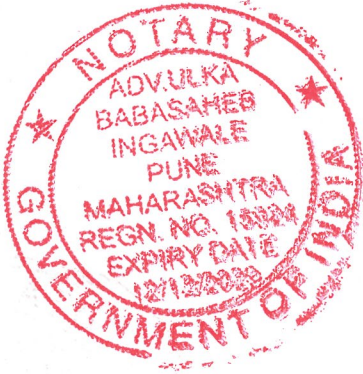


BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,**WESTERN ZONE BENCH, PUNE, AT PUNE****APPEAL NO.23 OF 2025 (WZ)****WHITE RAJ RESORT PVT. LTD.****Trough Mr. Vladislav Bogmolov****... APPELLANT****VERSUS****GCZMA & ORS****... RESPONDENTS****INDEX**

SR NO	ANNE XURE	PARTICULARS	PAGE NOS.	
			From	To
1.		INDEX	-	58
2.		Affidavit in Support for Reply	59	78
3.	Exh-A	Copy of the Order Dated 11/10/2019	79	87
4.	Exh-B	Copy of the Order Dated 09/11/2023	88	91
5.	Exh-C	Copy of the show cause notice dated 20/03/2008	-	92
6.	Exh-D	Copy of the Order Dated 16/07/2008	93	94
		LAST PAGE NO.		94

PUNE**DATE: 13/07/2026 ADVOCATE FOR RESPONDENT Nos. 2 and 3**



BEFORE THE HON'BLE NATIONAL GREEN
TRIBUNAL, WESTERN ZONE BENCH, PUNE
AT PUNE

APPEAL NO.23 OF 2025 (WZ)

WHITE RAJ RESORT PVT. LTD.

Trough Mr. Vladislav Bogmolov ... APPELLANT

VERSUS

GCZMA & ORS

... RESPONDENTS

AFFIDAVIT – IN – REPLY OF
THE RESPONDENT NO. 3

MAY IT PLEASE THE HON'BLE TRIBUNAL:

I, Mr. Vinod Naik, aged 62 years, married, businessperson, Indian national, resident of 'COLOMB' , Nagorcem, Palolem, Canacona, Goa, the Respondent no. 3 above named do hereby state on solemn affirmation as under:

1. I say that I have read and understood the contents of the above appeal and I hereby submit my affidavit-in-reply.
2. With reference to Para 3, I deny as being false and untrue that the Appellant is the owner of the entire property surveyed under no. 80/1 of village Nagorcem Palolem, Canacona Taluka.
3. With further reference to Para 3, I say that we have filed Special Civil Suit No. 82/2016/A in the Court of the



Civil Judge Senior Division at Margao and have made the following prayers in the said suit.

- a) to declare that the foreign investment by Defendant 2 to 7 in Defendant no. 1 company for purchase of the said property-I is ab-initio null and void and illegal being prohibited the Foreign Exchange Management Act , circular, notifications
- (b) to consequently declare that the said deed of sale dated 27/12/2007 registered in the Office of the Sub-Registrar, Canacona, Goa under no. 361 at pages 572 to 608 in Book I Vol. 187 dated 03/01/2008 is null and void ab-initio and ineffective as against the Plaintiffs and not binding on the Plaintiffs
- (c) to order Defendant no.1 company to deliver up the said deed of sale and to cancel the same .
- (d) to direct the defendant no. 9 to specifically perform the agreement to sell the said property-II to

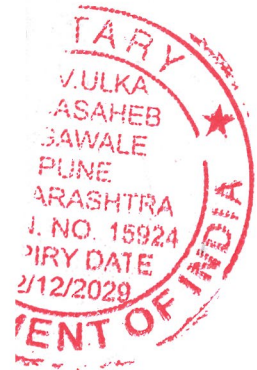


the Plaintiffs by executing the deed of sale of the said property-II in favour of the Plaintiffs

(e) to declare that the share holding of defendant no. 2 company is a sham and bogus.

(f) to issue permanent injunction restraining Defendant no.1 company from acting upon and/or making use of the deed of sale dated 27/12/2007 for any purpose.

(g) to issue permanent injunction restraining Defendants, its agents, servants or any other person acting through or under them from interfering with the said property-I and II in any manner and/or, selling, transferring or disposing of the said property and/or creating any third party rights and from entering in the said property-I and II .



4. With further reference to Para 3, I say that we had also filed an application for temporary injunction against the said Appellant in the said suit.

