

BEFORE THE NATIONAL GREEN TRIBUNAL, WESTERN ZONE
BENCH, PUNE

I.A. No. 310/2024

in

Appeal No. 143/2024

VIOLA LAWRENCE

... Applicant

IN

VERNON RODRIGUES

... Appellant

Versus

GCZMA & ors.

... Respondents

**AFFIDVAIT-IN-REPLY ON BEHALF OF THE
RESPONDENT NO. 3**

I, Mrs. **Judith Rodrigues**, D/o late Mr. Joseph D'Souza, married, major, Indian National, R/o H. No. D-6, TRT Holiday Enclave, Near Golden Tulip, Muddo Waddo, CANDOLIM, Bardez – Goa, do hereby solemnly affirm on oath and state as under –

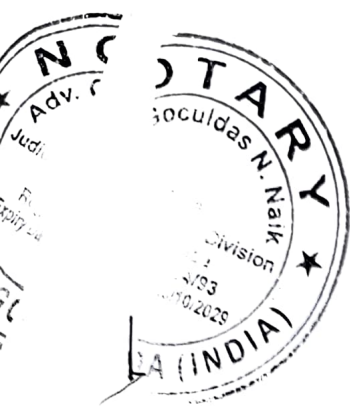
1. I say that I am the Respondent No. 3 in the present Application filed by the Applicant seeking to intervene in Appeal No. 143/2024. (and hereinafter referred to as "*the Intervention Application*" for the sake of brevity.)
2. I say that I have read and understood the contents of the Intervention Application and I deny all and singular the contents thereof in so far as the same are inconsistent with my case and what shall be stated by me hereinafter, Any averment/pleading/content of the Intervention Application that



is not specifically denied and/or traversed hereinafter ought not to be construed an admission for what of specific denials.

3. At the outset I say that the Intervention Application is misconceived, frivolous, vexatious, bad in law and on facts and not sustainable.
4. I say that the present Application is not maintainable and liable to be dismissed on this ground alone. The Applicant has no right to intervene in the present Appeal. I say that the law is well settled on the right, if any, of a third party to participate in an Appeal.
5. I say that before dealing with the contents of the Intervention Application, the following facts and submissions need to be placed on record for deciding the present Application –

5.1. I say that the Appellant in the main Appeal seeks to challenge the Demolition Order dated 21-03-2024 passed by the GCZMA, which Demolition Order dated 21-03-2024, directs the demolition of multiple commercial structures in G+2 Structures in Sy. No. 135/7 of Village Candolim. I say that Applicant who is the sister of the Appellant seeks to intervene in the matter as the co-owner of the impugned constructions/Sy. No. 135/7. I say that it is seen from her Application that there are several others named, like Dunstan Rodrigues, Godfrey Rodrigues, Selina Rodrigues (para 7) who she also states, are claimants qua the impugned constructions/Sy. No. 135/7. I say that if the Applicant is permitted to intervene today merely because she claims to be the co-owner, it will open floodgates for intervention of several other claimants who will approach





this Tribunal at their own sweet will and seek intervention in the Appeal. I say that today it is the Applicant who seeks intervention and at the rate the Appellant is delaying the proceedings here, other claimants will keep knocking on piecemeal basis only as dilatory tactic. I say that the same is impermissible and defeats the object and purpose of the NGT Act.

- 5.2. In any event I say that the proceedings under the NGT Act are not concerned with proprietary rights, but only with the legality or illegality of the impugned construction. I say that merely because the Applicant claims to be the co-owner has no relevance on the illegality of the impugned construction. I say that the demolition Order is binding on all the interested parties irrespective of the ownership.
- 5.3. Without prejudice, I say that it is also seen that the Applicant seeks to intervene stating that she is in possession of some *alleged documents* like
- Application dated 17-11-1982 by which document her father had sought reconstruction permission,
 - Letter dated 7-11-1983 from the Village Panchayat informing about a site inspection
- 5.4. I say that the alleged documents have already been brought on record by the Appellant in his Application seeking production of Additional Documents being I.A. No. 213/2024 which was allowed by this Tribunal on the last date subject to hearing of all objections on these documents at the stage of hearing of the Appeal. Further these alleged documents are elaborately discussed by the Appellant in his Rejoinder dated 18-09-2024 from paras 22 onwards (page 296 of the Appeal)

5.5. I say that besides wanting to showcase the *alleged documents*, the Applicant has absolutely no role in the matter, save and except to delay the present Appeal.

5.6. It is also relevant to point out the conduct of the Applicant, who in connivance with the Appellant is leaving no stone unturned to delay the demolition of the impugned structures.

I say that the Applicant has already produced the *alleged documents* before the GCZMA and sought Review of the Demolition Order dated 21-03-2024, and the GCZMA has been pleased to dismiss her Review Application vide Order dated 25-07-2024 under Ref. No. GCZMA/N/ILLE-COMPL/21-22/89/1345. I say that I have already brought this Review Order on record vide my Additional Affidavit dated 27-07-2024 (page 240 of the Appeal).

Thereafter, the Applicant approached the Hon'ble High Court of Bombay at Goa by filing W.P.637/2024 and the same was not entertained (Order dated 1-10-2024 in W.P.637/2024 is attached by the Applicant at page 59 herein). The Order of the Hon'ble High Court as seen, is passed on 1-10-2024 and after an inordinate delay of 4 months, which inordinate delay even defeats the statutory period provided for an Appeal under the NGT Act, the Applicant has sought to file the present Application which is not maintainable.

5.7. I say that the story concocted by the Applicant in paragraphs 9 to 18 of the Application prima facie point to the lack of bonafides of the Applicant and/or the very conduct of the Applicant disentitles her to any relief from this Hon'ble Court.

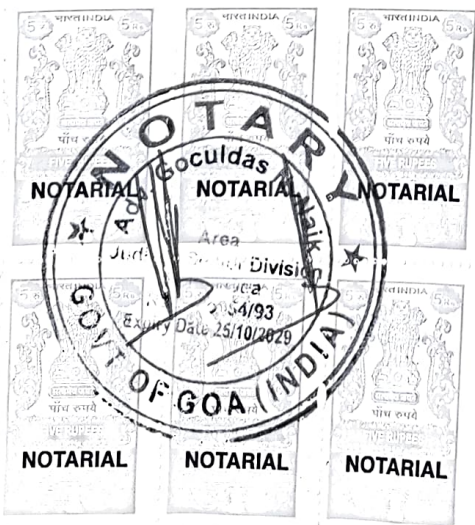




- 6. The contents of paragraphs 1 and 2 merit no reply.
- 7. The contents of paragraph 3 are denied.
- 8. With reference to the contents of paragraph 4, it is denied that the structures are only G+1. I seek to rely on various reports of the GCZMA which state the correct position of the structures.
- 9. The contents of paragraphs 5 to 8 merit no reply.
- 10. The contents of paragraphs 9 to 18 and 22 to 31 are denied.
- 11. I say that whatever has been stated above except the legal submissions are true to my own knowledge and/or from records.

Solemnly affirmed this 8th day of February 2025 at Panaji-Goa

Rodrigues
Deponent



Solemnly affirmed and verified before me
by Judith Rodrigues
Who is known to me
by Candem Baidoz
Known to me
Serial No 328/2025 Date 08/02/2025

[Signature]
08/02/2025
ADV. GOCULDAS N. NAIK
NOTARY AT PANAJI
STATE OF GOA - INDIA