is at village Morambio Grande. All said and done, attempts made by Respondent No.3 Anil, are nothing but to create confusion in the context of locations of structure, which is alleged to had

163

existed prior to 1991. His stand is inconsistent with each other. There is Inspection Report of the Member Secretary of GSPCB dated 2.5.2012. This report shows that there is cut down (slit?) of lubricating oil at the site operating in the name of "M/s. Ansa Marketing". It is stated that on enquiry Respondent No.3 Anil, informed that he did not know who was involved in the act of filling of the creek. The Committee found that the work of retaining wall was undertaken by Respondent No.3 Anil. Construction debris was seen dumped at the creek, near old Bardez-Panjim highway by side of Mandovi River. These observations certainly show that Respondent No.3 Anil tried to shift his responsibility and avoided to explain as to how the creek was filled up and salt pans were also filled up. Copy of licence issued by the Corporation of City of Panjim, shows that licence for Restaurant is obtained in the name of wife of Respondent No.3, to run a restaurant in the name and style as "Hotel River Lounge". Thus, entire record shows that except an old guarage in a corner of agricultural land bearing Survey No.62/1A there existed no structure in the area of all three (3) lands. The guarage was not a residential property which could be allowed to be repaired and renovated, as per the Judgment of Hon'ble High Court of Bombay in the case of Goa Foundation v. The Panchayat of Candolim and Panchayat of Calangute , as well as provisions of CRZ Notification, 1991. In our opinion, the authorities either knowingly

or purposefully avoided to consider proper location of the guarage vis-à-vis the nature of existing property. Not only that the authorities completely ignored that Respondent No.3- Anil become owner of the property agricultural land/properties by virtue of sale-deed executed by prior owners on 3.8.1992, which was after CRZ Notification came into force. It is enough to show that Respondent No.3 – Anil could not have been lawfully granted permission of re-roofing for any residential house and he could not have done so because, in fact, there existed no residential house at all in the property, nor it is shown in the sale-deed too. When the previous owners particularly had shown existence of guarage, there was no reason to withhold the information regarding pre-existence of residential house. Under these circumstances, only deducible conclusion is that Respondent No.3 – Anil, manipulated so called permissions/NOCs and other permissions for the purpose of running a Restaurant and Bar at the place in Survey No.65 of village Morambio Grande.

**19.** From the discussion and reasons stated above, it can be gathered that originally there was no structure of house property/residential premises in Survey No.65/1-A, prior to CRZ-1991. It follows that

165

subsequent construction of Restaurant and Bar and other commercial units in the area have been illegally constructed, notwithstanding directions of the Hon'ble High Court in Writ Petition No. 422 of 1998 and Writ Petition No.99 of 1999, as well as though CRZ Notification, 1991, prohibited construction activity, except repairs of dwelling units, owned by traditional residents, which had existed before coming into force of the said Notification. The illegal and unauthorized constructions are, therefore, liable to be demolished as they are in violation of CRZ Notification, 1991, 1994 and 2011.

**20.** Hence we allow the Application and direct; therefore that:

**21. a)** All the structures, including Restaurant and Bar/Pub and allied structures standing in land Survey No.65/1-, or in Survey No.83/2-A, of village Morambio Grande, shall be demolished by Deputy Collector, South Goa, within period of six (6) weeks.

**b)** We direct the Respondent No.3- Anil to pay amount of Rs.20 (Twenty) Lakhs as costs of degradation of environment and violation of CRZ Notification, 1991, within six (6) weeks to the

Environment Department, Govt. of Goa along with costs of Rs.5000/-,(five thousand) as litigation costs, which be equally disbursed in favour of all the Applicants.

c) The GCZMA, is directed to hold enquiry regarding all such illegal structures in CRZ area about which permission might have been obtained without following due procedure and to take appropriate action against the violators of CRZ Notifications.

d) The compliances about demolition of illegal structures of Respondent No.3 and costs payment of costs, shall be reported to the Tribunal within six (6) weeks.

e) The Application is accordingly disposed of.

....., JM  
(Justice V. R. Kingaonkar)

....., EM  
(Dr.Ajay A. Deshpande)

**DATE: MAY 29<sup>TH</sup> 2015.**

hkk

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTIONCIVIL APPEAL DIARY NO. 26024 OF 2016

Anil Hoble

.....Appellant(s)

Vs.

Kashinath Jairam Shetye and Ors.

.....Respondent(s)

J U D G M E N TA.M.KHANWILKAR, J.

Delay condoned.

2. This appeal arises from the final judgment and order passed by the National Green Tribunal (Western Zone) Bench, Pune dated 29<sup>th</sup> May, 2015 in Application No. 51/2014 and dated 14<sup>th</sup> December, 2015 in M.A. No. 180/2015 (WZ) and Review Application No. 15/2015(WZ).

3. Respondent Nos. 1-4 had filed an application before the Tribunal under Section 14(1) read with Section 14(3) of the National Green Tribunal Act, 2010 complaining about degradation of environment on account of unauthorized construction on plot of land falling within CRZ(III)(No Development Zone - in short NDZ).

According to the said respondents (original applicants), the appellant (original respondent No.3) was responsible for construction of a commercial building on plot of land bearing Chalta No.1/PTS

Signature of  
Date  
Place

No.10, Panjim City and Survey No.65/1-A Village Morombio Grande in Mercedes Panchayat, without obtaining necessary permission from the concerned Authorities. That construction is detrimental to the coastal ecosystem and river ecosystem; and is also likely to cause pollution of river water due to the commercial activities of the Bar and Restaurant. It was alleged that the appellant exerted political influence to facilitate construction of the unauthorized structure on the said plot.

5. The appellant opposed the said application by raising preliminary objections. Firstly, that the subject application was not maintainable - as remedy of appeal under Section 16 against the decision of the Authority could be preferred. Secondly, the applicants had failed to comply with the procedure prescribed under Rule 13 of the National Green Tribunal (Practices and Procedure) Rules, 2011. Thirdly, the application was barred by limitation - as the cause of action had arisen soon after the construction work was commenced in the year 2011. The application, however, was not filed within 6 months therefrom. Further, a writ petition for similar challenge was filed before the High Court and has since been withdrawn. No liberty has been given by the High Court to the applicants to pursue the same cause of action. On merits, it was asserted that the structure was in existence prior to 19<sup>th</sup> February, 1991 when the CRZ Policy came into force. It was used as a garage at the relevant time. The appellant

after purchasing the plot and the structure standing thereon vide registered sale deed dated 3<sup>rd</sup> August, 1992, initially used it for motor garage and allied activity. The same structure after repair and renovation was used as Restaurant and Bar. In substance, the stand of the appellant was that since the structure was in existence prior to 19<sup>th</sup> February, 1991, the change of user after taking permission of the concerned authorities would not make the same unauthorized. The appellant had taken due permission of the competent Authority for re-roofing and re-flooring of the structure. It was not a case of construction of a new structure within the No Development Zone (NDZ) as is contended.

6. The Tribunal after analyzing the documentary evidence including the survey reports brought on record by the parties, negatived the plea of the appellant that the structure as it exists at present was constructed prior to 19<sup>th</sup> February, 1991. The Tribunal recorded that finding on the basis of the contents of the registered Sale Deed dated 3<sup>rd</sup> August, 1992 executed in favour of the appellant by the original owner of the plot, the House Property Revenue Records, Settlement of Land Records, No Objection Certificate given by the Panchayat, Inspection Report dated 2<sup>nd</sup> May, 2012, and also the contents of the affidavit filed by the appellants. The Tribunal held that the structure as existed prior to 19<sup>th</sup> February, 1991, on plot of land

Survey No. 65/1-A in Survey No.83/2-A of Village Morombio Grande in Merces Panchayat, falling within 100 metres distance (in CRZ III area), was a small structure at the corner of the said plot and was used as a garage. The Tribunal then relied on the decision of the High Court of Bombay in the case of **Goa Foundation vs. The Panchayat of Condolim & The Panchayat of Calangut<sup>1</sup>**, in which directions were issued to the State Authorities to take action against such unauthorized structures and constructions put up on the land falling within CRZ-III area in Goa, village or town-wise after 19<sup>th</sup> February, 1991; and further that permission can be granted "only" for repair and renovation of the existing "dwelling units" in such areas. The Tribunal following that decision observed that the structure other than the original structure as existed on 19<sup>th</sup> February, 1991, standing on land Survey No. 65/1-A or in Survey No.83/2-A of Village Morombio Grande in Merces Panchayat at South Goa be demolished forthwith after following due process. The directions given by the Tribunal read thus :-

- a. All the structures, including Restaurant and Bar/Pub and allied structures standing in the land Survey No.65/1-A, or in Survey No.83/2-A, of Village Morombio Grande, shall be demolished by Deputy Collector, South Goa, within the period of six(6 weeks)
- b. We direct Respondent No.3 Anil to pay amount of rs.20(Twenty) Lacs as costs of degradation of environment and violation of CRZ Notification, 1991, within six(6) weeks to the

<sup>1</sup> W.P.No.422/1998 & W.P.No.99/1999

Environment Department, Govt. of Goa along with costs of Rs. 5000/- (five thousand) as litigation costs, which be equally disbursed in favour of all the applicants.

c. • The GCZMA, is directed to hold enquiry regarding houses illegal structures of CRZ area about which permission might have been obtained without following due procedures and to take appropriate action against the violators of CRZ Notifications.

d. The compliances about demolition of illegal structures of Respondent No.3 and costs payment of costs, shall be reported to the tribunal within(6) weeks.

e. The application is accordingly disposed of."

The appellant thereafter filed review petition before the Tribunal which, however, was dismissed on December 14, 2015, thus reiterating the direction already issued by the Tribunal.

7. Aggrieved, the appellant has filed the present appeal challenging both the judgments on the original application and the review application. According to the appellant the finding of fact recorded by the Tribunal with regard to the status of the structure standing on the subject plot is manifestly wrong. It was then contended that even the finding of the Tribunal that permission can be granted only for repair or renovation of dwelling units, was contrary to the CRZ Policy document. Further, the CRZ Policy document does not restrict the user of the existing structure or disallow the change of user therein. Further, the appellant having taken due permission of the competent Authority to use the structure as Restaurant and Bar must prevail. In the alternative it is submitted that the appellant was entitled to repair

and renovate the original structure as it existed on 19<sup>th</sup> February, 1991 and use it for the purpose/activity permissible after taking approval of the competent Authority in that behalf. The learned counsel for Respondent No. 5 invited our attention to the relevant documents, in particular to the show cause notice issued by Goa Coastal Zone Municipal Authority (GCZMA) dated 25<sup>th</sup> May, 2012 and the Report of the Enquiry Committee (GCZMA) dated 30<sup>th</sup> February, 2014 which concluded that there was no violation of CRZ Regulation.

8. The appellant has not seriously pursued the preliminary objections which were otherwise raised in the reply to the application filed before the Tribunal and rejected by the Tribunal. The principal argument of the appellant is that the factual finding recorded by the Tribunal about the status of the structure on the subject plot is manifestly wrong. In the first place, merely because remedy of appeal is provided against the decision of the Tribunal before this Court that does not mean that this Court must reappreciate the entire evidence on record and specially when the same has already been analysed by the Tribunal, unless the appellant is able to demonstrate that the finding recorded by the Tribunal suffers from error apparent on the face of the record or is perverse. Nevertheless, we permitted the appellant to refer to the relevant contemporaneous record which has already been extensively analysed by the Tribunal. On going through

the said documents, we are not in a position to take a view different than the view already taken by the Tribunal. We find that when the appellant purchased the subject plot vide registered Sale Deed dated 3<sup>rd</sup> August, 1992, only a small structure at the corner of the said plot was in existence and was used as a garage and which was indisputably within 100 metres from the High Tide Line. On this finding, it necessarily follows, that the structure as it exists now is quite different - both in shape, size and location being in the middle of the plot. Obviously, it is an unauthorized structure constructed after 19<sup>th</sup> February, 1991. The CRZ policy dated 19.02.1991 prohibits any construction upto 200 metres from the High Tide Line. It is to be treated as 'No Development Zone', except for repairs of existing "authorized structures" not exceeding specific permissible FSI, plinth area and other norms for permissible activities including facilities essential for such activity under the Notification. The relevant clause in the said Notification, dealing with land area falling within CRZ-III area reads thus :-

"....."

CRZ-III

- i. The area upto 200 metres from the High Tide Line is to be earmarked as 'No Development Zone'. No construction shall be permitted within this zone except for repairs of existing authorized structures not exceeding existing FSI, existing plinth area and existing density, and for permissible activities under the notification including facilities essential for such activities. An authority designated by the State Government/Union Territory administration may permit construction of facilities for water supply, drainage and sewerage for requirements of

- ii. Development of vacant plots between 200 and 500 metres of High Tide Line in designated areas of CRZ-III with prior approval of Ministry of Environment and Forests (MEF) permitted for construction of hotels/beach resorts for temporary occupation of tourists/visitors subject to the conditions as stipulated in guideline-II.
- iii. Construction/reconstruction of dwelling units between 200 and 500 metres of the High Tide Line permitted so long it is within the Ambit of traditional rights and customary uses such as existing fishing villages and gaothans. Building permission for such construction/reconstruction will be subject to the conditions that the total number of dwelling units shall not be more than twice the number of existing units; total covered area on all floors shall not exceed 33 percent of the plot size; the overall height of construction shall not exceed 9 metres and construction shall not be more than 2 floors ground floor plus one floor. **Construction is allowed for permissible activities under the notification including facilities essential for such activities.** An authority designated by State Government/Union Territory Administration may permit construction of public rain shelters, community toilets, water supply, drainage, sewerage, roads and bridges. The said authority may also permit construction of schools and dispensaries, for local inhabitants of the area, for those panchayats the major part of which falls within CRZ if no other area is available for construction of such facilities.
- iv. Reconstruction/alterations of an existing authorized building permitted subject to (i) to (iii) above.

....."

(emphasis supplied)

9. Relying on sub-clauses (i), (iii) and (iv), it was contended that the Tribunal committed error in law on two counts. Firstly, in assuming that the structure within CRZ area can be used only as a dwelling unit, and secondly, that repairs and renovation permission can be given only to such dwelling units. This submission does not commend us. Sub-clause (i) plainly mandates that "no construction" of any kind be permitted within 200 metres from the High Tide line. That area has to be treated as "No Development Zone", except

for repairs of "existing authorized structures" (on the date of the Notification i.e. 19<sup>th</sup> February, 1991) and not exceeding the permissible FSI, plinth area and density and for permissible activities. Sub-clause (iii) deals with CRZ area between 200 to 500 metres of High Tide Line with which we are not concerned in the present case. In as much as the finding of fact by the Tribunal about the location of the plot is that the plot was within 100 metres from the High Tide Line. There is nothing to doubt the correctness of this finding.

10. The moot question then is: whether the structure as it existed when the respondents moved the Tribunal complaining about violation within the CRZ area was the same structure as on 19<sup>th</sup> February, 1991 when the CRZ Policy came into being. That finding of fact has been answered against the appellant by the Tribunal and we must agree with the same. For, the structure as it existed when the plot was purchased by the appellant on 3<sup>rd</sup> August, 1992 was a small structure at the corner of the subject plot and was used only as a garage or for repairs of vehicles and allied activity. The structure in respect of which complaint has been made before the Tribunal was completely different in shape, size and also location for which reason the Tribunal issued direction to remove the same. The view taken by the Tribunal relying on the decision of the Bombay High Court, which the Tribunal was bound to follow, permitted retention of only dwelling units within

(supra) have been reproduced by the Tribunal in para 12 of the impugned judgment, which reads thus :-

"12. The Hon'ble High Court summarized findings and gave directions in paragraph 32 as follows :

- (A) To conduct survey and enquiry as regards the number of dwelling units and all other structures and constructions which were existing in the CRZ-III Zone in Goa, village or town wise as on 19<sup>th</sup> February, 1991 and increase the number thereof thereafter, date-wise.
- (B) To identify on the basis of permission granted for construction of the dwelling units which are in excess of double the units with regard to those which were existing 19<sup>th</sup> February, 1991.
- (C) To identify all types of structures and constructions made in CRZ-III zone, except the dwelling units, after 19<sup>th</sup> February 1991 in the locality comprised of the dwelling units and to take action against the same for the demolition in accordance with the provisions of law.
- (D) To identify the open plots in CRZ-III zone which are available for construction of hotels and to frame appropriate policy/regulation for utilization thereof they are being allowed to be utilized for such construction activities.
- (E) Till the survey and enquiry is completed, as directed above, no new licence for any type of construction in CRZ-III zone, except repairs and renovation of the existing houses which shall be subject to the appropriate order on completion and result of the survey and enquiry to be held as directed above and this should be specifically stated in the licences to be granted for the purpose of repairs and/or renovation of the existing houses.
- (F) The Respondent No.5 to conduct an enquiry and fix responsibility for the violation of CRZ notification in relation to clause-III of CRZ-III zone and to take appropriate action against the persons responsible for such violation of the provisions of the Environmental Protection Act and the said notification in relation to the CRZ-III zone.
- (G) All this directions stated above are in relation to the CRZ-III zone in Goa in terms of the said notification.
- (H) The survey and enquiry should be conducted as expeditiously as possible and should be concluded preferably within the period of six months, and in any case, by 30<sup>th</sup> May,

2007, and report in that regard should be placed before this court in the first week after the summer vacation of 2007, for necessary for the order.