5. With further reference to Para 3, I say that by Order dated 11/10/2019 the application for temporary injunction of the Respondent no. 2 and 3 was partly allowed and the Defendants (Appellant herein) were restrained from disturbing the possession of the Respondent no. 2 and 3 herein from the property – II, till disposal of the suit.

(Annexed hereto is the copy of the Order dated 11/10/2019 which is marked as Exh – A)

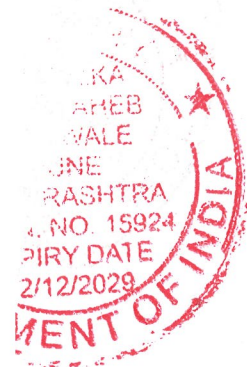
6. With further reference to Para 3, I say that aggrieved by the said Order, the Appellant filed an appeal from order no. 16/2022 and 17/2022 in the High Court of Bombay at Goa.



7. With further reference to Para 3, I say that by Order dated 09/11/2023, the said appeals were dismissed with the following observations :

5) Mr. Diniz submits that the authorities sometimes decline to entertain application seeking permission on the grounds of pendency of the suit or any litigation. Accordingly, it is clarified that the authorities are considering the applications seeking permissions on their own merits and in accordance with law without being unduly influenced by the pendency of the proceedings. However, if the appellants have any legitimate grounds to oppose for such permissions it is open to them to file their objections which should also be considered by the Authorities.

6) If the permissions are obtained, liberty is granted to the respondents to apply to this Court to undertake tourism related activities in the suit property based



upon such permissions. To such an application, the permissions so obtained from the authorities must be annexed.

7) The Trial Court should proceed with the two suits and such hearing in such suits shall not be adjourned merely because of pendency of such appeals. The suits will have to be decided on their own merits and by taking into consideration the evidence that the parties lead before the Trial Court. In deciding the suits, the Trial Court need not be influenced by the impugned interim orders or for that matter the present order.

(Annexed hereto is the copy of the said Order dated 09/11/2023 which is marked as Exh – B)

8. With further reference to Para 3, I deny as being false and untrue that we have illegally erected any shacks in the said property.





9. With further reference to Para 3, I say that vide notice dated 20/03/2008, the Chief Officer of Canacona Municipal Council issued a show cause notice to the Respondent no. 2 stating that as per the survey conducted on the basis of the Directorate of Settlement and Land Records, Survey maps, the total number of structures numbering 342 are found to be constructed after 19/2/1991 and consider it necessary to hear the Respondent no. 2 in the matter and therefore directed the Respondent no. 2 to produce documentary evidence so as to prove whether the structure of the Respondent no. 2 existed prior to 19/02/1991 or not.

(Annexed hereto is a copy of the show cause notice dated 20/03/2008 which is marked as Exh – C)

10. With further reference to Para 3, I say that by Order dated 16/07/2008, the Chief Officer of Canacona Municipal

Council observed that it is a fact that the residential structure of Figueredo admeasuring an area of 125 sq.mts bearing 688 (old) and 265(new) is already shown as prior. The other two structure belonging to Figueredo also appears to be existing prior to the year 1991 , i.e., before the CRZ notification, 1991 and as such I have no hesitation to pass the following order :

“The notice issued to the Applicant in respect of the structures belonging to Figueredo surveyed in Survey no. 80/1 and bearing no. 688 (old) and 265 (new) and 704 (old) and 289 (new) is hereby discharged. Regarding the WC the Applicant will be informed later on .”

(Annexed hereto is a copy of the Order dated 16/07/2008 which is marked as Exh – D)



11. With further reference to Para 3, I deny as being false and untrue that any restaurant under the name and style of "Bridge N Tunnel" is being run in the said property.

12. With further reference to Para 3, I therefore say that the question of running any restaurant without obtaining any permission from the GCZMA since 2023 does not arise.

13. With further reference to Para 3, I say that the GCZMA dropped the proceedings against the Respondent no. 2 and 3 as the Appellant failed to appear and substantiate as to how and in what manner the Respondents has violated any order of any court.

14. With further reference to Para 3, I say that the GCZMA dropped the proceedings against the Respondent no. 2 and 3 as they saw no violation of any order passed by any court.





15. With further reference to Para 3, I say that the Respondent no. 1 was pleased to discharge the notice bearing no. GCZMA/N/Ille-Compl/22-23/35/949 dated 19/06/2024 in view of the documents produced by the Respondent no. 2 and 3 and on perusal of the beach carrying capacity report

16. With reference to Para 4, I say that the Appellant was never running any beach shack and/or any restaurant in the said property and therefore the question of obtaining any permission from the Respondent no. 1 never arose. I say that the question of the Appellant running any beach shack and/or any restaurant in the said property could have never arose as it is the Respondent no. 2 and 3 who are in possession of the said property , for which reason the trial court granted the injunction in favour of the respondent no.

2 and 3 against the appellant and which order was upheld by the Hon'ble High Court of Bombay at Goa.

17. With further reference to Para 4, I deny as being false and untrue that eth Respondent no. 1 dropped the show cause notice and gave permission to the Respondent no. 2 and 3 to carry out the business of beach shack and restaurant in the said property in blatant violation of any law.

18. With further reference to Para 4, I say that the Appellant is not the owner of the said property and the sale deed executed by them is a sham and fraudulent one and in respect of which Special Civil Suit no. 82/2016/A is pending in the Court of the Civil Judge Senior Division, Margao.

19. With further reference to Para 4, I say that the Respondent no. 1 correctly dropped the show cause notice

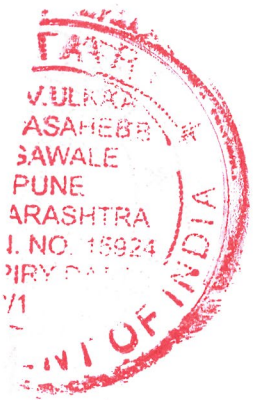


issued to the Respondent no. 2 and 3 as they found no violation of any order passed by any Court.

20. With further reference to Para 4, I say that by Order dated 09/11/2023, the Hon'ble Court of Bombay at Goa was pleased to grant liberty to the Respondent no. 2 and 3 to obtain permissions and further granted liberty to apply to the said Court to undertake tourism related activities in the said property based on such permissions.

21. With further reference to Para 4, I say that there is no question of the Respondent no. 1 turning a blind eye to the complaint of the Appellant/ concerns raised by the Appellant. I say that the show cause notice was dropped as the Appellant did not produce any documentary evidence to support his allegations and also did not appear in the said proceedings.

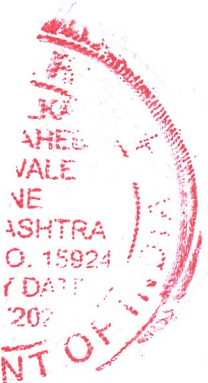




22. With further reference to Para 4, I say that the Hon'ble High court was pleased to clarify that the authorities shall consider the applications of the Respondent no. 2 and 3 seeking permissions on their own merit and in accordance with law and without being unduly influenced by the pendency of the proceedings.

23. With further reference to Para 4, I say that even otherwise it has been established before the authorities that the structures in question are of an era prior to 1991 and hence the said structures did not face any order of demolition.

24. With reference to Para 5 and 6, contents of the same are denied as being false and untrue. I say that the Appellant failed to appear before the Respondent no. 1 to substantiate

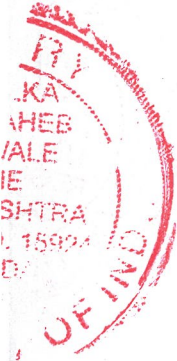


as to how and in what manner the Respondent no. 2 and 3 had violated any law in force since the Appellant did not have any documentary evidence to prove his allegations.

25. With further reference to Para 6, I say that the Appellant filed the complaint only to harass the Respondent no. 2 and 3 and as a blackmailing tactic to withdraw the said Civil Suit.

26. With further reference to Para 6, I say that the appeal filed by the Appellant is baseless, not maintainable, misconceived in law and filed to undo the orders of the Trial Court and High Court of Bombay at Goa , through a back door.

27. With reference to Para 7, 8 and 9, contents of the same are denied as being false and untrue.



28. With reference to Para 10, contents of the same are denied as being false and untrue. I say that the Respondent no. 2 and 3 are the owners of said property and the Appellant is a rank trespasser.

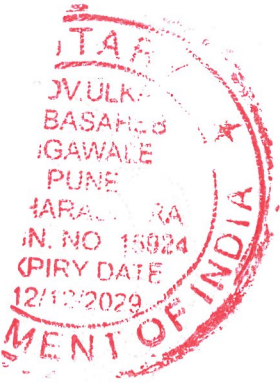
29. With further reference to Para 10, I say that the Form I & XIV was mutated in the name of the Appellant based on the illegal and sham Deed of Sale executed by the Appellant, which has been challenged by the Respondent no. 2 and 3 and the said Deed of Sale is a subject matter of the Special Civil Suit No. 82/2016/A as stated above and hence the Appellant cannot claim any title to the said property based on the said Form I & XIV and/or based on the Deed of Sale. The said Form I & XIV is not a document of title.