- (I) Meanwhile, on conclusion of the survey and inquiry, necessary action should proceed against the offending structures and report in that regard also should be placed along with the above effort report.
- (J) The Respondent No.3 and 4 shall ensure prompt compliance of the directions given in this judgment and shall be responsible for submitting the report required to be submitted as stated above.
- (K) All the records relating to the survey and the inquiry should be made available to the public available to the public and in that regard a website should be opened and the entire material should be displaced on the website. The Respondent No.3 should ensure due compliance of this direction by 10<sup>th</sup> of June, 2007. \*
- (L) The respondent No.1 and 3 shall pay costs of Rs.10,000/- in each of the petitions to the petitioners.
- (M) Report to be received from the respondents should be placed before this court in the third week of June, 2007.
- (N) Rule is made absolute in above terms."

So long as these directions are in force, the State Authorities or Municipal Authorities were bound by the same and they could not have granted permission to any applicant in breach thereof. Any permission given contrary to those directions must be viewed as nullity and *non-est*, having been given in complete disregard of the directions of the High Court. Thus, the permission granted to the appellant by GCZMA would be of no avail, as it is not consistent with the directions of the High Court.

11. The fact remains that the structure directed to be demolished by the Tribunal, was obviously erected after 19<sup>th</sup> February, 1991. That being an unauthorized structure within the meaning of sub-clause (i)

required to be demolished. Therefore, the finding recorded by the Tribunal and the consequential directions given in that behalf are unassailable.

12. In this view of the matter, it is not necessary for us to dilate on the argument as to whether the CRZ Policy prohibits change of user of the structure which was in existence on 19<sup>th</sup> February, 1991, so as to be used as a Restaurant and Bar. In our opinion, on the facts of the present case, no substantial question of law much less of great public importance arises for our consideration.

13. Hence this appeal must fail and the same is, therefore, dismissed with no order as to cost.

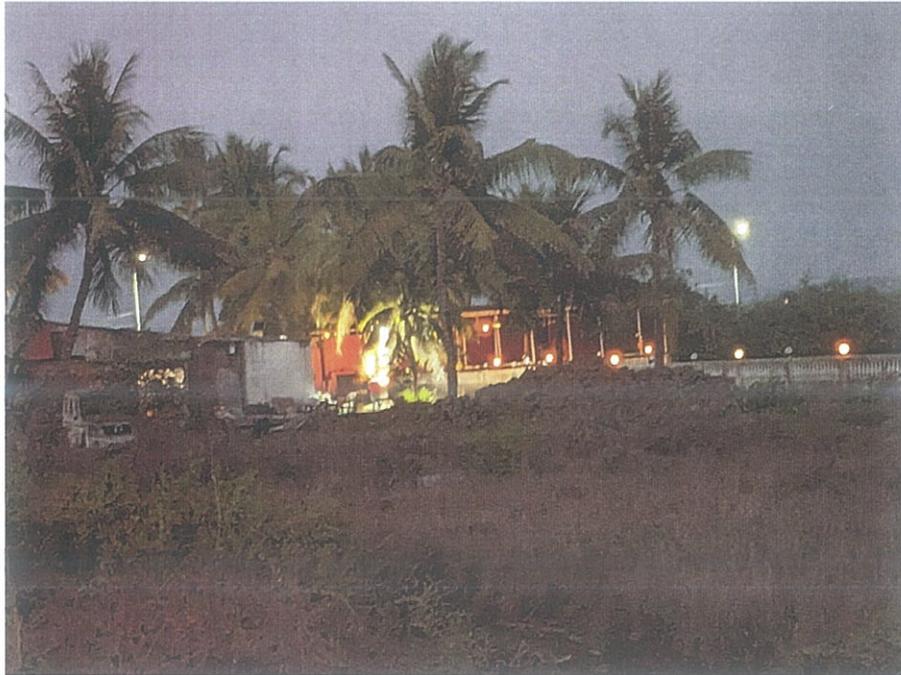
.....CJI  
(T.S. THAKUR)

.....J.  
(A.M. KHANWILKAR)

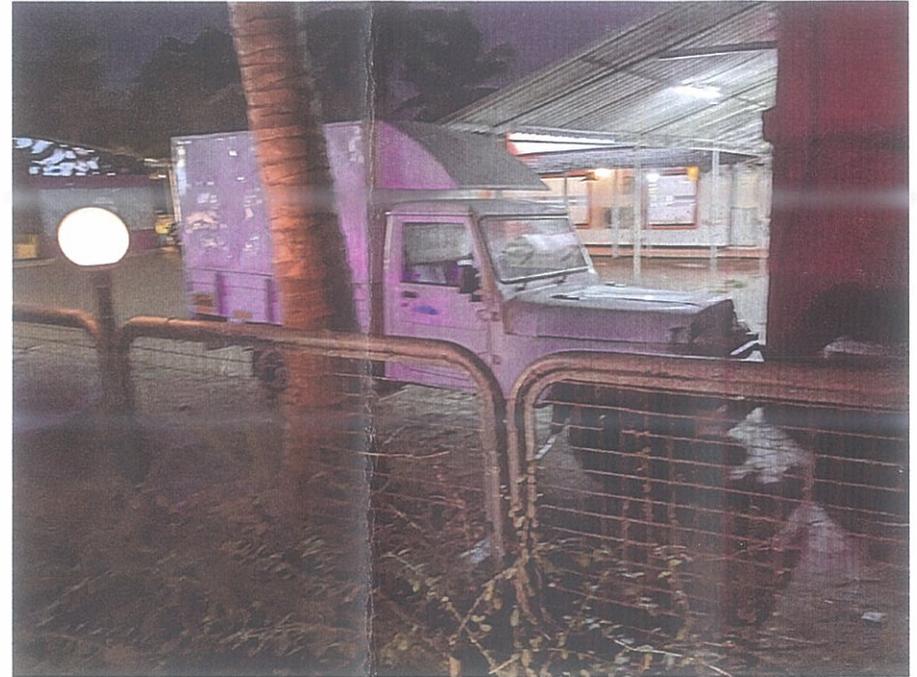
.....J.  
(DR.D.Y. CHANDRACHUD)

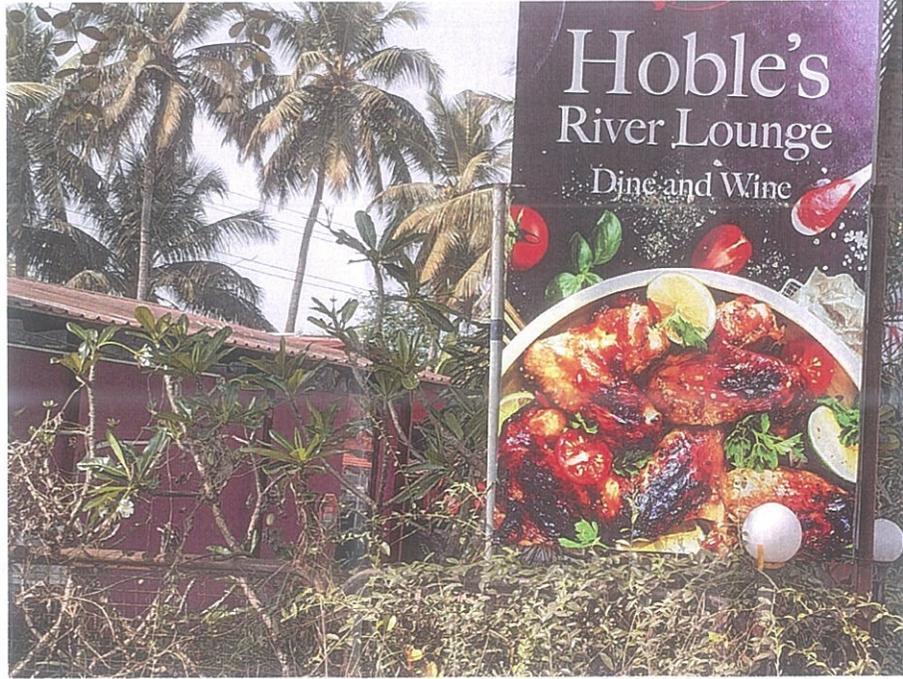
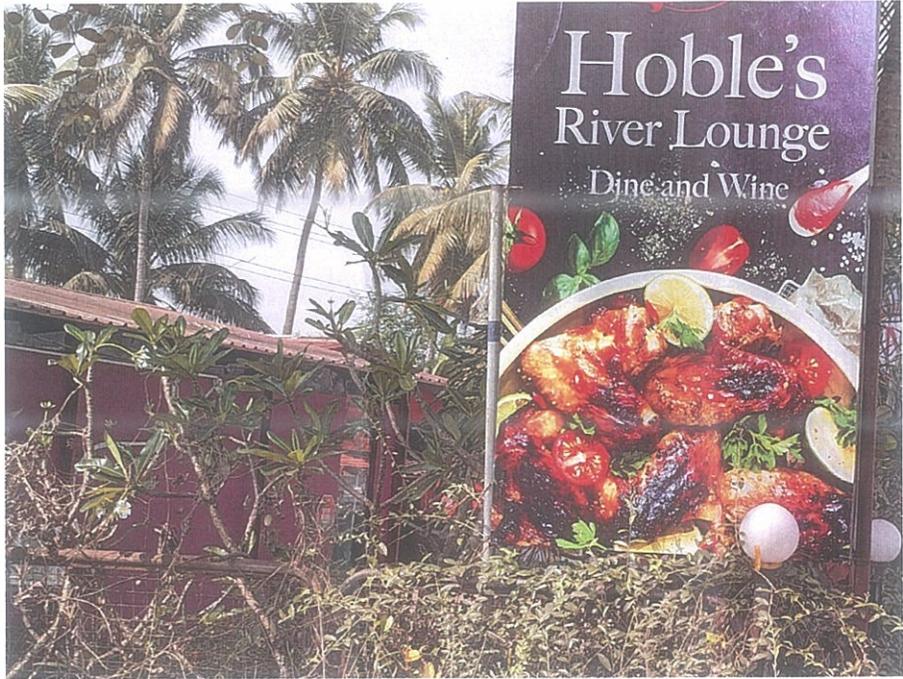
New Delhi

Dated: 7<sup>th</sup> October, 2016









गोमतक व कोकणचे पहिले अग्रेसर दैनिक

# गोमतक

## आता ऑस्ट्रेलियाला हरवण्याची संधी

इंग्लंडच्या महिला संघाची एकमेव कसोटी सामन्यात शिकार केल्यानंतर भारतीय महिला संघ आता अधिक चलाढ्य असलेल्या ऑस्ट्रेलियाचा सामना करण्यास सज्ज झाला आहे.



२५

## भाजप उपाध्यक्षाचे पब हाऊस सील

वेश्या व्यवसाय रोखला : आस्थापन बंगळूरु येथील तरुणाला दिले होते भाड्याने

पणजी, ता. २० (प्रतिनिधी) : भाजपच्या प्रदेश उपाध्यक्षांच्या रायबंदर येथील एम.के. पब हाऊसमध्ये जुने गोवे पोलिसांनी वेश्या व्यवसायप्रकरणां कारवाई करून हे पब हाऊस सील केले. याप्रकरणी त्रिवा दलांला अटक केली आहे. नेपाळमधील तरुणींना नोकरीचे आमिष दाखवून त्यांना गोव्यात वेश्या व्यवसायाला जुंपले जात होते. मंशयितांकडून होणाऱ्या अत्याचाराला कंटाळून काही नेपाळी तरुणींनी येथून पळ काढला. त्यातील एका तरुणीने एनजीओच्या संपर्कात येऊन पोलिसांत तक्रार दिल्यावर या प्रकरणाचा पर्दाफाश झाला. विशेष म्हणजे, हे पब हाऊस भाजपच्या प्रदेश उपाध्यक्षाने भाडेपट्टीवर बंगळूरु येथील एका तरुणाला दिले होते.

पोलिसांनी दिलेल्या माहितीनुसार, पीडित नेपाळी तरुणीने दिलेल्या तक्रारीची दखल घेऊन ही कारवाई करण्यात आली. रायबंदर रस्त्याच्या बाजूला असलेल्या 'होबळेज रिव्हर लॉज हॉटेल'च्या बाजूला नव्याने बांधकाम केलेले एम.के. पब हाऊस आहे. त्याचे मालक भाजपचे प्रदेश उपाध्यक्ष अनिल होबळे हे आहेत. त्यांनी ते बंगळूरुस्थित महेश भास्कर हेगडे (३८) याच्याशी करार करून भाडेपट्टीवर व्यवसायासाठी दिले होते. त्याची पत्नी कश्मिरा हेगडे ऊर्फ रिघम लामा (२४) ही नेपाळी आहे. कश्मिरा ऊर्फ रिघम ही नेपाळमधून तरुणींना नोकरीचे आमिष दाखवून त्यांना गोव्यात आणत होती आणि त्यांना एम.के. पब हाऊसमध्ये ठेवत होती. हेगडे हे जोडपेही तेथेच राहत होते. या तरुणींना जबरदस्तीने डान्स बारमध्ये ढकलत आले होते. ग्राहकांना एखादी तरुणी आवडल्यास तिला जबरदस्तीने जाण्यास हे जोडपे भाग घाडत होते.

### नोकरीचे आमिष दाखवून नेपाळहून आणल्या युवती



पणजी : रायबंदर येथील मुख्य रस्त्यालगतच एम.के. पब हाऊसमध्ये खुलेआम वेश्या व्यवसाय चालत होता.

### माझा 'त्या' प्रकरणाशी संबंध नाही : होबळे

या प्रकाराविषयी अनिल होबळे यांनी सांगितले की, ते माझे हॉटेल असले तरी मी ते कराराने महेश हेगडे यांना



चालवण्यास दिले आहे. त्यामुळे तेथे झालेल्या कोणत्याही प्रकाराचा माझ्याशी काहीच संबंध नाही.

अंतर्गत वादातून ही तक्रार झाली आहे. मोबाईलवरून हा दाद झाला असावा. त्यातून हेगडेविरोधात सतावणुकीची तक्रार दिली, अशी माहिती मला मिळाली आहे. याशिवाय त्या प्रकरणाची मला आणखी काहीच माहिती नाही.

### सहा तरुणींना धरले होते वेठीस

या पब हाऊसमध्ये नेपाळहून आणलेल्या सहा तरुणींना अक्षरशः वेठीस धरले होते. अखेर नेहमीच्या या अत्याचाराला कंटाळून एम.के. पब हाऊसमध्ये असलेल्या सहापैकी तीन तरुणीं तेथून पसार होण्यात यशस्वी झाल्या. त्यातील एका तरुणीने तिच्यावर

झालेल्या अत्याचारांची माहिती एका एनजीओला दिल्यानंतर जुने गोवे पोलिसांनी तिची तक्रार दाखल करून घेतली. पोलिसांनी या तक्रारीच्या आधारावर त्वरित हालचाली करून सोमवारी संध्याकाळी साडेसातच्या सुमारास ही कारवाई केली होती.

### उर्वरित तीन तरुणींची सुटका

पोलिसांनी कारवाई केली, त्यावेळी संशयित हेगडे जोडपे आणि एक नेपाळी महिला दलाल दीपा दिलबहादूर शाय ठाकुरी (२४) तेथे उपस्थित होती. त्या तिघांना अटक करण्यात आली आहे. त्या ठिकाणी असलेल्या इतर तीन पीडित नेपाळी तरुणींची सुटका करण्यात आली आहे. याप्रकरणी संशयितांना न्यायालयात हजर केले असता, त्यांना पोलिस कोठडीचा रिमांड घेऊन पोलिस अधिक माहिती मिळवत आहेत.

आजच्या  
अंकात  
विशेष पान



गोवा

## दृष्टिक्षेपात

### झुआरी पुलाचे

नसून सध्या सुरू असलेल्या उद्योगाच्या विस्तारीकरणासाठीही या योजनेचा लाभ घेता येईल. अर्थसंकल्पात या योजनेचा उल्लेख होता. त्याची पूर्तता आता करण्यात आली आहे.

व्यावसायिक महाविद्यालयातील शिक्षक आणि आरोग्य क्षेत्रातील सल्लागार सोडून 'अ' आणि 'ब'

## ३१ रोजी आयोजन नाहीच : ध्वनिप्रदूषण रोखण्यासाठी

# 'सनबर्न'वर प्रशासनाचा अंकुश

आरोग्य विभागाचे क्वच वाढवणार  
राज्यातील जनतेला आभा क्रमांक मिळवण्याची सक्ती केली आहे. दीनदयाळ आरोग्य योजनेचे काडात प्रत्येक कुटुंबातील सर्व सदस्यांची माहिती असते. त्यात नोंद असलेल्या कुटुंबप्रमुख आणि सदस्यांना वैयक्तिकरित्या

## 'सनबर्न'वर प्रशासनाचा अंकुश

पान १ वरून

आहे. उच्च न्यायालयाच्या निर्देशानुसार सरकारने जिल्हाधिकार्यांच्या अध्यक्षतेखाली स्थापन केलेल्या संयुक्त विशेष विभागाने आज प्रदूषण नियंत्रण व देखरेख कृती योजनेचा सादर केली. या योजनेबाबत खंडपीठाने समाधान व्यक्त करत त्यांची काटेकोरपणे अंमलबजावणी करणेचे निर्देश दिले. या कृती योजनेत प्रतिबंधात्मक उपाययोजना कृती योजना,

देखरेख कृती योजना व अंमलबजावणी कृती योजना तयार केल्या आहेत.