30. With further reference to Para 10, contents of the same are denied as being false and untrue that it is only the Appellant who can obtain the licence to run temporary shacks and restaurants and no other person can be permitted to do so.

31. With further reference to Para 10, I say that the aforesaid averment in Para 10 clearly shows the malafide intention of the Appellant in filing the present appeal, which is to undo and/or to set aside the order of the Trial Court and/or the High Court, with the help of this Court by filing this appeal. I say that this is the sole purpose of the appellant in filing the said appeal.

32. With further reference to Para 10, I say that such clever drafting of the Appellant should be nipped in the bud. I say that the Appellant knowing fully well that the only authority



before whom he could challenge the Order of the Trial Court and High Court was the Supreme Court of India. I say that knowing fully well that the Supreme Court of India will notice the two concurrent orders and would refuse to allow the SLPs if so filed, the Appellant filed this appeal to circumvent the Supreme Court of India and obtain restraining orders from this court which is not permissible by law.

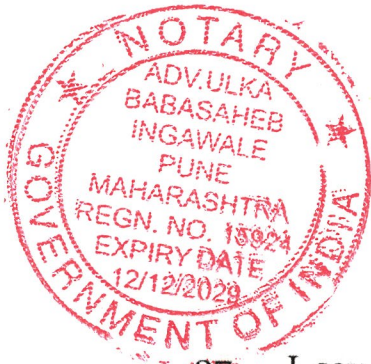
33. With reference to Para 11, contents of the same are denied as being false and untrue. The Order of the Respondent no. 1 is proper and legal and after adhering to the principles of natural justice and the Appellants have not brought forth any new evidence to show violation of any order or of any law by the Respondent no. 2 and 3.



34. With reference to Para 11, I say that the Appellant with the help of this Court is only trying to get possession of the said property which has been denied to him by the Trial court and High Court of Bombay at Goa. I say that this is one of the ulterior motives by the Appellant to circumvent the law and obtain some favourable order by hook or by crook.

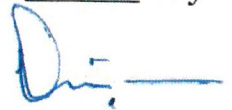
35. With reference to the grounds of appeal, I deny each and every ground of appeal as being false and untrue and nothing shall be deemed to be admitted unless specifically done so.

36. I therefore pray that the above appeal be dismissed as an abuse of the process of law.

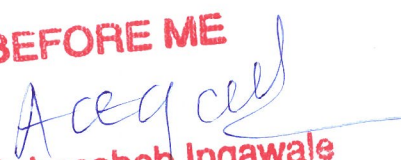


37. I say that the contents of the paras 1 to 35 above are true to my knowledge and the contents of para 36 are my legal submissions which I believe to be true.

Solemnly affirmed at Margao – Goa on this _____ day
of July 2026


DEPONENT



BEFORE ME

Uka Babasaheb Ingawale
NOTARY GOVT. OF INDIA
Shivajinagar, Pune-05

13 JUL 2026

**IN THE COURT OF THE SENIOR CIVIL JUDGE AT MARGAO.**

(Before Shri N.S. Amonkar, Senior Civil Judge, 'A' Court Margao).

Special Civil Suit No.82/2016/A
CNR No.GASG020063442016

1. Dr. Shaba Rama Naik Gaonkar,
alias Chandrakant Rama Naik Gaonkar
Age 60 years, married
r/o Flat H-B-4-D,
5th Floor, Ruby Residency,
Canacona 403702
Salcete Goa.
2. Mr. Vinod Naik,
Age 53 years, married,
Businessman,
Resident of H. No.2136,
Agalli, Gogol,
Margao-403601, Goa.
3. Mr. Suraj Balliker
37 Years of age, married,
Businessman,
r/o H. No.262, Deulwada,
Quepem, 403705,
Salcete Goa.

.....

Plaintiffs

V/s.