या योजनेनुसार फेस्टिव्हलच्या काळात विविध समित्या तैनात करून ध्वनी प्रदूषणाचे उल्लंघन होणार नाही, यासाठी काटेकोरपणे अंमलबजावणी केली जाणार आहे, असे उत्तर गोवा जिल्हाधिकारी डॉ. स्नेहा गिते (आयएएस) यांनी कृती उपाययोजना योजनेत नमूद केले आहे.

sunburn

...म्हणून 12 वाजे

वर्षभरातील १५ दिवस सांस्कृतिक, सामाजिक व धार्मिक कार्यक्रमांसाठी रात्री १२ वाजेपर्यंत संगीत वाजवण्यास परवानगी दिली आहे. मात्र, व्यावसायिक कार्यक्रमांसाठी ती मुभा नाही. यासंदर्भातील अधिसूचनाही सरकारने काढली आहे. त्यामध्ये २४ ते ३१ डिसेंबर या काळात ही परवानगी देण्याचा

## सनबर्न महोत्सवात कोरोना प्रसाराची भीती

भाजपच्या आरोग्य विभागाचे निमंत्रक डॉ. शेखर साळकर यांनी 'सनबर्न'मुळे कोरोनाचा प्रसारण्याची भीती व्यक्त केली आहे. ते म्हणाले, नाताळ गे नववर्षाच्या निमित्ताने होणाऱ्या मेजवानीय दोन-तासांच्या असतात. त्यामुळे कोविड फैलावाची यता तशी कमी असते.

'सनबर्न'मध्ये सकाळपासून लोक राहात असल्याने ते होण्याची शक्यता नाकारता येत नसते, तर 'सनबर्न'मध्ये गर्दी संख्या जास्त असते. तेथे कोविड संख्या जास्त असते. तेथे कोविड शक्य नसते. त्यामुळे सतर्कते

## एम.के. पब हाऊस कायमचे बंद करण्यासाठी प्रस्ताव दाखल

पान १ वरून

माहिती त्यांनी दिली आहे. नेपाळ देशातील या सर्व तरुणी गरीब कुटुंबातील असून त्यांना नोकरीचे आमिष दाखवून गोव्यात आणले होते. पोलिसांनी अटक केलेल्या तिघा संशयितांची पोलिस कोठडीची मुदत संपत असल्याने ती वाढवून घेण्यासाठी शुक्रवारी त्यांना न्यायालयात हजर करण्यात येणार आहे.

पोलिसांनी कारवाई केलेल्या दिवशीच संशयितांना अटक करून एम.के. पब हाऊस कुलूप लावून बंद केले आहे. इतर कोणत्याही व्यापारासाठी ते कायमचे बंद करण्यासाठीचा प्रस्ताव न्यायदंडाधिकार्यांकडे दिला आहे. या प्रस्तावावर पोलिस तसेच पब हाऊसच्या मालकाची बाजू ऐकून घेऊन निर्णय दिला जाणार आहे. या प्रकरणाचा तपास जुने गोवे पोलिस करत आहेत.

## स कायमचे दाखल

भाजपचे प्रदेश उपाध्यक्ष अनिल ठे यांचे पणजी-रायबंदर मार्गावर म्हेज रिव्हर लॉज हॉटेलच्या लॉ एम.के. पब हाऊस आहे. ही बंगळुरुस्थित महेश भास्कर यांच्याशी करार करून भाडेपट्टीवर सायासाठी दिले होते. त्याने सायाच्या नावाखाली डान्स बार तरुणींची वेश्या व्यवसायासाठी री केली होती. जुने गोवे प्रांती सुटका केलेल्या पीडित च्या जबाब्या नोंद केल्या आहेत. त हेगडे जोडण्याकडून वेश्या यासाठी होणारे अत्याचार व मारझोड यासंदर्भातील पान ९ वर >>

## सूक्ष्म आणि ५ ते ५० लाख मर्यादित

पणजी, ता. २१ (प्रतिनिधी) : राज्यात उद्यमशीलतेला चालना देण्यासाठी राज्य सरकारने सूक्ष्म व लघु उद्योगांसाठी बिनव्याजी कर्ज देण्याची तरतूद असलेल्या मुख्यमंत्री सरल उद्योग साहाय्य योजनेस राज्य मंत्रिमंडळाने आज मान्यता दिली. 'सिडको'च्या सहकार्याने ही योजना मार्गी लावण्यात येणार आहे. सिडको ७५ टक्के, तर राज्य सरकार २५ टक्के व्याज सोसणार आहे. मुख्यमंत्री डॉ. प्रमोद सावंत यांनी मंत्रिमंडळ बैठकीनंतर घेतलेल्या पत्रकार परिषदेत याची माहिती दिली. यावेळी त्यांच्यासोबत पर्यटनमंत्री पान ९ वर >>

१ २ ३ ४ ५ ६



**LEGENDS INDICATING THE  
DEMARCATIONS DONE ON GOOGLE EARTH  
IMAGE**

A – River Mandovi

B- Structure belonging to the appellant namely  
Hoble's River Lounge surveyed under survey no.  
65/1-A.

C – Sluice gate namely Zoddi Manos

D – Gate erected by Shri. Ankush Hoble along with  
structure.

E – Illegally built sluice gate by Shri. Ankush Hoble

F – Illegal structures constructed by Shri. Ankush  
Hoble

G - Illegal structures constructed by Shri. Ankush  
Hoble

REGD. GOA - 5

Panaji, 31st July, 1975 (Sraavana 9, 1897)

SERIES II No. 18

# OFFICIAL GAZETTE



## GOVERNMENT OF GOA, DAMAN AND DIU

### GOVERNMENT OF GOA, DAMAN AND DIU

#### Special Department

Order

No. 4-24-74-SPL

In continuation of Government Order No. 3-16-74-SPL, dated 26th June, 1974 published in Official Gazette, Series II, No. 14, dated 4th July, 1974, the Administrator of Goa, Daman and Diu is pleased to extend the term of ad-hoc appointment of Shri J. M. J. Alexandre G. Perera, Deputy Director of Civil Supplies, Panaji, till 25th December, 1975 or till the post is filled on a regular basis, whichever is earlier.

By order and in the name of the Administrator of Goa, Daman and Diu.

M. K. Bhandare, Deputy Secretary (Appointments).

Panaji, 25th July, 1975.

Order

No. 4-17-74-SPL

Kumari Charushella Sohoni, I.A.S. (Maharashtra-1971) is appointed as Secretary to the Chief Minister of Goa, Daman and Diu with effect from the date of her joining and until further orders.

With effect from the same date Shri Y. A. Sathaye, I.A.S. is relieved of the post of the Secretary to the Chief Minister of Goa, Daman and Diu.

By order and in the name of the Administrator of Goa, Daman and Diu.

M. K. Bhandare, Deputy Secretary (Appointments).

Panaji, 26th July, 1975.

#### Home Department (General)

Order

No. HD(G)CFEPSA/30/75

Whereas an Order No. CFEPSA/30/75 dated 18th May, 1975 was made by the Administrator of Goa, Daman and Diu under section 3(1) of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974, directing that Ramabhai Gopalbhai Tandel be detained;

And whereas all efforts so far to execute the aforesaid Order against the said Ramabhai Gopalbhai Tandel having failed, the Administrator has reason to believe that the said Ramabhai Gopalbhai Tandel has absconded or is concealing himself so that the said Order cannot be executed.

Now, therefore, the Administrator of Goa, Daman and Diu, in exercise of powers conferred by section 7(1)(b) of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 directs the said Ramabhai Gopalbhai Tandel to appear before Shri D. A. Prabhu Dessai, Deputy Superintendent of Police at Daman Police Station at 10-00 a. m. on or before 15th August, 1975 failing which the said Ramabhai Gopalbhai Tandel shall be liable to the punishment provided in the aforesaid section of the said Act.

By order and in the name of the Administrator of Goa, Daman and Diu.

T. Kippen, Chief Secretary.

Panaji, 26th July, 1975.

Notification

No. HD(G)-44-82/75

Read: Order No. 16-5-73-GAD dated 17-7-75.

In exercise of the powers conferred by Sub-Section (1) of Section 20 of the Criminal Procedure Code, 1973 (Act No. 2 of 1974) the Lieutenant-Governor of Goa, Daman and Diu hereby appoints Shri P. S. Nadkarni, Mamlatdar Ponda as Executive Magistrate, from the date he takes over charge and until further orders.

By order and in the name of the Lieutenant Governor Goa, Daman and Diu.

M. K. Bhandare, Under Secretary (Home).

Panaji, 29th July, 1975.

#### Education and Public Works Department

Order

No. EDN-PWD-2132-75

The Administrator of Goa, Daman and Diu is pleased to make the following transfers/promotion of Assistant Engineers, Public Works Department with immediate effect:—

1. Shri S. P. Cacodo, Technical Assistant, Office of Superintending Surveyor of Works, Panaji is promoted as Assistant Engineer (Civil) and posted in Sub-Division IV of Works Division II, Panaji, vice Shri P. J. Mane transferred.
2. Shri P. J. Mane, Assistant Engineer, Sub-Division IV of Works Division II, Panaji is transferred to Circle Office II, Panaji as Assistant Surveyor of Works vice Shri R. B. Kanbarkar.
3. Shri R. B. Kanbarkar, Assistant Surveyor of Works, Circle Office II, Panaji transferred to Sub-division III of Works Division III, Mapusa.

By order and in the name of the Administrator of Goa, Daman and Diu.

N. Rajasekhar, Under Secretary (Revenue).

Panaji, 26th July, 1975.

## Industries and Power Department

Order

No. IPD/3005/72-Dy.-CEO/GIDC

The services of Shri G. D. Naik, Tahsildar, Revenue and Forest Department, Government of Maharashtra, Bombay, on deputation to this Administration as Dy. Chief Executive Officer of the Goa, Daman and Diu Industrial Development Corporation, Panaji are hereby replaced at the disposal of Government of Maharashtra with effect from 1st August 1975.

He should report to the Commissioner Pooña Division to take over his new assignment as Special Land Requisition Officer, Krishna Dhom Project (5) wal District Satara.

The Corporation should take immediate action to appoint a suitable Officer against the post of Dy. Chief Executive Officer, which will fall vacant due to repatriation of Shri G. D. Naik.

By order and in the name of the Administrator of Goa, Daman and Diu.

P. Noronha, Under Secretary (Industries and Labour).

Panaji, 24th July, 1975.

## Labour and Information Department

Order

No. LC/1/ID/(176)/75/903

In continuation to Government Order No. LC/1/ID/(175)/75/854 dated 13th May, 1975 published in the Official Gazette No. 7 Series II, dated 15-5-75 the Lieutenant Governor of Goa, Daman and Diu hereby grants further extension to the term of the Court of Inquiry and directs that the said Court shall submit its report to Government by 31st July, 1975.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

P. Noronha, Under Secretary (Industries and Labour).

Panaji, 26th July, 1975.

Notification

No. LID/2092/75/868

Government of Goa, Daman and Diu is hereby pleased to constitute an Evaluation Committee to Evaluate Craftsmen Training imparted in the Industrial Training Institute, Farmagudi consisting of the following members.

1. Shri R. L. Mehrotra, Principal, Engineering College, Farmagudi, Ponda, Goa — Chairman.
2. Shri C. V. Dhume, Sr. Inspector of Factories and Boilers, Panaji — Member.
3. Shri Diwaker Kakodkar, President, Goa Small Scale Industries Association, Margao — Member.

The Committee shall conduct an independent and objective evaluation of the training imparted, in consultation with the Industrialists in the area and suggest necessary changes in curricula and syllabi of training, so that the trainees may be able to meet the requirements of the Industries.

The Committee shall also examine various aspects such as (i) use of old and outdated tools and equipments, (ii) non-availability of raw material, (iii) shortage of instructional staff and problems of training of the staff in Administration (iv) inadequacy of inspection of training programmes and other aspects which need remedial measures. The Committee may also suggest raising of standards of the course of training in order that the I. T. I. trainees acquire the types of skills actually required for absorption in the Industries in the area.

The Committee shall submit its report by 31-7-76.

TA/DA will be paid to the non-official member of the committee as applicable to Class I Officers.

By order and in the name of the Administrator of Goa, Daman and Diu.

P. Noronha, Under Secretary (Industries and Labour).

Panaji, 24th July, 1975.

Notification

No. 1/459/75-LAB(S.E.)/Exempts/899

In exercise of the powers conferred by sub-section (4) of Section 61 of the Goa, Daman and Diu Shops and Establishments Act, 1973 (Act 13 of 1974), the Administrator of Goa, Daman and Diu hereby exempts the Chemists and Druggists shops from the provisions of sub-section (1) of Section 4 and sub-section (1) of Section 8 of the said Act subject to the following conditions, namely:—

- i) that every employee in every such shop is allowed a holiday for a whole day in every week; and
- ii) the holiday given to the employees is notified to the Inspector of the area in Form XXXVI of the Rules.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. C. Pandey, Secretary (Industries and Labour).

Panaji, 26th July, 1975.

Notification

No. 1/459/75-LAB(S.E.)/Exempts/(2)/900

In exercise of the powers conferred by sub-section (4) of section 61 of the Goa, Daman and Diu Shops and Establishments Act, 1973 (13 of 1974) the Administrator of Goa, Daman and Diu hereby exempts petrol/diesel oil bunkers, pumps and storage depots from the provision of Section 4, sub-section (1) of Section 8 and sub-section (1) of Section (10) of the said Act subject to the following conditions, namely:—

- i) that every employee employed therein is allowed a holiday of one whole day in every week; and
- ii) notice specifying holidays given to the employees is sent to the Inspector of the local area in Form XXVI of the Rules.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. C. Pandey, Secretary (Industries and Labour).

Panaji, 26th July, 1975.

Notification

No. 1/459/75-LAB(S.E.)/Exempts/(3)/901

In exercise of the powers conferred by sub-section (4) of Section 61 of the Goa, Daman and Diu Shops and Establishments Act, 1973 (Act 13 of 1974), the Administrator of Goa, Daman and Diu hereby exempts all shops dealing in all or any of the articles specified in the Schedule below from the provisions of sub-section (1) of Section 8 of the said Act subject to the following conditions, namely:—

(i) that every employee in such shops shall be allowed a holiday for a whole day in every week;

(ii) notice specifying holidays given to the employees is sent to the Inspector of the local area in Form XXVI of the Rules; and

(iii) that such shops shall not deal in cosmetics, talcum powders, soaps, hair oils and any other such items.

## SCHEDULE

(1) Shops dealing exclusively in

(a) vegetables and fruits;

(b) meat;

(c) fish;

31ST JULY, 1975. (SRAVANA 9, 1897)

153

- (d) dairy products;  
 (e) bread;  
 (f) flowers;  
 (g) eggs;  
 (h) pan;  
 (i) beedles, cigarettes, cigars and matches;

(2) All stalls/shops run by licensees in railway stations and within the limits of Mormugao Port;

(3) Shops dealing with only the funeral requisites and coffins; and

(4) Shops dealing exclusively in newspapers and magazines.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. C. Pandey, Secretary (Industries and Labour)

Panaji, 28th July, 1975.

### Revenue Department

Notification

No. RD/TNC/38/70-74

In exercise of the powers conferred by sub-section (4) of section 23 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (No. 7 of 1964) the Government of Goa, Daman and Diu hereby notify that the rent payable by a tenant to the landlord shall be paid within 30 days from the date of

final operations in respect of each harvest and that such rent may be paid in cash or in kind at the option of the landlord at the conversion rates of Rupees seventy four per quintal or as may, from time to time, be revised by the Government.

By order and in the name of the Administrator of Goa, Daman and Diu:

S. R. Arya, Secretary (Revenue).

Panaji, 21st July, 1975.

Notification

No. RD/TNC/BND/280/67-75-LXVIII

In pursuance of the proviso to sub-section (3) of Section 28 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964, the Government hereby specify the following bund/s prescribed in the schedule appended hereto as protective bund/s for the purpose of the said proviso:—

#### SCHEDULE

Sr. No.	Name of the bund	Village	Taluka	Approximate area protected (in Hectares)	Description of the bund
1	2	3	4	5	6
1.	Fatardacho Bund	Dhargal	Pernem	13.00	The bund Fatardacho bund defending the paddy field Majaph Fatarda Shet and Tiyal Shet, starting from the paddy field Majaphar Fatarpa Shet belonging to Shri Mahadev Ghansham P. Dessai and running marginal to river Chapora and ending with the paddy field Tiyal Shet belonging to Shri Jaiaram Balkrishna P. Dessai and others.
2.	Dayol Khasan-Cantorla	Corlim	Tiswadi	40.00	The Bund starts with the paddy field belonging to Shri Luciano Carvalho and others at Corlim running marginal to the canal of Cumbarjua and ending with the paddy field «Cantorla» belonging to Shri Inacio de Sa, situated at Corlim of Tiswadi Taluka.
3.	a) Sinarancho Bund b) Morombi-O-Grande Bund of Comunidade c) Ranoadi Bund of Comunidade d) Santancho Bund	Merces	Tiswadi	200.00	The Bund starting from the paddy field «Sinarancho bund» belonging to Shri Pitagores Velho and running marginal to the creek of river Mandovi and ending with the paddy field «Santancho bund» belonging to Shri V. S. Dempo.
4.	a) Sinarancho Bund b) Joddecho Bund c) Bannacho Bund	Morombi-O-Grande	Tiswadi	220.00	The bund starting from the paddy field «Sinarancho Bund» at Morombi-O-Grande, belonging to Shri Pitagores Velho, running marginal to the creek of the river Mandovi and ending with the paddy field «Bannacho Bund» belonging to Smt. B. Sapeco of Panaji.
5.	Morombi-O-Grande Bund	Morombi-O-Grande	Tiswadi	320.00	The property belonging to Shri Harichandra Sawant and Comunidade of Morombi-O-Grande and ending with the same paddy field running marginal to the creek of river Mandovi.
6.	Khare Bund	Maldem	Bardez	12.00	The bund starting with Uskal Cantor and ending with the same belonging to the Comunidade of Uskal of Bardez Taluka and running marginal to the creek of river Mandovi.
7.	Dona Cholque Khazan	Chinchinim	Salcete	150.00	The bund defending the paddy field Dona Cholque Khazan starting with the paddy field Putrachl Guddi belonging to Shri C. A. Furtado and ending with the paddy field Uddi belonging to Shri Jose Lourenco Fernandes. The bund is marginal to River Sal situated at Chinchinim.

By order and in the name of the Administrator of Goa, Daman and Diu:

N. Rajasekhar, Under Secretary (Revenue).

Panaji, 21st July, 1975.

## Notification

No. RD/LQN/150/75

Whereas it appears to the Appropriate Government (hereinafter referred to as the Government) that the land specified in the schedule hereto (hereinafter referred to as the said land) is likely to be needed for public purpose viz for Industrial Estate.

Therefore the Government is pleased to notify under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the said Act) that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contracts for the disposal of the said land by sale, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed in paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of Section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Official Gazette, in due course. If the acquisition is abandoned wholly or in part, the fact will be notified.

4. The Government is further pleased to appoint under clause (c) of Section 3 of the said Act the Land Acquisition Officer, Collector's Office, Panaji, to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government is also pleased to authorise under sub-section (2) of Section 4 of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. The Collector of Goa, Panaji.
2. The Land Acquisition Officer, Collector's Office, Panaji.
3. The Chief Executive Officer, Goa, Daman and Diu Industrial Development Corporation, Panaji.
4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Land Acquisition Officer, Panaji for a period of 30 days from the date of publication of this Notification in the Official Gazette.

## SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village	Plot No.	Survey No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
1.	Tiswadi	Corlim	—	A field named «Malar» bearing survey No. 19 Sub. Div. 5.	Shri Estevam Manuel D'Souza. <i>Boundaries:</i> North: Shri Vinayak D. Bandekar. South: Road. East: Shri Renato Aphonso. West: Shri Carmo D. Rodrigues.	1,375.00
Total .....						1,375.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu,

S. E. Arya, Secretary (Revenue).

Panaji, 24th July, 1975.

## Notification

No. RD/LQN/272/74

Whereas by Government Notification No. RD/LQN/272/74 dated 7-11-1974 published on page 294 of Series II, No. 34 of the Official Gazette, dated 21-11-1974 it was notified under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the said Act) that the land, specified in the schedule appended to the said Notification (hereinafter referred to as the said land) was likely to be needed for the public purpose viz for Goa Medical College Complex (Additional area).

And whereas the appropriate Government (hereinafter referred to as the Government) is satisfied after considering the report made under sub-section (2) of Section 5A of the

said Act, that the said land specified in the schedule hereto is needed to be acquired for the public purpose specified above.

Now, therefore, the Government is pleased to declare under the provisions of Section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government is also pleased to appoint under clause (c) of Section 3 of the said Act, the Land Acquisition Officer to perform the functions of a Collector for all proceedings hereinafter to be taken in respect of the said land, and to direct him under Section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the office of the said Land Acquisition Officer, Collector's Office, Panaji till the award is made under Section 11.

## SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village	Plot No.	Survey No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
1.	Tiswadi	Bambolim	—	70/part	Shri Anthony Clovis Pinto and Felipe A. Pinto. North: Land held by the Goa Medical College. South: Land held by the Goa Medical College and M/s V. S. Dempo & brothers. East: Land held by Anthony Clovis Pinto & Shri Felipe A. Pinto. West: Land held by the Goa Medical College.	20,425.00
Total .....						20,425.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

S. E. Arya, Secretary (Revenue).

Panaji, 24th July, 1975.

31ST JULY, 1975. (SRAVANA 9, 1897)

155

## Notification

No. RD/LQN/151/75

Whereas it appears to the Appropriate Government (hereinafter referred to as «the Government») that the land specified in the schedule hereto (hereinafter referred to as the «said land») is likely to be needed for public purpose viz for Slipway service station.

Therefore the Government is pleased to notify under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the «said Act») that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contracts for the disposal of the said land by sale, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed in paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of Section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under section 6 of the said Act will be published in the Official Gazette, in due course. If the acquisition is abandoned wholly or in part, the fact will be notified.

4. The Government is further pleased to appoint under clause (c) of Section 3 of the said Act, the Land Acquisition Officer, Collector's Office Panaji to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government is also pleased to authorise under sub-section (2) of Section 4 of the said Act, the following officers, to do the acts, specified therein in respect of the said land:

1. Collector of Goa, Panaji.
2. The Land Acquisition Officer, Collector's Office, Panaji.
3. The Director of Fisheries, Panaji.
4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Land Acquisition Officer, Collector's Office, Panaji for a period of 30 days from the date of publication of this Notification in the Official Gazette.

## SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village	Plot No.	Survey No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
1.	Bardez	Penha de Franca	—	49/Sub-Division No. 7	Communiidade of Serula <i>Boundaries:</i> North: Road South: Survey No. 48—Government and River Mandov East: Survey No. 47/Sub. Div. 1—Anthony Francisco Fernandes Survey No. 47/Sub. Div. 3—Mario F. Fernandes. Survey No. 47/Sub. Div. 9—Jose J. R. Fernandes. West: Survey No. 49/Sub. Div. No. 6—Salvador D'Souza.	3,225.00
Total .....						3,225.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

S. R. Arya, Secretary (Revenue).

Panaji, 24th July, 1975.

## Notification

No. RD/LQN/120/75

Whereas it appears, to the Appropriate Government (hereinafter referred to as «the Government») that the land specified in the schedule hereto (hereinafter referred to as the «said land») is needed for public purpose viz. for Intake Jackwell cum Pump House for Water Supply Scheme to Senquelim.

And whereas in the opinion of the Government that the Provision of Sub-Section (1) of Section 17 of the Land Acquisition Act, 1894 (hereinafter referred to as the «said Act») are applicable.

Therefore the Government is pleased to notify under sub-section 4 of the said Act that the said land is needed for the purpose specified above.

The Government is also pleased to direct under sub-section (4) of Section 17 of the said Act that the provisions of Section 5A of the said Act shall not apply in respect of the said land.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contracts for the disposal of the said land by sale, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector after the date of the publication of this Notification, will under Clause (Seventh) of Section 24 of the said Act, be disregarded

by the Officer assessing compensation for such Parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Official Gazette, in due course. If the acquisition is abandoned wholly or in part, the fact will be duly notified in the Official Gazette.

4. The Government is further pleased to appoint under clause (c) of Section 3 of the said Act the Land Acquisition Officer, Collector's Office Panaji, Goa, to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government is also pleased to authorise under sub-section (2) of Section 4 of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. The Collector of Goa Panaji.
2. The Land Acquisition Officer, Collector's Office, Panaji.
3. The Superintending Engineer I, Circle I, P. W. D., Panaji.
4. The Executive Engineer, Works Division III (PHE), P.W.D., Panaji.
5. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Land Acquisition Officer, Collector's Office, Panaji, from the date of this Notification.

SCHEDULE  
(Description of the said land)

Sl. No.	Taluka	Village	Survey No.	Name of the person believed to be interested and boundaries	Approximate area in sq. mts.
1	2	3	4	5	6
1.	Satari	Porlem	193/Part Plot No. 1	Smt. Lakshmi Botina, Widow of Vithal Raghunath Bhat Bacre & her son Pandurang Vithal Bhat Bacre of Carapur. North: S. No. 65. South: S. No. 78. East: S. No. 192. West: Boundary of Sanquellm Village.	3,690.00
2.	— do —	— do —	194/Part Plot No. 1	Smt. Lakshmi Botina. North: S. No. 78. South & West: Boundary of Sanquellm Village. East: S. No. 190.	
Total .....					3,690.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.  
S. R. Arya, Secretary (Revenue).  
Panaji, 29th July, 1975.

Notification

No. RD/LQN/266/74

Whereas by Government Notification No. RD/LQN/266/74 dated 24-10-1974 published on page 360 of Series II, No. 31 of the Official Gazette, dated 31-10-1974 it was notified under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the said Act) that the land, specified in the schedule appended to the said Notification (hereinafter referred to as the said lands) was likely to be needed for the public purpose viz. Construction of approach road to the Forest Rest House.

And whereas the appropriate Government (hereinafter referred to as the Government) is satisfied after considering the report made under sub-section (2) of Section 5A of the

said Act, that the said land specified in the schedule hereto is needed to be acquired for the public purpose specified above.

Now, therefore, the Government is pleased to declare under the provisions of Section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government is also pleased to appoint under clause (c) of Section 3 of the said Act, the Land Acquisition Officer, Panaji to perform the functions of a Collector for all proceedings hereinafter to be taken in respect of the said land, and to direct him under Section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the office of the said Land Acquisition Officer, Panaji till the award is made under Section 11.

SCHEDULE  
(Description of the said land)

Sr. No.	Taluka	Village	Plot No.	Survey No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
1.	Ponda	Queula	I	361 (part)	Shri Amarnath Vishnum Doulekar.  <i>Boundaries:</i> North: Land held by Shri Amarnath V. Doulekar. South: Land held by Shri Balkrishna S.B. Doulekar and Shri Amarnath V. Doulekar. East: Land held by Forest Department. West: Main Road.	2,281.00
Total .....						2,281.00

By order and in the name of the Administrator of Goa, Daman and Diu.  
S. R. Arya, Secretary (Revenue).  
Panaji, 28th July, 1975.

Corrigendum

No. RD/LQN/70/75

The word «Quepem» appearing in column No.1 of schedule appended to the Government Notification No. RD/LQN/70/75 dated 11th April 1975, published on page 38 of the Gazette Series II, No. 4, dated 25th April 1975, issued in Land Acquisition case viz. for Rehabilitation Programme of Salaulim Irrigation Project at Portlem Village, should be read as «Sanguem».

By order and in the name of the Administrator of Goa, Daman and Diu.  
S. R. Arya, Secretary (Revenue).  
Panaji, 25th July, 1975.

Corrigendum

No. RD/LQN/273/75

The Government Notification No. RD/LQN/273/74, dated 7th November 1974, published on page 393-394 of the Official Gazette Series II, No. 34, dated 21st November 1974, regarding Land Acquisition for construction of Village Panchayat Library and other remunerative schemes by the Village Panchayat, Keldem-Amona, the word «Sheldem» appearing in column No. 2 of the Schedule appended thereto should be read as «Sivols».

By order and in the name of the Lt. Governor of Goa, Daman and Diu.  
S. R. Arya, Secretary (Revenue).  
Panaji, 26th July, 1975.

31ST JULY, 1975 (SRAVANA 9, 1897)

157

## Office of the Chief Electoral Officer

Notification

No. 3-18-74/Elec.

The following Notification No. 82/GOA-LA/1/74, dated 27-6-1975 issued by the Election Commission of India, New Delhi, is hereby published for general information.

B. M. Masurkar, Chief Electoral Officer.

Panaji, 22nd July, 1975.

## Election Commission of India

New Delhi-1 Ashoka Road, New Delhi

Dated the 27th June, 1975  
Asadha 6, 1897 (Saka)

Notification

No. 82/GOA-LA/1/74

In pursuance of Section 106 of the Representation of the People Act, 1951 (43 of 1951), the Election Commission hereby publishes the Order, dated the 17th June, 1975 of the Court of Judicial Commissioner, Goa, Daman and Diu at Panaji, in Election Petition No. 1 of 1974.

Court of the Judicial Commissioner, Goa, Daman & Diu at Panaji

Election Petition No. 1/74

Shri Raju Babu Talavnekar, alias Rathoba Babu Talavnekar, teacher, resident of Deusem, Korgao, Pedne Taluka — Petitioner.

Versus

Shri Ramakant D. Calap, alias Ramakant Dattaram Khalap, advocate, resident of Mapusa, Bardes, Goa — Respondent.

Shri G. A. Kamat, advocates for the petitioner.

Shri J. Dias, advocate for the respondent.

Panaji, 17th June, 1975.

## JUDGMENT

In this election petition the petitioner challenges the election of the respondent Shri Ramakant Dattaram Khalap, advocate, who was elected a member of the Legislative Assembly of the Union Territory of Goa, Daman and Diu for the Mandrem Assembly Constituency in the bye-election held for the post on 24th February 1974. Nine issues were framed. Issues 1 to 4 are preliminary issues. I shall presently consider the second issue, namely, whether material facts as required under S. 83 of the Representation of the People Act, 1951 (hereinafter called 'the Act') are set out in the petition. Paragraph 4 which purports to set out material facts reads as follows:—

«Within the prescribed time, the respondent lodged with the Returning Officer what is purported to be an account of his election expenses. The petitioner says that although the total amount of election expenses shown by the respondent in the said account is Rs. 2,646-69 only, the fact is that all expenditure in connection with the election incurred or authorised by the respondent or by his election agent between the date of publication of the notification calling the impugned election and the date of declaration of the result thereof, both days inclusive, very much exceeds Rs. 3,000/-, which is the amount prescribed by Rule 90, Conduct of Election Rules, 1961».

It is stated in paragraph 5 which purports to give the necessary particulars that, «to show the amount of election expenses within the prescribed limit of Rs. 3,000/- the respondent suppressed or omitted in the account lodged with the Returning Officer as aforesaid, the following items, namely:— «Thereafter items (a) to (m) are given».

2. The contention of the respondent is that the petitioner has in paragraph 4 mechanically repeated the words of the section without giving the facts which are material to constitute the cause of action. Before proceeding to examine this contention I shall examine the law on the subject.

3. S. 123(6) lays down that «the incurring or authorizing of expenditure in contravention of S77» is a corrupt practice.

In the present case the petitioner challenges the election on the ground that the respondent committed the corrupt practice of incurring or authorising of expenditure in contravention of S.77. S.77 consists of three parts and S.77, sub-section (1), requires the candidate to keep a separate and correct account of all election expenditure incurred or authorised by him within certain dates. S.77, sub-section (2), provides that the account shall contain such particulars as may be prescribed. S.77, sub-section (3), requires that the total of the said expenditure shall not exceed the prescribed amount. As decided in 'Dalchand Jain vs. Narayan Shankar Trivedi and another', 1969(3) S.C.C. 685, S.123(6) is related to S.77(3). If the candidate incurs or authorises expenditure in excess of the prescribed amount in contravention to S.77 (3) he commits a corrupt practice under S.123(6). The contravention of S.77, sub-sections (1) and (2) or the failure to maintain correct accounts with the prescribed particulars, does not fall within S.123(6).

4. The Supreme Court held in 'Samant Balkrishna etc., vs. George Fernandes and Others etc.', AIR 1969 S.C. 1201 that S.83 is mandatory and requires an election petition to contain first, a concise statement of the material facts and then requires the fullest possible particulars; that the word «material» shows that the facts necessary to formulate a complete cause of action must be stated; that the omission of a single material fact leads to an incomplete cause of action and the statement of claim becomes bad; that in stating material facts it will not do merely to quote the words of the section because then the efficacy of the words «material facts» will be lost; that the facts which constitute the corrupt practice must be stated and the facts must be co-related to one of the heads of corrupt practice; and that an election petition without the material facts relating to a corrupt practice is no election petition at all.

5. In 'Hardwar Lal vs. Kanwal Singh', AIR 1972 S.C. 515, the allegations made in paragraph 16 of the petition were:—

«That the respondent committed the corrupt practice of obtaining and procuring or attempting to obtain and procure the assistance for the furtherance of the prospects of his election from the following persons who are in the service of the Government and belonging to the prohibited classes within the meaning of Section 123(7) of the Act—1. Shri Chand Ram Rath, Lecturer in Political Science, Government College, Gurgaon.

2. Shri Gulab Singh, B.A. B.Ed., Govt. High School Jharsa (Gurgaon).

3. Pt. Bhim Singh, Asstt. Sub-Inspector, Police Security Lines, Lytton Road, New Delhi.

4. Ch. Chhatar Singh, M.A., B.T., Teacher, V. & P.O. Bharai via Bahadurgarh, District Rohtak.

5. Ch. Mukhtiar Singh, Inspector of Police, Delhi.

6. Ch. Raghbir Singh, M.A., B.T. Bahadurgarh.

The respondent has written letters under his own signatures to the above Government servant soliciting their help and assistance in furtherance of the prospects of his election».

The Supreme Court observed:—

«It is not stated as to what kind or form of assistance was obtained or procured or attempted to obtain or procure. It is not stated from whom the particular type of assistance was obtained or procured or attempted to obtain or procure. It is not stated in what manner the assistance was for the furtherance of the prospects of the election. The gravamen of the charge of corrupt practice within the meaning of Section 123(7) of the Act is obtaining or procuring or abetting or attempting to obtain or procure any assistance other than the giving of vote. In the absence of any suggestion as to what that assistance was the election petition is lacking in the most vital and essential material fact to furnish a cause of action».