1. White Raj Resorts Pvt. Ltd.
A private Limited Company
Incorporated under the Companies Act
Having its registered office at
405, Wagle Vision, 4th Floor,
Above Ritz Classic
Pissurlekar Road, Panaji 403001.
2. Nordfolk Limited,
A private limited company
Incorporated under the
United Kingdom Companies Act 1985
Having its registered office at
48, Queen Anne Street,
London W 1 G 9 JJ
3. Mrs Sarah Louise Petre Mears,
Major, British National,
Director of Nordfolk Limited
Resident of Winwood Villa
Shaws Estate, New Castle
St. James Parish Nevis, West Indies;
4. Mr. Edward Petre Mears,
Major, British National,
Secretary, Nordfolk Limited
Resident of Winwood Villa,
Shaws Estate, New Castle,
St. James Parish, Nevis, West Indies,
5. Mr. Daniil Borisovich Sorokin,
Major, age 51 years, Russian National
Businessman, Director-White Raj Resorts Pvt Ltd
Resident of H. No.31, Building no.3,
Apartment no.75,
Nargornaya Street,
Russian Federation of Moscow
Moscow – 117186
6. Mr. Alexey Valerievich TChanov,
Major, age 51 years, Russian National,
Businessman, Director-White Raj Resorts Pvt Ltd
Resident of H. No.28-1, Apartment no.65,
Street-2, Parkovaya,
Russian Federation of Moscow
Moscow – 105037
7. Mr. Andrew Moray Hon Andrew Stuart,
Major, age 59 years, British National,
Businessman, Director-White Raj Resorts Pvt Ltd
Resident of GPO Box 244, CIE,
Sucriere de St. Antoine,
M 59, St. Antoine Se

St. Antoine Goodlands
Mauritius;

8. Shri Babu Manjanga Lonappan
Son of Mr. Lonappan, age 40 years,
Businessman,
Residing at Manjaga House,
P.O. Kutichira Kormala,
Trichur District, Kerala.
9. Mrs Maria de Lourdes Filomena
Figueiredo de Albuquerque,
Major,
daughter late Vicente Joao Filomeno de Figueiredo,
Resident of H. No.377, Loutolim,
Salcete Goa. ... Defendants

Plaintiffs represented by Ld. Adv. E. Furtado present at the time of arguments and also at the time of order.

Defendant no.1 represented by Ld. Adv. S.Samant at the time of arguments and Adv.P. Gauns present at the time of order.

Defendant no.2 to 9 exparte.

ORDER

(Delivered on 11th day of the month of October of the year 2019)

1. The plaintiffs have filed this suit against the defendants seeking reliefs of declaration and perpetual injunction. The plaintiffs have also filed an application seeking relief of temporary injunction. It is the case of the plaintiffs that there exists a immoveable property known as "Colomb" or "Colomba" admeasuring 1,10,650 sq.mts. situated at village Nagorcem-Palolem, Canacona described in the land registration records of Quepem under No.4315 of Book B-4 and surveyed under no.80/1 of village Nagorseem-Palolem, Canacona Goa which is bounded as under:

East : by Arabian Sea;

West: by property surveyed under nos.83 and 84;

North: by property surveyed under no.81;

South: by Arabian Sea

The said property is hereinafter referred to as the suit property.

2. It is the case of the plaintiff that suit property was owned by Mrs. Georgina Natalia Filomena Figueiredo who is no more living. The suit property is an orchard property. It is the case of the plaintiffs that late Mrs. Georgina Natalia Filomena Figueiredo had put the plaintiff no.1 in physical possession of 35,000 sq.mts of land of the suit property. The said portion of land is carved out from the entire suit property and is shown in a plan in red colour boundaries. The said property is hereinafter referred to as the said property (II). It is pleaded that Mrs. Georgina Natalia Filomena Figueiredo had put plaintiff no.1 in possession of the said property (II) by Authority letter dated 7.2.2000 executed before the Notary Arun Singbal at Ponda. It is further pleaded that late Mrs. Georgina Natalia Filomena Figueiredo had executed an agreement dated 31.5.2002 before notary Filomena D'Silva of Margao and had permitted plaintiff no.1 to carry out development in the said property (II). It is pleaded that Mrs. Georgina Natalia Filomena Figueiredo had also given general power of attorney to the plaintiff no.1 so as to enable him to carry out development in the said property. It is plaintiff's case that since from the year 2000, the plaintiffs are in peaceful possession of the said property (II). It is pleaded that defendant no.1 had purchased the entire suit property as mentioned in para 1 of the plaint by a Deed of Sale dated 27.12.2007. The plaintiffs are claiming that defendant no.1 has no right to the said property (II). The plaintiffs have asked for relief of temporary injunction. The plaintiff's have prayed that defendant No.1 may be restrained from acting upon or making use of Deed of Sale dated

27.12.2007 for any purpose and that all defendants be restrained from interfering with the suit property in any manner and be also restrained from creating third party right in respect of suit property.