6. In the light of the law as stated above, I find that in the relevant portion of the petition which purports to disclose the cause of action, the petitioner had merely quoted the words of the section. He has stated that «all expenditure in connection with the election, incurred or authorised by the respondent or by his election agent» between the date of publication of the notification calling the impugned election and the date of declaration of the result thereof, both days inclusive, very much exceeds Rs. 3,000/-». The petitioner has nowhere stated that the respondent has paid

for or authorised the payment of the items (a) to (m) given in paragraph 5. The expenditure incurred by the respondent in excess of the authorised amount is the most vital and essential material fact which goes to constitute a cause of action of an election petition under S.123(6), read with S.77(3) of the Act. The Supreme Court has held in George Fernandes' case that the omission of a single material fact leads to an incomplete cause of action and that the statement of claim becomes bad. In the present case the omission is not only of a material fact, but of the most important material fact. In the said paragraph 4 of the petition, where the petitioner purports to give the material facts he has not specified whether the expenditure in connection with the election alleged to have been incurred in excess of the permitted expenditure was incurred by the respondent or by his agent or by both. If incurred he had also to mention how much of such expenditure was incurred by the respondent and how much by his agent. The main fact that the petitioner tries to make out in the petition is that the respondent has not shown, in what, according to him, is purported to be the account of the election expenses, the actual expenses incurred by him. The petitioner does not state that the failure to disclose all the expenses incurred by the respondent is in the account of his election expenses. The omission according to him is in what according to him is purported to be the account. Besides, it is well-settled law that failure to produce accounts of the election expenses or mistakes and omissions in the accounts does not attract the provisions of S.123(6), as such failure may relate to Clauses (1) and (2) of S.77, but does not relate to Clause (3), which, as I have said, is the only Clause to which S.123(6) is relatable.

7. According to the petitioner the cause of action arose because the respondent suppressed or omitted in the account lodged, items (a) to (m). Here again the petitioner does not state which items were suppressed and which were omitted and whether they are items which involved expenditure which was both suppressed and omitted. The omission of an item in what is purported to be an account will not amount to a corrupt practice under S.123(6).

8. In clauses (a) to (m) of paragraph 5 the petitioner gives certain items but he does not state that the banners, posters, petrol and so on mentioned in those items were paid for by the respondent or that the respondent authorised to pay them or that they were paid by the election agent of the respondent. Such a statement was essential, because even though expenses may have been incurred with the banners, posters, petrol and so on, as the possibility exists that such expenses may have been incurred by the friends or supporters of the respondent or by the party to which the respondent belonged; the expenses must specifically be stated to have been incurred by the respondent or by his election agent or otherwise authorised by the respondent. The argument of Shri Gopal Apa Kamat, learned advocate for the petitioner, in this connection is that there is no such requirement of mentioning specifically that the expenses of the banners, posters, petrol and so on were incurred or authorised by the respondent or by his agent. It appears that his contention is that since the banners and posters were calling upon the voters to vote for the respondent and the petrol was used for the taxi GDT-473 and the expenses in other items (a) to (m) were for the benefit of the respondent, a presumption arises that the respondent has incurred the expenses. Shri Gopal Apa Kamat goes on to argue that if a candidate could avoid the penalty of S.123(6) of the Act by merely stating that some other people might have incurred the expenses in acts which were done in furtherance of his prospects of election, it would not be possible to sustain an election petition under S.123(6). When it was pointed out to Shri Gopal Apa Kamat that there might be genuine cases in which friends, admirers and supporters of a candidate might come forth and spend large sums of money in the election campaign and that if the presumption which Shri Kamat wants us to draw would, if drawn, lead to glaring injustice, Shri Kamat answered that such cases do not exist nowadays. Apart from the fact that the answer is sweeping, there is the fact that the scheme of the Act visualizes the existence of such cases. It appears to me that the main stay of the democratic system is the existence of substantial support to a candidate coming from the public at large. The amount that a candidate is authorised to spend in an election cam-

aign is so small that candidates who do not enjoy public support of persons, who are prepared not only to work for them but also to spend voluntarily out of their pockets in the election campaign, would not be able to succeed in an election. The Act envisages the existence of free work done by volunteers and similarly of free contributions made by the supporters of the candidate.

9. I shall now go in detail through each of the items (a) to (m) given in paragraph 5 of the petition. Regarding items (a) and (b) Shri Kamat has stated that he does not know what was the exact cost of the banners and posters. He gave the approximate cost. The taxi GDT 473 is stated in item (c) to have been admittedly used by the respondent, but the alleged admission does not appear from the record. The motor vehicle 'Tempo' no. GDT 3115 mentioned in item (d) is not stated to have been used for doing election propaganda for the respondent. Similarly the voters cards and appeals in item (e) are not stated to be cards and appeals asking for votes to be cast in favour of the respondent. The use of three motor vehicles for election purposes mentioned in item (f) is said to have been admitted by the respondent in cash memos produced by the respondent along with the returned accounts, but there is no indication that the cash memos show that the said vehicles were used for a period longer than the period mentioned in the cash memo if at all such period is mentioned in the cash memos. At any rate, item (f) indicating the probable cost of Rs. 150/- would not per se take the case of the petitioner any further. The expenditure incurred with items (g) to (m) is not given and it cannot be said from these items that the provisions of S.77(3) have been infringed on account of the expenditure incurred with them. Items (h) to (m) are not stated to have been used for the election propaganda for and on behalf of the respondent.

10. The omission to produce cash memos spoken of in paragraph 6 of the petition is not germane to the issues involved. The allegation made in paragraph 6 that certain receipts do not mention the actual charges paid at the market rate is not relevant because the petitioner does not state who paid the charges at the market rate. The possibility therefore exists that either the dealer went along with the loud speaker in a taxi engaged at a rate lower than the market rate or that someone else paid that difference, if any, between the market rate and the rate actually paid.

11. The allegations made in paragraph 7 are not relevant to this petition.

12. At paragraph 8 the petitioner states that the respondent has thus committed or has consented the commission of the corrupt practice under S.123(6) of the Act. The consenting by a candidate of the commission of a corrupt practice by another person does not amount to the commission of a corrupt practice under S.123(6), by the respondent. Therefore, in the absence of a specific allegation that the respondent has committed and has not merely consented the commission of a corrupt practice under S.123(6), no cause of action is disclosed.

13. My finding therefore is that the petitioner failed to give in his election petition, a concise statement of the material particulars on which the petitioner relies, within the meaning of S.83(1) of the Act.

14. The corrupt practice being the only ground of challenge of the election, and the Petitioner having failed to give material particulars as pointed out above, the petition fails and is dismissed with costs. A sum of Rs. 1000/- shall be paid by the petitioner as costs of this petition to the respondent out of the amount of Rs. 2000/- which was deposited in this Court as security for costs.

Sd/

TITO MENEZES  
Judicial Commissioner

By Order

V. NAGASUBRAMANIAN

Secretary to the Election Commission of India

THE TENANTS ASSOCIATION OF MOROMBI-O- GRANDE , MERCES GOA.

DATE: 7th February, 2022

To,

The Mamlatdar,  
Tiswadi Taluka,  
Panaji goa.

MOST URGENT  
=====

Sir,

sub: URGENT REPAIRS TO BE DONE TO OUR BUNDH AT  
ZODDI MANOS, MERCES.

The huge damage has been caused to the Bundh adjoining the Zoddi Manos, of the Morombi O Grande, Merces, and is in dilapidated condition; ruptures and partly breaches are visible, due to the strong water current; and may be due to other various reasons and it needs major repairs like filling of the ruptures and raising the height of the bundh. It appears that the work for this bundh has not been done for several years and the same has to be done on war footing.

Due to the accumulation of water and tidal conditions, the water has started rising above the level of the bundh and this may be the main reason, why the level of the bundh has to be raised.

Some of the photographs of the damage caused to this protective bundh are being enclosed.

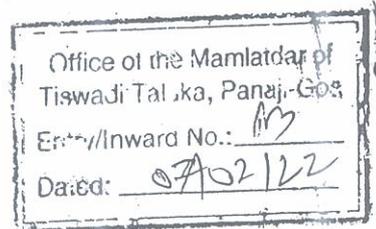
We have since conducted the inspection of the bundh, along with the local people, who are also of the same opinion as above.

Hence, it is requested that the Inspection of the Bundh be conducted at the earliest, to enable to carry out the work on war footing, before any further damage takes place.

Thanking you,

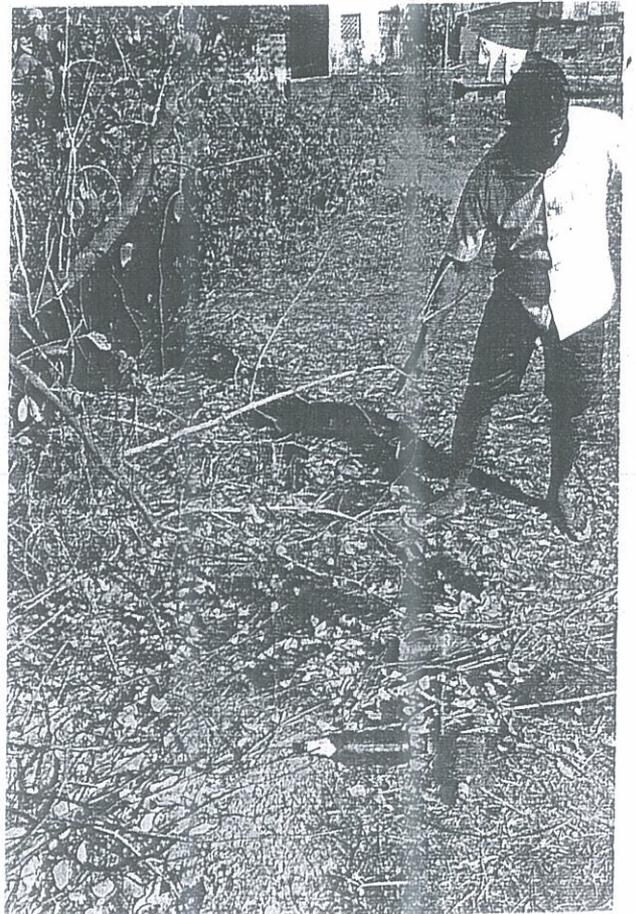
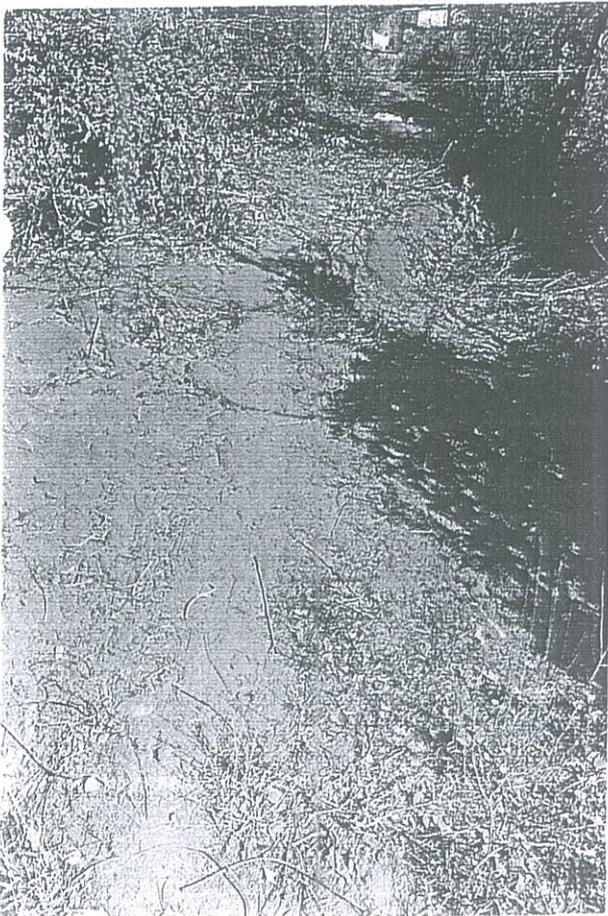
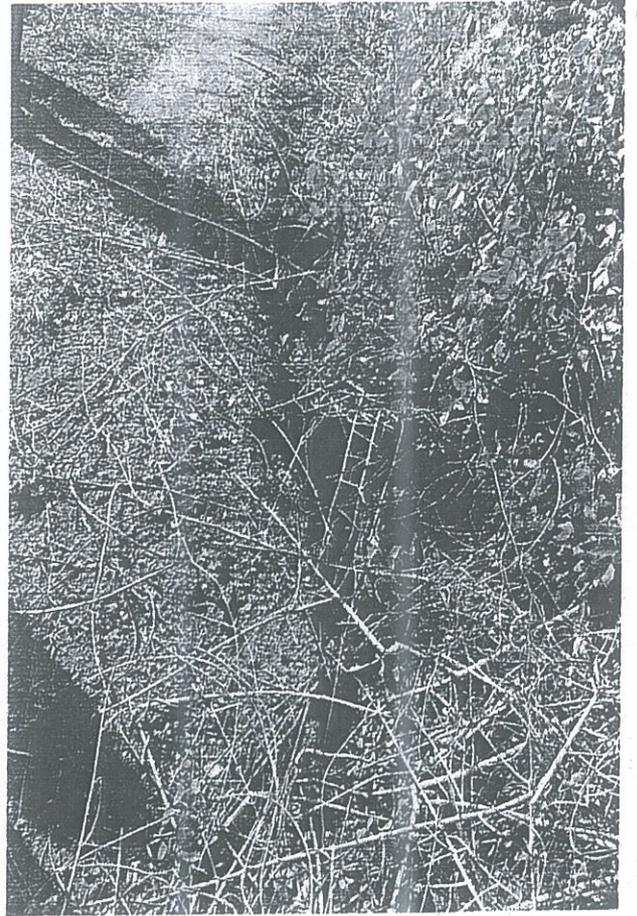
Yours faithfully,

*(Signature)*  
(Shamir J. Courinho)  
Chairman



Copy to: The Executive Engineer,  
Soil Conservation division, Agri. Dept., Tonca,  
Caranzalem- Goa..... Kindly inspect the site at the earliest.

*(Signature)*  
Soil Conservation Division,  
Tonca, Caranzalem - Goa





OFFICE OF THE MAMLATDAR OF TISWADI TALUKA PANAJI - GOA  
 Collectorate Building, Ground Floor, Panaji - Goa.  
 Phone No. 832 2425533 Fax No. 2232143 e-mail id: mam-  
 tiswadi.goa@nic.in

No. MAM/TIS/AK-II/09/Ten Asso/2022/910 Date:07/03/2022

Read - 1. Application filed by Chairman dated 07/02/2022 alongwith Photographs.

2. Talathi Report dated 28/02/2022

**ORDER**

**Sub: Sub: Urgent Repairs to the Bund of Morambi-O-Grande Tenant Association, Mercas.**

WHEREAS the Chairman of Morambi-O-Grande Tenant Association Mercas, Tiswadi - Goa vide their letter dated 07/02/2022 has informed this office that the Bundh adjoining the Zoddi Manos of the Morambi-O-Grande Tenant Association, Mercas is in dilapidated conditions and needs repairs like filling of ruptures and raisig the height of the Bund. The Talathi of Mercas has inspected the site and submitted the report that the site is not in good conditions and partly breaches are visible.

Therefore, I, the Mamlatdar of Tiswadi Taluka, Panaji - Goa in exercise of powers vested in my hand under section 26 (3) of Goa, Daman & Diu Agricultural Tenancy Act 1964 (discharge of Joint Responsibility of Tenants) Rules 1975, do hereby direct you to depute your technical officials to inspect the said site of Morambi-O-Grande Tenants Association, Mercas, Tiswadi Goa, and prepare the estimate of the same under 50% subsidy scheme and send it to the Chairman and Secretary of the Morambi-O-Grande Tenants Association, Mercas, Tiswadi Goa, in order to enable him to carry out the said work on priority basis and intimate to this office immediately.

  
 (Dasharath N. Gawas)  
 Mamlatdar of Tiswadi Taluka  
 Panaji- Goa.

To:  
 The Executive Engineer, Soil Conservation Division, Directorate of Agriculture,  
 Tonca - Caranzalem.

Copy to:  
 1. The Chairman of Morambi-O-Grande Tenants Association, Mercas, Tiswadi - Goa, with a direction to pursue the matter with the Executive Engineer, Soil Conservation Division, Directorate of Agriculture, Tonca - Caranzalem.  
 2. The Secretary of Morambi-O-Grande Tenant Association, Mercas

Through the Talathi of Mercas/Panaji for service & return.

Recd  
 11/3/2022  
 3:30 PM  
 Directly by S  
 14/3/2022

No.3-Tech/F.4 (Tis)/41/SCD/D. Agri/2022-23/2-2  
Government of Goa  
Office of the Executive Engineer  
Soil Conservation Division  
Directorate of Agriculture  
Krishi Bhavan  
Tonca Caranzalem Goa

Date: 11/04/2022.

✓ To,  
The Chairman,  
Morombi-O-Grande Tenants Association,  
Merces, Tiswadi

Sub: Repairs to the Santanacho bund of Morombi-O-Grande Tenants  
Association at Ribandar, Merces, Tiswadi.  
Ref:- No. MAM/TIS/AK-II/09/Ten-Asso/2022/910 dt. 07.03.2022.

Sir,

As per request of the Mamlatdar, copy of the estimate amounting to Rs. 2,79,153/- is enclosed, so as to enable you to carry out the work under 50%:50% pattern of assistance, The date of commencement and completion of the work should be intimated to this Office. The time period to complete the work is 60 days from the date of receipt of this estimate.

Kindly note that the Govt. contribution will be paid as and when the fund is made available. Also the amount will be adjusted against outstanding dues on the said bund, if any.

Yours faithfully



(Nazareth Vaz)

Executive Engineer

Encl:- As above.

Copy to: The Mamlatdar of Tiswadi Taluka, Panaji-Goa.- for information and with request to instruct the Chairman, Tenants Association to complete the work within time period.

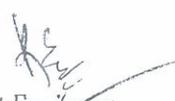
SOIL CONSERVATION DIVISION  
DIRECTORATE OF AGRICULTURE  
KRISHI BHAVAN, TONCA  
CARANZALEM - GOA.

Name of Work:- Repairs to the Santanacho bund of Morombi-O-Grande Tenants Association at  
Ribandar, Mercedes, Tiswadi.

**ESTIMATE (ABSTRACT)**

It. No.	Ref. to GSR 2019 & R.A.	Description	Unit	Rate	Quantity	Amount
1	4006	Earthwork in excavation by mechanical means (hydraulic excavator)/manual means in foundation pipeline trenches drain (not exceeding 1.5m in width or 10 sq. m. on plan) including dressing of sides and ramming of bottoms, lift upto 1.5 m including getting out the excavated soil and disposal of surplus excavated soil as directed within a lead of 50m. a) All kinds of soil.	Cum.	263.00	25.35	6,667.05
2	4008	Earthwork in excavation in foundation pipeline trenches, drain in saturated soil upto a depth of 0.60 Mt. lift upto 1.50 Mt. including shoring, strutting and pumping/bailing out water stacking the excavated soil not more than 5m. clear from the edge the excavation and returning the stacked soil in 0.15m layers when required into plinth sides of foundation etc. consolidating each deposited layer by ramming, watering and disposing of all surplus excavated soil within a lead upto	Cum.	671.00	8.10	5,435.10
3	R.A-1	Earth in excavation in saturated soil from alluvial deposits in river beds, carriage and filling the same in core trenches, ground depression and for making embankments including banking in layers of 20 cms. thickness consolidating each layer by ramming, lead upto 50m. and lift 1.50m. including bailing out or pumping out water due to rain, subsoil infiltration and tidal interference in dump as well as borrow areas as per specification etc. complete.	Cu.M.	961.00	240.00	2,30,640.00
						2,42,742.15
Add 15% increase for marine and hydraulic works						36,411.32
						2,79,153.47
Rs.						2,79,153.00

  
Junior Engineer

  
Assistant Engineer

SOIL CONSERVATION DIVISION  
DIRECTORATE OF AGRICULTURE  
KRISHI BHAVAN, TONCA,  
CARANZALEM - GOA.

Name of Work:- Repairs to the Santanacho bund of Morombi-O-Grande Tenants Association at Ribandar, Mercedes, Tiswadi.

ESTIMATE ( MEASUREMENT )

It. No.	Description	No.	Length	Breadth	Depth	Quantity
1	Earthwork in excavation by mechanical means (hydraulic excavator)/manual means in foundation pipeline trenches drain (not exceeding 1.5m in width or 10 sq. m. on plan) including dressing of sides and ramming of bottoms, lift upto 1.5 m including getting out the excavated soil and disposal of surplus excavated soil as directed within a lead of 50m. a) All kinds of soil. Trenching of bund at end point, top portion	1	30.00	$(0.80+0.50)/2$	1.30	<b>25.35</b> Cu.m.
2	Earthwork in excavation in foundation pipeline trenches, drain in saturated soil upto a depth of 0.60 Mt. lift upto 1.50 Mt. including shoring, strutting and pumping/bailing out water stacking the excavated soil not more than 5m. clear from the edge the excavation and returning the stacked soil in 0.15m layers when required into plinth sides of foundation etc. consolidating each deposited layer by ramming, watering and disposing of all surplus excavated soil within a lead upto 20m. Trenching of bund at end point, bottom portion	1	30.00	$(0.50+0.40)/2$	0.60	<b>8.10</b> Cu.m.
3	Earth in excavation in saturated soil from alluvial deposits in river beds, carriage and filling the same in core trenches, ground depression and for making embankments including banking in layers of 20 cms. thickness consolidating each layer by ramming, lead upto 50m. and lift 1.50m. including bailing out or pumping out water due to rain, subsoil infiltration and tidal interference in dump as well as borrow areas as per specification etc. complete. Trenchfilling of of bund at end point, bottom portion	1	30.00	$(0.50+0.40)/2$	0.60	8.10
	Trenchfilling of bund at end point, top portion	1	30.00	$(0.80+0.50)/2$	1.30	25.35
	For bund embankment heightening	1	170.00	$(1.2+1.50)/2$	$(0.80+1.0)/2$	206.55
						<b>240.00</b> Cu.m.

Junior Engineer

Assistant Engineer

OFFICE OF THE MAMLATDAR OF TISWADI TALUKA PANAJI - GOA  
 Collectorate Building, Ground Floor, Panaji - Goa.  
 Phone No. 832 2425533 Fax No. 2232143 e-mail id: mam-  
tiswadi.goa@nic.in

No. MAM/TIS/AK-II/BUND/Ten-Asso/2022/11096 Date: 25/03/2022

To,  
 The Chairman/Manager,  
Morambi - O - Grande Tenants Association,  
Merces, Tiswadi-Goa.

**SUB: PRE-MONSOON MAINTENANCE OF BUNDS AND SLUICE GATE**

All the Chairman/Manager of Tenants Association of Tiswadi Taluka are hereby directed to carry out pre-monsoon maintenance work of the notified bunds and sluice gates and ensure that they are proper and functional as the monsoon is fast approaching. In case, any major repairs are required to the notified bunds and sluice gates, same may be intimated to the Executive Engineer, Soil Conservation Division, Directorate of Agriculture, Tonca-Caranzalem-Goa with a copy endorsed to the undersigned for taking necessary action. You are also directed to make necessary arrangement to keep watch on the notified bunds and sluice gate, round the clock to avoid any untoward incidents especially during the monsoon. It is also informed that the undersigned will take strict action against the Management of the Association for any lapse or negligence for discharging the duties by the Chairman/Manager of Tenants Association, as per the Goa Daman & Diu, Agricultural Tenancy (Discharge of Joint Responsibilities of Tenants) Rules 1975.

Action taken in the above matter may be intimated to this office by 31st May 2022 without fail.

  
 (Dasharath N. Gawas)  
 Mamlatdar of Tiswadi Taluka  
 Panaji- Goa.

Copy for information to:-

- ✓ 1. The Executive Engineer, Soil Conservation Division, Directorate of Agriculture, Tonca - Caranzalem.
2. The Deputy Collector (Rev), Collectorate of North Goa Panaji.
3. The Deputy Collector & SDO, Panaji-Goa

Through the Talathi of ----- for Service and return.

*R*  
 31.3.2022  
*V*

No: - 3-Tech/F.16/SCD/D.Agri/2023-24/ 169  
 Government of Goa,  
 Directorate of Agriculture,  
 Office of the Executive Engineer,  
 Soil Conservation Division,  
 Tonca-Caranzalem-Goa.  
 Date:- 19/05/2023

To,  
 The Member Secretary,  
 Goa Coastal Zone Management Authority,  
 C/o Department of Environment,  
 4<sup>th</sup> floor, Dempo Tower, Patto Plaza,  
 Panaji-Goa.

Subject: -Reference to the complaint 18/08/2022 with regard to illegal conversion of Zoddi Manus (sluice gate) and mass illegal destruction/uprooting of mangrooves.

Ref: - Your letter No-GCZMA/N/ILLE-Compt/22-23/84/28 dated 10/04/2023.

Madame,

With reference to subject matter, inspection has been carried out on 09/05/2023 and following is submitted:-

a. The details of the khazan bund are as under-

1.	<b>Name of the khazan bund &amp; sluice gate and location.</b>	Santancho bund, Zoddi manus respectively situated at Morombi-O-Grande village, Tiswadi Taluka.
2.	<b>Notification No.</b>	RD/TNC/BND/280/67-75-LXVIII dated 21/07/1975.
3.	<b>Length of the khazan bund and command.</b>	About 490 meters and 220 hectares respectively.
4.	<b>Name of the tenants association.</b>	Tenants Association of Morombi-O-Grande, Merces-Goa.

- b. As per Notification dated 21/07/1975, aforesaid "Santancho" khazan bund with sluice gate "Zoddi manus" exist in the village "Morombi-O-Grande" in Tiswadi Taluka since ancient times. Copy of the Notification enclosed at page 1/c.
- c. It is pertinent to inform here that the khazan bunds are affected by natural wear and tear and by tidal interference. Hence, in order to maintain the stability of the bund, carrying out regular maintenance works becomes unavoidable.

Works of repairs/maintenance and strengthening of notified khazan bunds are covered under "The Goa Agriculture Tenancy Act, 1964 and Rules, 1965".

As per this Act, Taluka Mamlatdars are the custodian of khazan lands and Soil Conservation Division of department of Agriculture is the authorized department to take up work of repairs/maintenance and strengthening of notified khazan bunds by implementing scheme available with the department of agriculture upon directives of Taluka Mamlatdars.

Further, it is also the duty and responsibility of the tenants to maintain conservancy of khazan lands by carrying out periodic maintenance works required to their khazan bunds by proposing such works to Taluka Mamlatdars who in turn processes such proposals to this office for estimation and issuing to tenants associations for execution of the required work from their end.

- d. In case of subject matter, tenants association in order to take up maintenance works on their khazan bund had approached Tiswadi Mamlatdar and accordingly, their proposal was forwarded to this office vide No-MAM/TIS/AK-II/09/Ten Asso/2022/910 dated 07/03/2022 for estimating the proposed required work by the tenants association. Further, tenants association was issued estimate amounting to Rs.2.79 lakh vide No. 3-Tech/F.4(Tis)/41/SCD/D.Agri/2022-23/22 dated 11/04/2022 for carrying out the proposed work under 50% Government contribution pattern/scheme of this department. Copy of the Order of the Mamlatdar and estimate enclosed at page 2/c to 5/c.

The scope of the work as proposed in the estimate was repairs to 200mts bund out of 490mts. by trenching & refilling 30 meter infiltrating portion and heightening and widening of nearly 170 meter bund in pieces.

- e. It is to submit that the existing bund is wide enough to engaged machinery to carry out the maintenance works. Accordingly, tenants association had hired machinery to carry out the work mechanically and had done silt/earth filling over existing khazan bund only and not elsewhere. However, presently work has been stopped on account of complaint file before different authorities as informed by tenants association.
- f. It is also to bring to notice that since past many times, the aforesaid khazan bund and sluice gate were inspected by this office and at no time mangrove trees seen existing on the bund. The mangroves existing along the bund and in the vicinity of the khazan seen intact.

In view of the above, since work being taken up to maintain the stability of the khazan bund which is also the duty and responsibility of the tenants association, same may be allowed to resume at the earliest.

Submitted please.

Yours faithfully,



(R. V. Kenavdekar)  
Executive Engineer

Copy to:-

1. The Director of Agriculture, Krishi Bhavan, Tonca-caranzalem-Goa for information.
2. Office copy.
3. Guard file.

THE TENANTS ASSOCIATION OF MOROMBI O GRANDE, MERCES GOA.

---

Date: 16th May, 2022

To,  
The Mamlatdar,  
Tiswadi Taluka,  
Panaji Goa.

Sir,  
Complaint against Mr. Anil R. Hoble, Mr. Milind A.Hoble , Mr.  
Nikhil Sukha Hoble , all residents of Vaddy, Merces Goa.

.....PROVISION OF POLICE PROTECTION.....

---

On 15th May, 2022 at about 5.45 p.m., the above three persons Mr. Anil R. Hoble, Mr. Milind A.Hoble , Mr. Nikhil Sukha Hoble , all residents of Vaddy, Merces Goa with their common intention, trespassed the Santanicho Bundh, which is a protective Bund of the Association, while we were carrying out pre-monsoon maintenance work of Bund and the sluice gate as per the instructions of the Mamlatdar of Tiswadi and the said accused persons started intimidating the Chairman, Secretary and the Treasurer, who were supervising the work.

The above accused persons started abusing the committee members, without any provocation, with bad words and threatened to kill the committee members in case they afresh starts the work . That the work of the repair of the bund was undertaken after resolution of the Managing committee and the aforesaid culprits have no authority to disturb the ongoing pre-monsoon work . The said accused person also threatened us that our days are numbered and that they will carry out their threats and the accused person even stones were pelted at us. The Secretary was pushed and assaulted by Mr.Anil R. Hoble .

There is a threat to our life and the Poclain by which the work is carried out is on the bund itself. The accused persons are capable of carrying out their threats in to reality as they have money and muscle power .

Office of the Mamlatdar of  
Tiswadi Taluka, Panaji-Goa  
Entry/Invoice No. *M*  
Date: 16/5/2022

206

230

Hence, we seek police protection to carry out this pending pre-monsoon work due to the threat given by the accused persons.

Kindly issue instructions to Old Goa Police, to provide police protection to the Committee members and workers, to resume the pending maintenance work at the earliest.

Thanking you,  
Yours faithfully,

  
(Shamir Coutinho)

Chairman

Morombi -O-Grande Tenants Association,

Merces Goa

**INFORMATION ISSUED UNDER RTI ACT, 2005**

TENANTS ASSOCIATION OF MOROMBI O GRANDE; MERCES GOA.

Date: 20th May, 2022

To,  
The Police Inspector,  
Old Goa Police station,  
Old Goa.

Sir,

sub: 1. Devastation of Santanicho Band-Protective band, caused by 1. Mr. ANIL R HOBLE, MR. MILIND HOBLE, MR NIKHIL SUKHA HOBLE, ALL RESIDENTS OF VADDY, MERCES GOA.

2. TRESPASS AND ASSAULT OF THE COMMITTEE MEMBERS OF THE ASSOCIATION.

3. Cutting the mangroves and damaged the sluice gate

MANAGEMENT AUTHORITY  
ENVIRONMENT  
CHANGE

We refer to our complaint dated 16th May, 2022 filed with Old Goa Police station to file an FIR against the above accused person, endorsing a copy to SP North, Porvorim Goa, a copy of which is enclosed herewith. It appears so far, no action has been initiated against the above accused.

**Certified Copy of The Document  
Available in Office Records**

Since there was threat to our life, the committee members were supervising the work were escorted by the police personnel, who were called by the accused. Since, then, we, the committee members did not visit the site, till 19th May, 2022 as there was threat to our life.

To our surprise on, by seeing the video circulated by Mr. Anil Hoble, we were shocked to see that the above accused persons cut away the mangroves and other plants from the bandh and also put the silt back into the POINN, which we have disilted. They have damaged the sluice gate also.



Jose

## IN THE HIGH COURT OF BOMBAY AT GOA

## WRIT PETITION NO.49 OF 2023 (F)

MOROMBI O GRANDE  
TENANTS ASSOCIATION  
THR. ITS CHAIRMAN  
SHAMIR J. COUTINHO

... Petitioner

*Versus*

STATE OF GOA THR.  
CHIEF SECRETARY AND 3 ORS.

... Respondents

Mr Arjun Naik, Advocate for the Petitioner.

Mr D. Pangam, Advocate General with Mr Shubham Priolkar,  
Additional Government Advocate for the Respondent State.

CORAM: M.S. SONAK &  
BHARAT P. DESHPANDE, JJ.

DATED: 23<sup>rd</sup> January, 2023

P.C.:

1. The learned Advocate General states that necessary police protection will be provided on payment basis. Payment will not be insisted in advance but will be recovered once the works are complete by following due process of law.
2. Mr Arjun Naik states that the Petitioner would require police protection for 20 days starting from 25.01.2023. The learned Advocate General states that such protection will be provided.

210

234

3. By accepting the statement of the learned Advocate General and asking the concerned Respondents to act accordingly, we dispose of this petition.

**BHARAT P. DESHPANDE, J.**

**M.S. SONAK, J.**

JOSE FRANCISCO DSOUZA  
Digitally signed by JOSE FRANCISCO DSOUZA  
Date: 2023.01.24 09:01:14 +05'30'

THE TENANTS ASSOCIATION OF MOROMBI-O-GRANDE, MERCES TISWADI GOA

C/O. H.no.50, Firguembatt, Vaddy, Tiswadi Goa 403 005

8V

Date:27th December, 2022

To,

The Sarpanch/Secretary,  
Village Panchayat Mercas,  
Mercas Tiswadi Goa..

Sir,

sub: Illegal constructions in Eco-sensitive Zone:

- i.. Construction of Permanent Masonary /concrete structure on the Bund
- ii. Fixing of M.S. Gate on the Bund on the bund and Property under Survey no. 73/3,72/2 ,73/1 and 72/1 of Morombi-O-Grande, Tiswadi taluka, thereby closing our access to the rivulet of Zoddi Manos.
- iii. Cutting of the Bund and diversion of water into rivulet connecting the Zoddi Manos and casting fishing net, ahead of Zoddi Manos.
- iv. Reclamation in the bund by dumping mud /debris, thereby broadening the bund, and thereby stopping the natural flow of water through "TEEN FOVYEO" (3 CHANNELS)

We wish to bring to your kind notice that the above illegal constructions and fixing of M.S. Gates have and other irregularities in the Eco-Sensitive Zone has been carried by Mr. Anil R.Hoble, Mr. Lavu R. Hoble , Mr. Ankush R. Hoble, Mr. Rohan Hoble, MR. Nikhil Hoble, MR. Sukha Hoble, Sham Hoble, in the properties/bunds, mentioned above with an intent to destroy fragile Eco Sensitive Zone., and which will destroy the eco-friendly Sluice Gate system of the Tenants Association, which has been designed by our ancestors for posterity.