3. The defendant no.1 has resisted the suit and this application by filing written statement and reply. It is claimed that suit of the plaintiffs is not maintainable. It is pleaded that defendant no.1 has purchased the entire property for a consideration of Rs.3 crores. The defendant no.1 has denied all the contentions of the plaintiffs pleaded in the plaint. It is denied that plaintiffs are in peaceful possession of a portion of land admeasuring 35,000 sq.mts of the suit property. The plaintiffs' documents that is letter of Authority dated 31.5.2002, Agreement dated 7.2.2000 and Power of Attorney are denied. It is also denied that plaintiff no.1 has spend lakhs of rupees on constructing cottages and setting up of Ayurvedic Research Centre in the said property (II). It is pleaded that late Mrs. Georgina Natalia Filomena Figueiredo had removed plaintiff no.1 from the entire property by cancelling all the agreements and power of attorney executed in his favour. It is pleaded that plaintiffs have no locus standi to file the present suit and this application for temporary injunction. It is prayed that plaintiffs suit and application for injunction be dismissed.

4. Arguments were advanced by both the sides. The advocate of plaintiffs has submitted that late Mrs. Georgina Natalia Filomena Figueiredo had executed the documents such as letter of Authority dated 7.2.2009, agreement dated 31.05.2002 and power of attorney dated 7.6.2002 and had put plaintiff no.1 in lawful possession of said property II. It is submitted that late Mrs. Georgina Natalia Filomena

Figueiredo has executed an Authority letter and had authorized plaintiff no.1 to look after her entire property. It is argued that by an agreement dated 31.5.2002 late Mrs. Georgina Natalia Filomena Figueiredo had authorized plaintiff no.1 to start an Ayurvedic Research Centre in the said property II. Further it is argued that she had also executed Power of Attorney in favour of the plaintiff no.1 on 7.06.2002 authorizing him to do all the acts needed for starting of Ayurvedic Research Centre in the said property II. It is argued that said Authority letter, agreement and power of attorney were not terminated by late Mrs. Georgina Natalia Filomena Figueiredo and same are still in force and are binding on legal heirs of late Georgina Natalia Filomena Figueiredo. It is submitted that all these documents clearly establish that plaintiff no.1 was lawfully put in possession of portion of the suit land as claimed by him in this suit. It is submitted that till date plaintiff no.1 continues to be in peaceful possession of the said property II. It is submitted that defendant no.1 has admitted the execution of all the above referred documents by late Georgina Natalia Filomena Figueiredo. It is submitted that it is the claim of the defendant no.1 that all the documents executed by late Mrs. Georgina Natalia Filomena Figueiredo in favour of the plaintiff no.1 were cancelled by her. It is submitted that defendant no.1 has not produced any proof to show that agreement executed in favour of plaintiff no.1 were cancelled and that he was evicted from the said property II by late Mrs. Georgina Natalia Filomena Figueiredo. It is submitted that documents executed by late Mrs. Georgina Natalia Filomena Figueiredo are binding on all the defendants. It is submitted that plaintiffs have made out a prima facie case for grant of injunction, balance of convenience is in favour of the plaintiffs and

that irreparable loss will be caused to the plaintiffs if injunction is refused. It is prayed that application of the plaintiff for injunction be allowed.

5. On behalf of the defendants it is submitted that defendant no.1 has not violated any provision of FEMA or any other law of land. It is submitted that defendant no.1 has not brought money in India by any unlawful way. It is submitted that name of the defendant no.1 is figuring in Form No. I & XIV and presumption of possession is in favour of the defendant no.1. It is argued that defendant no.1 is defacto and de juro possession of entire suit property. It is argued that plaintiff no.1 had constructed structures in the property by violating CRZ Rules and same were demolished pursuant to the order of Hon'ble National Green Tribunal. It is submitted that all the documents executed in favour of plaintiff no.1 by erstwhile owner late Miss Georgina Figueiredo were cancelled by her and plaintiff no.1 was evicted from said property II. It is submitted that plaintiffs have no right to continue in possession of the said property II. It is prayed that plaintiffs application for temporary injunction be rejected.

6. The points which arises for determination are:

- (a) Whether the plaintiffs have made out a prima facie case for grant of injunction?
- (b) Whether irreparable loss will be caused to the plaintiffs if injunction is refused?
- (c) Whether the balance of convenience tilts in favour of the plaintiffs?

7. This court has considered the pleadings, the documents and the arguments of both the sides. The findings of the court on the application for temporary injunction is as follows:

8. It is the case of the plaintiff no.1 that he possess 35,000 sq.mts of land of the property known as Colomb" or "Colomba" which admeasures 1,10,650 sq.mts. The said land is described in para one of the plaint. It is the claim of plaintiff no.1 that he was put in possession of said property II by its erstwhile owner late Mrs. Georgina Natalia Filomena Figueiredo by executing Letter of Authority, Agreement and Power of Attorney. He has produced said documents before the court. The contents of said documents reveals that late Mrs. Georgina Natalia Filomena Figueiredo had authorized plaintiff no.1 to manage and administer the affairs of entire suit property. By agreement dated 31.5.2002 the plaintiff no.1 was permitted to develop and set up an Ayurvedic Research and treatment complex in property (II). He was also authorized to start seasonal shacks, cottages by obtaining licence and permission from government authority. The power of attorney authorized him to represent late Mrs Georgina Figueiredo before all bodies such as Municipality, Panchayat and Town and Country Planning Department, Electricity Department and all other government bodies. He was also authorized to do all the acts needed for conversion of land and for undertaking construction of building in the said property. The plaintiff no.1 has produced photographs on record. It is seen from the photographs that he has constructed cottages in the property (II). The evidence brought before this court till date show that plaintiff no.1 was put in possession of property (II) by late Mrs Georgina Figueiredo and he continues to possess the same till date. It is the contention of the

defendant no.1 that late Mrs. Georgina Natalia Filomena Figueiredo had cancelled all the documents that is power of attorney, the Authority letter and Agreement. No proof is produced in support of said contention. No evidence is produced before this court by the defendant no.1 till date to show that plaintiff no.1 was removed by late Mrs. Georgina Natalia Filomena Figueiredo from the said property (II) during her life time and that she had cancelled all the documents executed by her in his favour. The Plaintiff no.1 has proved his possession over an area of land admeasuring 35,000 sq.mts. property (II). He has also proved that he has constructed cottages in the said portion of land. The plaintiffs have made out a prima facie case for grant of injunction. The balance of convenience is in favour of the plaintiff no.1 as he has proved that he was lawfully put in possession of the said property (II) by erstwhile owner and he continues to be in possession till date. Irreparable loss will be caused to plaintiff no.1 if injunction is refused.

9. Considering the aforesaid facts this court passes the following:

ORDER

The application of the plaintiffs for temporary injunction is partly allowed.

The defendants are restrained from disturbing the possession of the plaintiffs from property II till disposal of this suit.

Pronounced in the Open Court.

(N.S. Amonkar)

Senior Civil Judge, 'A' Court Margao.

Wr



Niti

IN THE HIGH COURT OF BOMBAY AT GOA**APPEAL FROM ORDER NO.16 OF 2022****WITH****APPEAL FROM ORDER NO.17 OF 2022****APPEAL FROM ORDER NO.16 OF 2022**

WHITE RAJ RESORTS PVT. LTD., REP.

HEREIN BY ITS AUTH. OFF.,

VLADISLAV BOGOMOLOV

... APPELLANT

Versus

DR. SHABA RAMA NAIK GAONKAR @

CHANDRAKANT RAMA NAIK GAONKAR AND

2 ORS

... RESPONDENTS

WITH**APPEAL FROM ORDER NO.17 OF 2022**

WHITE RAJ RESORTS PVT. LTD., REP.

HEREIN BY ITS AUTH. OFF.,

VLADISLAV BOGOMOLOV

... APPELLANT

Versus

DR. SHABA RAMA NAIK GAONKAR @

CHANDRAKANT RAMA NAIK GAONKAR AND

10 ORS

... RESPONDENTS

Mr A.D. Bhobe with Ms Annelise Fernandes, Advocates for the Appellant.

Mr A.F. Diniz, Senior Advocate with Mr Edwin de Monte Furtado and Mr Ryan Menezes, Advocates for the Respondent Nos.1 and 2.

CORAM:- M. S. SONAK, J.**DATED :- 9th November, 2023**

P.C.:

Heard Mr Bhobe with Ms A. Fernandes for the appellant in both these appeals. Mr A.F. Diniz, learned Senior Advocate appears along

with Mr Edwin de Monte Furtado and Mr Ryan Menezes for the first and second respondents.

2. Both the appeals are admitted. Mr Ryan Menezes waives service on behalf of the first and second respondents. Mr Bhobe states that steps will be taken to serve the third respondent.

3. The Trial Court has held that the plaintiffs, that is the respondents herein, are prima facie in possession of the suit property. The appellant has been enjoined from interfering with the respondents enjoying the suit property. Accordingly, at least at this interim state, no case is made out by the appellants to secure any stay on this part of the impugned orders.