Inspection of the above property is requested at the earliest, including the demarcation of the bund and removal of debris and demolition of the houses constructed by them should be demolished in order to preserve the sanctity of the eco sensitive zone, and the Khazan lands.

Mr. Anil Hoble has been booked for such illegalities in Eco sensitive Zone and have been fined Rs. 20/-laks alongwith the demolition of structures built in CRZ by



2/2

National Green Tribunal(westen Zone) Bench, Pune dated 29th May, 2015 in Application no.51/2014 and dated 14th December, 2015 in M.A. no. 180/2015(WZ) AND review application no. 15/2015(WZ)

A copy of this letter is being marked to Town and Country Planning dept., Govt. of Goa. for their early action in the matter.

An early inspection of the above sites kindly be done at the earliest.,and order for demolition be issued .

Thanking you,

Yours faithfully,

  
(SHAMIR COUTINHO)

CHAIRMAN.

*Per 30/12/2022*  
Office of the Chairman  
Town & Country Planning Dept  
Tiswadi Taluk Office

COPY TO THE : The town and country planning department,  
Kamat towers, 4th Floor, Patto Plaza Panjim Goa.

..... with a request to take cognizance of the matter at your earliest/

✓ COPY TO : THE COASTAL ZONE MANAGEMENT AUTHORITY,

C/O.DEPARTMENT OF ENVIRONMENT (GOVT. OF GOA)  
4TH FLOOR, DEMPO TOWER, PATTO PLAZA, PANAJI GOA.

..... KINDLY CONDUCT THE INSPECTION OF THE ABOVE ILLEGALITIES AND  
DOMOLITION ORDER IS BEING SOLICITATED.

O/o Member Secretary *Per 30/12/22*  
Goa Coastal Zone Management Authority  
C/o Department of Environment & Climate Change  
Dempo Tower 4th Floor  
Patto Plaza Panjim Goa - 403001

THE TENANTS ASSOCIATION OF MOROMBI-O-GRANDE, MERCES TISWADI GOA

C/O. H.no.50, Firguembatt, Vaddy, Tiswadi Goa 403 005

Date:27th December, 2022

To,

The Mamlatdar,  
Tiswadi Taluka,  
Panaji Goa.

Sir,

sub: Illegal constructions in Eco-sensitive Zone:

- i.. Construction of Permanent Masonary /concrete structure on the Bund
- ii. Fixing of M.S. Gate on the Bund on the bund and Property under Survey no. 73/3,72/2 ,73/1 and 72/1 of Morombi-O-Grande, Tiswadi taluka, thereby closing our access to the rivulet of Zoddi Manos.
- iii. Cutting of the Bund and diversion of water into rivulet connecting the Zoddi Manos and casting fishing net, ahead of Zoddi Manos.
- iv. Reclamation in the bund by dumping mud /debris, thereby broadening the bund, and thereby stopping the natural flow of water through "TEEN FOVYEO" (3 CHANNELS)

We wish to bring to your kind notice that the above illegal constructions and fixing of M.S. Gates have and other irregularities in the Eco-Sensitive Zone has been carried by Mr. Anil R.Hoble, Mr. Lavu R. Hoble , Mr. Ankush R. Hoble, Mr. Rohan Hoble, MR. Nikhil Hoble, MR. Sukha Hoble, Sham Hoble,in the properties/bunds, mentioned above with an intent to destroy fragile Eco Sensitive Zone.,and which will destroy the eco-friendly Sluice Gate system of the Tenants Association, which has been designed by our ancestors for posterity.

Inspection of the above property is requested at the earliest,including the demarcation of the bund and removal of debris and demolition of the houses constructed by them should be demolished in order to preserve the sanctity of the eco sensitive zone,and the Khazan lands.

Mr. Anil Hoble has been booked for such illegalities in Eco sensitive Zone and have been fined Rs. 20/-laks alongwith the demolition of structures built in CRZ by

214

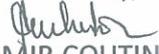
National Green Tribunal(westen Zone) Bench, Pune dated 29th May, 2015 in ''  
Application no.51/2014 and dated 14th December, 2015 in M.A. no. 180/2015(WZ)  
AND review application no. 15/2015(WZ)

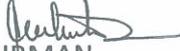
A copy of this letter is being marked to Town and Country Planning dept., Govt. of  
Goa. for their early action in the matter.

An early inspection of the above sites kindly be done at the earliest.

Thanking you,

Yours faithfully,

  
(SHAMIR COUTINHO)

  
CHAIRMAN.

COPY TO THE : The town and country planning department,  
Kamat towers, 4th Floor, Patto Plaza Panjim Goa.  
..... with a request to take cognizance of the matter at your earliest/

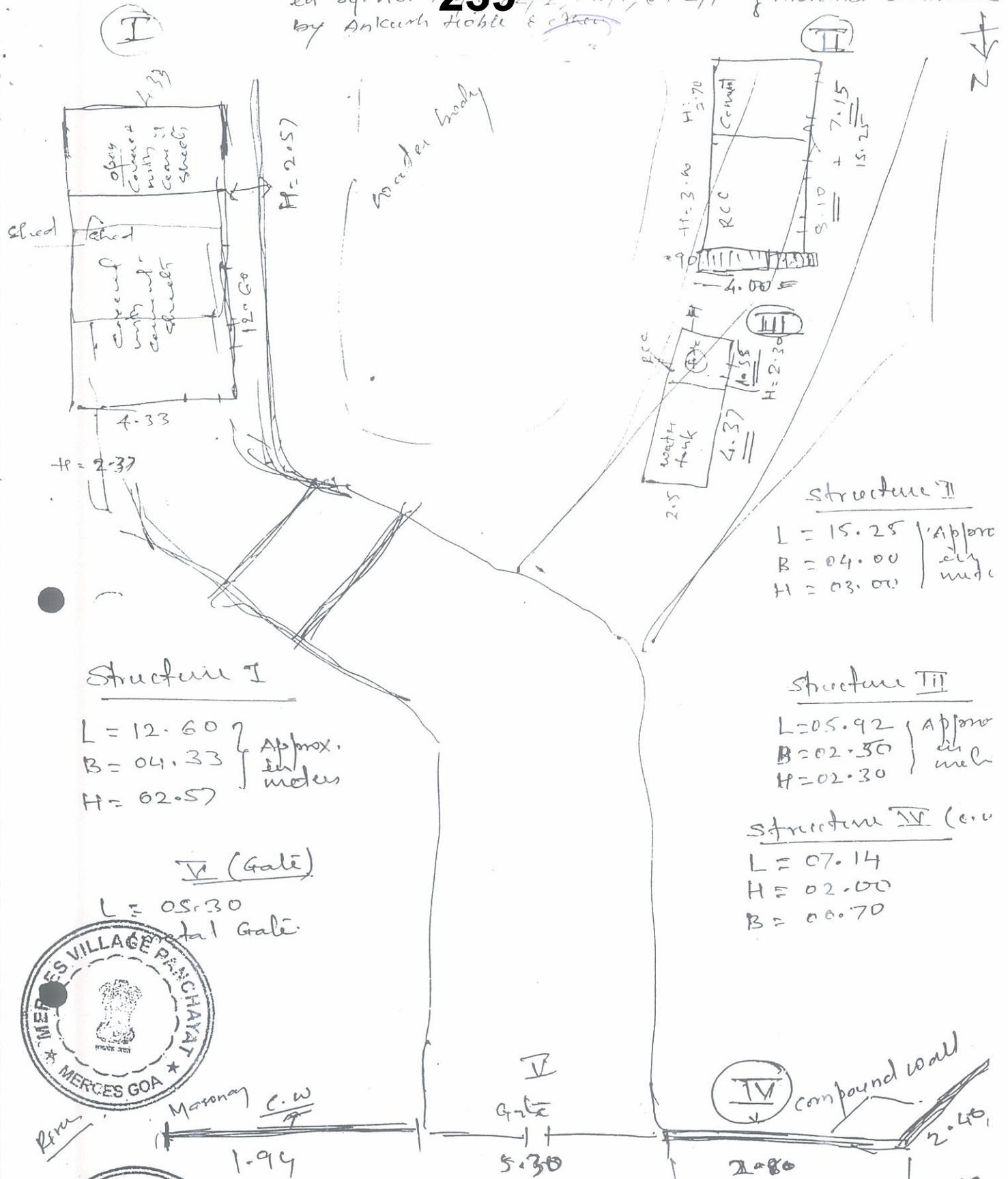
✓ COPY TO : THE COASTAL ZONE MANAGEMENT AUTHORITY,

C/O.DEPARTMENT OF ENVIRONMENT (GOVT. OF GOA)  
4TH FLOOR, DEMPO TOWER, PATTO PLAZA, PANAJI GOA.

..... KINDLY CONDUCT THE INSPECTION OF THE ABOVE ILLEGALITIES AND  
DOMOLITION ORDER IS BEING SOLICITATED.



in Sy. no. 239/2/2, 73/1, & 72/1 of Mormbri O. Inance  
 by Ankur Hable & others



Structure I

L = 12.60  
 B = 04.33 } Approx.  
 H = 02.57 } in  
 meters

Structure II

L = 15.25 } Approx  
 B = 04.00 } in  
 H = 03.00 } meters

Structure III

L = 05.92 } Approx  
 B = 02.50 } in  
 H = 02.30 } meters

Structure IV (C.W.)

L = 07.14  
 H = 02.00  
 B = 00.70

V (Gate)

L = 05.30  
 B = 00.70



*[Signature]*  
 SECRETARY  
 MERCES VILLAGE PANCHAYAT  
 MERCES - GOA

↓ man 2021

Not to scale

H = 2.00  
 B = 0.70  
 2.00  
 2.40  
 1.94  
 2.14

**PANCHANAMA**

Today at 12.00 <sup>noon</sup> A.M./P.M. We the undersigned, members of panchanama  
 Named (1) Swapnil Borke aged Major years  
 Profession clerk resident of Merces, Teswadi, Goa  
 (2) Yogesh Naik aged Major years  
 Profession Garbage Sudein resident of Merces, Teswadi, Goa  
 Being called by Sarpanch, V.P. Mercas Designation / Official to witness the  
 illegal construction carried out by Shri./Smt Ankush Heble & others  
 In Ward No. \_\_\_\_\_ of Merces village and we  
 have witnessed the following:

The details of illegal construction are as under :-

- |                                                                                    |                                                                       |
|------------------------------------------------------------------------------------|-----------------------------------------------------------------------|
| 1. Nature of Construction                                                          | <u>Room / structure</u>                                               |
| 2. Whether new construction / Reconstruction<br>or Extension to the existing house | <u>Existing structure</u>                                             |
| 3. Area occupied by Structure / Dimension<br>(Length, Breadh & Height approx.)     | <u>L = 12.60, B = 04.33</u><br><u>H = 02.57 (Approx. in mtr)</u>      |
| 4. Location Survey No. / Wado                                                      | _____                                                                 |
| 5. Material Used                                                                   | <u>Castile stone, Sand, Cement,</u><br><u>Iron rods, Tata sheets.</u> |
| 6. Nature of roof pattern                                                          | <u>Covered with tata/cement sheets</u>                                |
| 7. Approximate estimated cost                                                      | <u>Rs. 35,000/- (Approx)</u>                                          |

Being asked by the Sarpanch Shri./Smt. Ankush Heble  
 \_\_\_\_\_ Owner / Occupier of the structure  
 house stated

that he / she does not posses any valid permission issued by the panchayat to erect  
 the said structure, nor the formalities Prescribed under the building regulation  
 and CRZ in force have been complied with. / etc. existing structure

This panchanama was written by V.V. Gorgamkar, V.P. Secretary  
 At the site in our presence today at 12.20 house.

The contents of this panchanama have been read over and explained to us in  
 konkani and in correctness there of we sign as under :-

Place :- Merces - Goa

Date :- 01/03/2023

- 1) Swapnil Borke  
 2) Yogesh Naik

V. Gorgamkar  
 (SECRETARY  
 MERCES VILLAGE PANCHAYAT  
 MERCES - GOA

Swapnil Borke

Yogesh Naik



Panadas  
 (SARPANCH  
 MERCES VILLAGE PANCHAYAT  
 MERCES - GOA



**PANCHANAMA**

Today at 12.00 <sup>noon</sup> A.M./P.M. We the undersigned, members of panchanama  
 Named (1) Swapnil Borkar aged major years  
 Profession clerk resident of Merces, Taswadi, Goa  
 (2) Yogesh Naik aged major years  
 Profession Garbage supervisor resident of Merces, Taswadi, Goa  
 Being called by Sarpanch, V.P. Mercas Designation / Official to witness the  
 illegal construction carried out by Shri/Smt Ankush Abole & others  
 In Ward No. \_\_\_\_\_ of Merces village and we  
 have witnessed the following:

The details of illegal construction are as under :-

1. Nature of Construction Structure/Room
2. Whether new construction / Reconstruction  
or Extension to the existing house Existing structure
3. Area occupied by Structure / Dimension  
(Length, Breadh & Height approx.) L=15.25, B=02.50,  
H=02.30 (Approx. in mtr)
4. Location Survey No. / Wado \_\_\_\_\_
5. Material Used laterite stone, sand, cement,  
wooden door, cement sheets,
6. Nature of roof pattern Part RCC, Part cement sheets
7. Approximate estimated cost Rs. 60,000/- (Approx)

Being asked by the Sarpanch Shri/Smt. Ankush Abole

Owner / occupier of the house stated  
 that he / she does not possess any valid permission issued by the panchayat to erect  
 the said structure, nor the formalities prescribed under the building regulation  
 and CRZ in force have been complied with. old existing structure

This panchanama was written by V.V. Corgamkar, V.P. Secretary  
 At the site in our presence today at 12-20 house.

The contents of this panchanama have been read over and explained to us in  
 konkani and in correctness thereof we sign as under :-

Place :- Mercas, Goa

Date :- 01/03/2023

1) Swapnil Borkar  
Yogesh Naik

V.V. Corgamkar  
 SECRETARY  
 MERCES VILLAGE PANCHAYAT  
 MERCES - GOA

Swapnil Borkar

Yogesh Naik



Parvinder  
 Before me  
 SARPANCH  
 MERCES VILLAGE PANCHAYAT  
 MERCES - GOA



**PANCHANAMA**

Today at 12.00 <sup>noon</sup> A.M./P.M. We the undersigned, members of panchanama  
 Named (1) Swapanil Borikar aged Major years  
 Profession V.P. Clerk resident of Merces, Triswadi - Goa  
 (2) Yogesh Naik aged Major years  
 Profession Garbage Supervisor resident of Merces, Triswadi - Goa  
 Being called by Sarpanch, Merces Designation / Official to witness the  
 illegal construction carried out by Shri./Smt Ankush Heble & others  
 In Ward No. \_\_\_\_\_ of Merces, Goa village and we  
 have witnessed the following:

The details of illegal construction are as under :-

1. Nature of Construction water tank & toilet
2. Whether new construction / Reconstruction existing structure  
or Extension to the existing house
3. Area occupied by Structure / Dimension L = 0.5.92, B = 0.2.50.  
(Length, Breadth & Height approx.) H = 0.2.30 mtrs. (Approx)
4. Location Survey No. / Wado \_\_\_\_\_
5. Material Used laterite stone, sand, cement
6. Nature of roof pattern RCC for toilet
7. Approximate estimated cost Rs. 30,000/- (Approx)

Being asked by the Sarpanch Shri./Smt. Ankush Heble  
 Owner / occupier of the house stated  
 that he / she does not possess any valid permission issued by the panchayat to erect  
 the said structure, nor the formalities Prescribed under the building regulation  
 and CRZ in force have been complied with, old existing structure

This panchanama was written by V.V. Corgaonkar, V.P. Secretary

At the site in our presence today at 12.20 house.

The contents of this panchanama have been read over and explained to us in  
 Konkani and in correctness thereof we sign as under :-

Place :- Merces - Goa

Date :- 01/03/2023

1) Swapanil Borikar

2) Yogesh Naik

V.V. Corgaonkar  
 SECRETARY  
 MERCES VILLAGE PANCHAYAT  
 MERCES - GOA

Swapanil Borikar

Yogesh Naik



Bevevels  
 Before me  
 SARPANCH  
 MERCES VILLAGE PANCHAYAT  
 MERCES - GOA



PANCHANAMA

Today at 12.00 <sup>noon</sup> A.M./P.M. We the undersigned, members of panchanama

Named (1) Susapnil Borkar aged Major years

Profession clerk resident of Merces, Tiruwadi Goa

(2) Yogesh Naik aged Major years

Profession Garbage Supervisor resident of Merces, Tiruwadi - Goa

Being called by Sarpanch, V.P. Mercers Designation / Official to witness the  
~~alleged~~  
illegal construction carried out by Shri./Smt Ankush Hoble & others

In Ward No. \_\_\_\_\_ of Merces village and we  
have witnessed the following:

The details of illegal construction are as under :-

1. Nature of Construction

Compound wall & Gate

2. Whether new construction / Reconstruction  
or Extension to the existing house

3. Area occupied by Structure / Dimension  
(Length, Breadth & Height approx.)

L = 07.14, H = 02.00  
B = 00.70,  
L = 05.30 (Gate)

4. Location Survey No. / Wado

5. Material Used

Laterite stone, Sand, Cement  
Iron

6. Nature of roof pattern

Rs. 25,000/-

7. Approximate estimated cost

Being asked by the Sarpanch Shri./Smt. Ankush Hoble  
Compound  
Owner / occupier of the ~~house~~ stated

that he / ~~she~~ does not possess any valid permission issued by the panchayat to erect  
the said structure, nor the formalities Prescribed under the building regulation  
and CRZ in force have been complied with,

This panchanama was written by Y.V. Corgankar, V.P. Secretary  
At the site in our presence today at 12.20 house.

The contents of this panchanama have been read over and explained to us in  
konkani and in correctness thereof we sign as under :-

Place :- Merces - Goa

Date :- 01/03/2023

1) Susapnil Borkar

2) Yogesh Naik



Y.V. Corgankar  
SECRETARY  
MERCERS VILLAGE PANCHAYAT  
MERCERS - GOA

Belpre me  
SARPANCH  
MERCERS VILLAGE PANCHAYAT  
MERCERS - GOA



THE TENANTS ASSOCIATION OF MOROMBI-O-GRANDE, MERCES

TISWADI GOA

HAVING REGD OFFICE AT 955/1, FIRGUEMBATT, MERCES

---

Date: 14/02/2024

To,

The Dy. Conservator of Forests,

North Goa Division,

Ponda-Goa - 403 401.

**SUB- COMPLIANCE REPORT**

REF - Notice dated 20/12/2022 bearing reference no. 4/DCFN/  
Mangroves/2022-23/200 received on 13/02/2023.

Sir,

In compliance to your above referred notice issued to us under Section 21 of Goa (Preservation of Trees) Act, 1984, wherein we were directed as a measure of early action to replant 290 nos. of trees at the site i.e. survey no. 73/2 at

Morombi O Grande, Tiswadi-Goa, and to report compliance of the same to your good office by 30<sup>th</sup> June 2023.

In compliance of the same, we have planted around 400 mangrove saplings in two batches of 200 saplings each, on the edge of the bund under Survey no. 73/2 and its surrounding areas. Hereto annexed are copies of the Photographs of the said mangroves procured and planted in the above survey number and surrounding areas as ANNEXURE 'A'.

you are requested to kindly take note of the same.

Thanking you,

Yours faithfully,

  
(Shamir Coutinho)

Chairman

Mob: 9890606766

copy to:

1. The Sub-Divisional Forest Officer (Mapusa),  
Karaswada, Mapuca Goa.  
(for information purpose only).
2. The Range Forest Officer,  
Panaji Goa .(for information purpose only).



GOVERNMENT OF GOA  
Office of the Deputy Conservator of Forests,  
North Goa Division,  
Ponda - Goa, 403 401

Phone:- 0832- 2312856 Fax. 0832-2312095

email: dcfnorth-forest.goa@nic.in

No. 4/DCFN/Mangroves/2022-23/200

Dated:- 20 /12/2022  
Agrahayana 29, Saka (1944)

**NOTICE**

**[(Under Section 21 of Goa (Preservation of Trees) Act, 1984]**

Your attention is invited towards destruction of Mangroves in Sy. No. 73/2 at Morombi O Grande, Mercem, Tiswadi -Goa.

As per Section 12 of Goa (Preservation of Trees) Act, 1984, it is the duty of the owner of the land to ensure that trees grow well and preserved in their land.

In view of the above, an early action to replant 290 nos of trees at this site and report compliance to this office by 30<sup>th</sup> June, 2023.

  
Dy. Conservator of Forests  
North Goa Division  
Ponda - Goa

To

1. Shri Samir Cutinho (Chairman),  
H. No. 60, Firguem Bhat, Vaddy,  
Near Augustias Chapel, Mercem, Tiswadi North Goa.
2. Shri Vishwanath Naik Pilanarkar (Treasurer)  
R/o Fonsa Bhat Vaddy  
Mercem, Tiswadi North Goa.
3. Shri Viriato Mendes ( Secretary),  
Mesta Bhat, Vaddy  
Mercem, Tiswadi North Goa.

Copy to:-

1. The Sub-Divisional Forest Officer (Mapusa), Karaswada, Mapusa - Goa, for information and necessary action.
2. The Range Forest Officer, Panaji - Goa, for information and necessary action.

No.RF/Tiswadi/2022-23/68

Office of the

Range Forester, Tiswadi,

Range Forest Office, Panaji.

Dated: 23/05/2022

To,

Mr. Shamir Joaquim Coutinho,

R/O. H.No. 50 Urgem Lnat, Vaddy,

Near Augustas Chapel Tiswadi Mercedes,

North Goa.

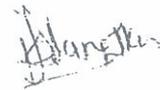
SUMMONS

You are hereby Summoned to appear before this office on 27<sup>th</sup> May 2022 at 11:00 A.M. without fail in connection with the Forest Offence Case No. 15/PJM/2022-23, Dated: 19/05/2022 booked towards illegal cutting 29 nos of mangroves species (Avicinia officinalis) & Rhizophora mucronata) species under Sy. No 73/2 at Morombi-o-Grand Mercedes Tiswadi Goa. For violation of Goa Damam & Diu Preservation of Tree Act 1984.

The Summons is issued as per Sec. 33 (d) of Preservation of Tree Act 1984.

Failing which the action will be initiated as per rule / Act in Force.

Yours faithfully,



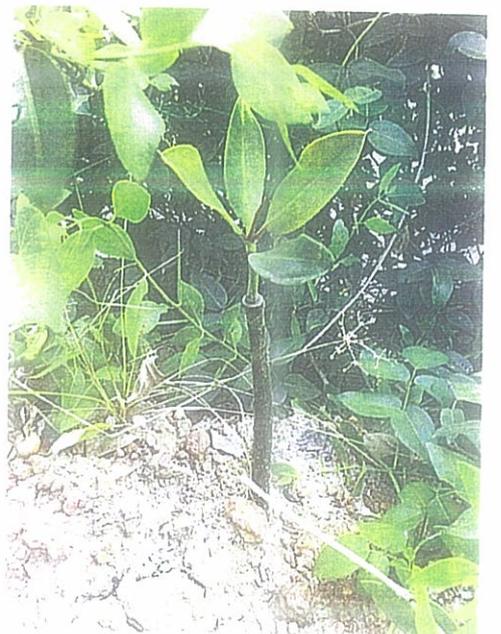
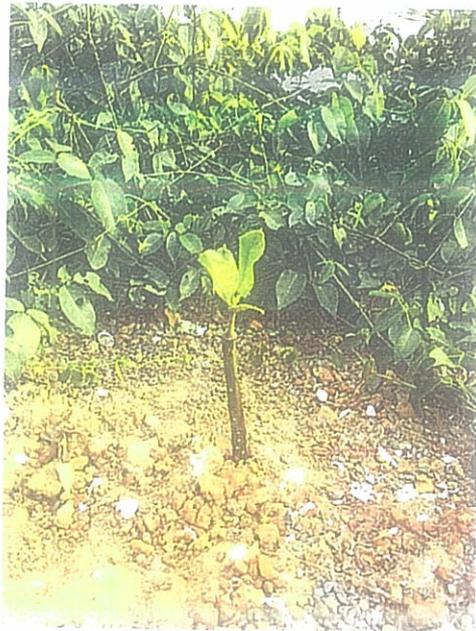
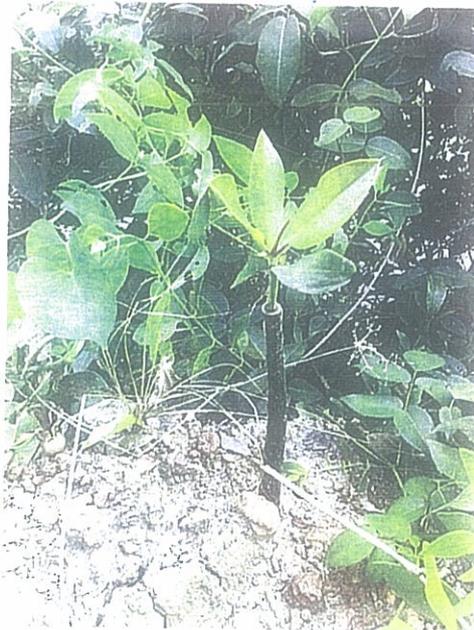
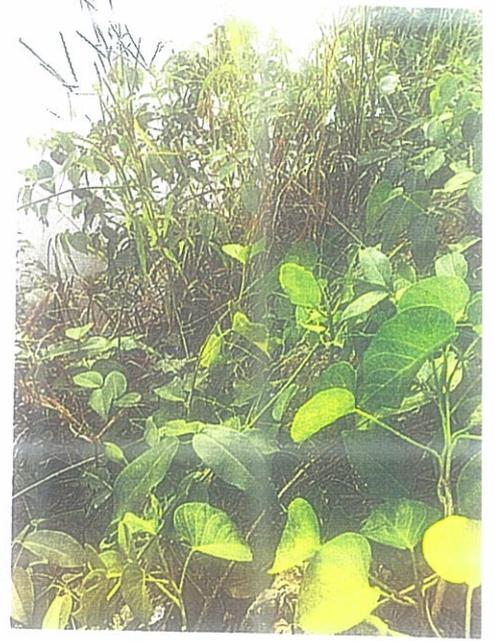
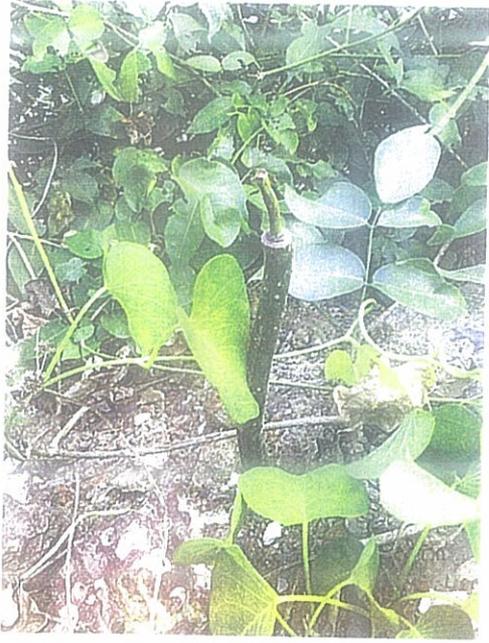
(Kevin Kalamguttan)

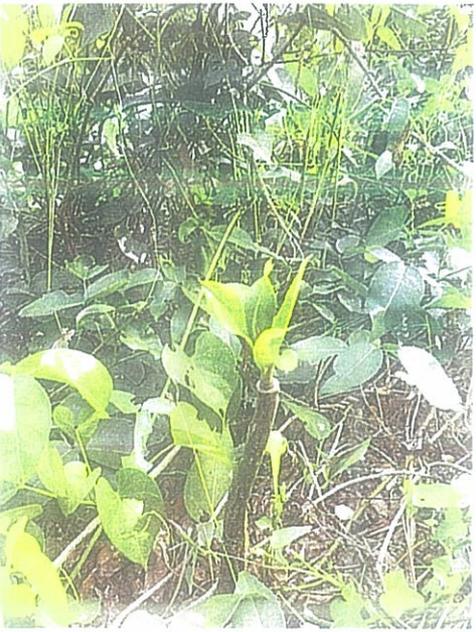
Range Forester, Tiswadi.

Copy to: Range Forest Officer, Panaji for information.









252

Annexure (NICOLY)

228

O/o Member Secretary  
Goa Coastal Zone Management Authority  
C/o Department of Environment & Climate Change  
Dempo Tower 4th Floor,  
Patto Plaza Panjim-Goa. 403001

18/03/2024

THE TENANTS ASSOCIATION OF MOROMBI-O-GRANDE, MERCES  
TISWADI GOA  
HAVING REGD OFFICE AT :955/1, FIRGUEMBATT, MERCES GOA

Date: 18th March, 2024

To,

The Member Secretary,  
Goa Coastal Zone Management Authority,  
4th Floor, Dempo Towers, Patto,  
Panaji Goa.

Sir/Madam,  
sub: Compliance report on Plantation of Mangroves  
ref: Your Order no. GCZMA/ILLE-COMP22-23/84/2556  
dated 30/11/2023

We refer to your above ORDER dated 30.11.2023 and submit as under:

During the 354th Meeting of GCZMA held on 10.08.2023, the respondents were directed to submit the restoration plan for Mangroves plantation and in compliance of the same, we have planted around 400 mangrove saplings in the vicinity of the bundh under survey no. 73/2 and its surrounding areas. Hereto annexed are the copies of the Photographs of the said mangroves procured and planted in the above survey number.

A copy of the Compliance report submitted to the Dy. Conservator of Forests, North Goa Division, Ponda- Goa, alongwith the photographs enclosed for kind your information.

Thanking you,

Yours faithfully,

(Shamir Coutinho)  
Chairman



Mob: 9890506766

THE TENANTS ASSOCIATION OF MOROMBI-O-GRANDE, MERCES

TISWADI GOA

HAVING REGD OFFICE AT 955/1, FIRGUEMBATT, MERCES

---

Date: 14/02/2024

To,

The Dy. Conservator of Forests,

North Goa Division,

Ponda-Goa - 403 401.

**SUB- COMPLIANCE REPORT**

REF - Notice dated 20/12/2022 bearing reference no. 4/DCFN/  
Mangroves/2022-23/200 received on 13/02/2023.

Sir,

In compliance to your above referred notice issued to us under Section 21 of  
Goa (Preservation of Trees) Act, 1984, wherein we were directed as a measure  
of early action to replant 290 nos. of trees at the site i.e. survey no. 73/2 at

*BMY*  
**RECEIVED**  
Dy. Conservator of Forests  
North Goa Division,  
Ponda-Goa  
14/2/24

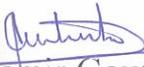
Morombi O Grande, Tiswadi-Goa, and to report compliance of the same to your good office by 30<sup>th</sup> June 2023.

In compliance of the same, we have planted around 400 mangrove saplings in two batches of 200 saplings each, on the edge of the bund under Survey no. 73/2 and its surrounding areas. Hereto annexed are copies of the Photographs of the said mangroves procured and planted in the above survey number and surrounding areas as ANNEXURE 'A'.

you are requested to kindly take note of the same.

Thanking you,

Yours faithfully,

  
(Shamir Coutinho)

Chairman



Mob: 9890606766

copy to:

1. The Sub-Divisional Forest Officer (Mapusa),  
Karaswada, Mapuca Goa.  
(for information purpose only).
2. The Range Forest Officer,  
Panaji Goa .(for information purpose only).



GOVERNMENT OF GOA  
Office of the Deputy Conservator of Forests,  
North Goa Division,  
Ponda - Goa, 403 401

Phone:- 0832- 2312856 Fax. 0832-2312095

email: dcfnorth-forest.goa@nic.in

No. 4/DCFN/Mangroves/2022-23/200

Dated:- 20 /12/2022  
Agrahayana 29, Saka (1944)

**NOTICE**

**[[Under Section 21 of Goa (Preservation of Trees) Act, 1984]**

Your attention is invited towards destruction of Mangroves in Sy. No. 73/2 at Morombi O Grande, Mercem, Tiswadi -Goa.

As per Section 12 of Goa (Preservation of Trees) Act, 1984, it is the duty of the owner of the land to ensure that trees grow well and preserved in their land.

In view of the above, an early action to replant 290 nos of trees at this site and report compliance to this office by 30<sup>th</sup> June, 2023.

  
Dy. Conservator of Forests  
North Goa Division  
Ponda - Goa

To

1. Shri Samir Cutinho (Chairman),  
H. No. 60, Firguem Bhat, Vaddy,  
Near Augustias Chapel, Mercem, Tiswadi North Goa.
2. Shri Vishwanath Naik Pilanarkar (Treasurer)  
R/o Fonsa Bhat Vaddy  
Mercem, Tiswadi North Goa.
3. Shri Viriato Mendes ( Secretary),  
Mesta Bhat, Vaddy  
Mercem, Tiswadi North Goa.

Copy to:-

1. The Sub-Divisional Forest Officer (Mapusa), Karaswada, Mapusa - Goa, for information and necessary action.
2. The Range Forest Officer, Panaji - Goa, for information and necessary action.

No. RF/Tiswadi/2022-23/60

Office of the

Round Forester, Tiswadi,

Range Forest Office, Panaji.

Dated: 23/05/2022

To,

Mr. Shamir Joaquim Coutinho,

R/O. H.No. 50 Figueira Mat, Vaddy,

Near Augustas Chapel Tiswadi Mercedes,

North Goa.

SUMMONS

You are hereby Summoned to appear before this office on 27<sup>th</sup> May 2022 at 11:00 A.M. without fail in connection with the Forest Offence Case No. 15/PJM/2022-23, Dated: 19/05/2022 booked towards illegal cutting 29 nos of mangroves species (Avicinia officinalis) & Rhizophora mucronata) species under Sy. No 73/2 at Morombi-o-Grand Mercedes Tiswadi Goa. For violation of Goa Damam & Diu Preservation of Tree Act 1984.

The Summons is issued as per Sec. 33 (d) of Preservation of Tree Act 1984.

Failing which the action will be initiated as per rule / Act in Force.

Yours faithfully,



(Kevin Kalanekar)

Round Forester, Tiswadi

Copy to : Range Forest Officer, Panaji for information.