4. Mr Bhobe, however, submitted that the respondents are undertaking some tourism related activities in the suit property without obtaining permission from the statutory authorities. Mr Diniz states that in the past permissions were obtained from the authorities for carrying out such tourism related activities. He states that even now applications have been made or in any case will be made to the authorities for obtaining permission to carry out such activities. He states that such applications will be made to the Goa Coastal Zone Management Authority (GCZMA) and the Canacona Municipal Council. He says that if permissions from any other authorities are required, the same will be applied for. Mr Diniz states that it is only

after permissions are obtained that the activities will be carried out in the suit property.

5. Mr Diniz submits that the authorities sometimes decline to entertain application seeking permission on the grounds of pendency of the suit or any litigation. Accordingly, it is clarified that the authorities are considering the applications seeking permissions on their own merits and in accordance with law without being unduly influenced by the pendency of the proceedings. However, if the appellants have any legitimate grounds to oppose for such permissions it is open to them to file their objections which should also be considered by the Authorities.

6. If the permissions are obtained, liberty is granted to the respondents to apply to this Court to undertake tourism related activities in the suit property based upon such permissions. To such an application, the permissions so obtained from the authorities must be annexed.

7. The Trial Court should proceed with the two suits and such hearing in such suits shall not be adjourned merely because of pendency of such appeals. The suits will have to be decided on their own merits and by taking into consideration the evidence that the parties lead before the Trial Court. In deciding the suits, the Trial Court need not be influenced by the impugned interim orders or for that matter the

present order.

M. S. SONAK, J.



HIGH COURT MATTER

No.CMC/Tech.sec/07-08/1700
Office of Canacona Municipal Council,
Canacona - Goa.
Date: 20-03-2008.

SHOW CAUSE NOTICE.

Where as per the survey conducted on the basis of Directorate of Settlement and Land records survey Maps the total number of structures numbering 342 are found to be constructed after 19-2-1991.

And whereas it is considered necessary to hear you in the matter.

You are therefore directed to produce documentary evidence so as to prove whether your structure existed prior to 19-2-1991 or not.

Take notice that in default of appearance on the aforesaid date and time with documentary evidence, action deem fit including order of demolition as having constructed in the no development area will be passed in the matter.

The matter is now fixed for hearing on 2nd April, 2008 at 10.00 a.m.

Given under my hand and the seal of this office on this 20th day of the month of March, 2008.



A. Fernandes
(Agnelo A. Fernandes)

Chief Officer,
Canacona Municipal Council
Canacona Goa

To,
Shaba Nuik Gaonkar
Colomba, Canacona - Goa
Sy. No. 80/1 (Commercial)

Matter is fixed for hearing on 16/4/2008 at
3.00 P.M.

[Signature]
2/4/08



**BEFORE THE CHIEF OFFICER OF CANACONA MUNICIPAL COUNCIL,
CANACONA GOA.**

Case No. CRZ/MATTER/174/2008

Shri Shaba R. Naik Gaonkar,
R/o Palolem,
Canacona Goa.

.... Applicant

ORDER

(Delivered on this 16th July of the year 2008)

The applicant was issued 5 notices to Show Cause with documentary evidence so as to prove whether the 2 Commercial structures and 3 W.C belonging to him in survey no.80/1 existed prior to 1991 or not in view of the directions given by the Hon'ble High Court in *Suo Moto Writ Petition No.2/2006*.

Accordingly the applicant filed his reply with documentary evidence. He submitted that the property belonging to one Smt. Figueredo who is having five structures registered in Canacona Municipal Council under nos. 7/214, 220, 265, 276 and 289. He produced house tax receipt of the structures. He also produced certificate from the Municipality stating that in the house tax register of the year 1980-81 the house bearing no.688, 703, 704, 732 and 734 are registered in the name of Vicente Joao Figueredo which are presently assessed as house no.214, 220, 276, 289 and 265 and that the house tax is regularly paid till date. The applicant also produced survey plan which shows the existence of some structure. The applicant could not produce any document of running commercial activities but he says that he is using the structures for running seasonal business by obtaining necessary license from the Municipality. It is a fact that the residential structure of Figueredo admeasuring an area of 125 sqmts bearing house no.688(old) and 265(new) is already shown as prior. The other two structures belonging to Figueredo also appears to be existing prior to 1991 i.e. before the CRZ notification 1991, as such I have no hesitation to pass the following Order:

... 2 ...

The notice issued to the applicant in respect of the structures belonging to Figueredo situated in survey no. 80/1 and bearing no. 688(old) and 265(new) and 704(old) and 289(new) is hereby discharged. Regarding the W.C. the applicant will be informed later on.

Pronounced.




(Agnelo A. Fernandes)
Chief Officer
Canacona Municipal Council

