

**IN THE NATIONAL GREEN TRIBUNAL, WESTERN ZONE BENCH
AT PUNE**

Appeal No.: 630/ 2025

CFI Church

... APPELLANT

VERSUS

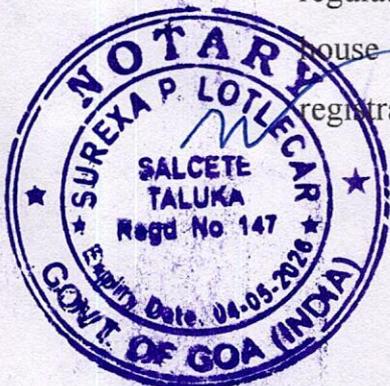
The State of Goa & Ors.

... RESPONDENTS

AFFIDAVIT-IN-REPLY ON BEHALF OF RESPONDENT NO. 3

I, Mrs. Judith Almeida, President of the Colva Civic & Consumer Forum, Respondent No. 3 herein, do hereby solemnly affirm and state as under:

1. I state that I am the authorised representative of Respondent No. 3 and I am competent and authorised to swear this Affidavit. I am conversant with the facts and records pertaining to the subject property, the complaints and proceedings before Respondent No. 2, and the present Appeal.
2. Save and except what is specifically admitted herein, each and every statement, allegation, insinuation, legal submission, and ground contained in the Appeal Memo is false, denied and disputed, and the Appellant is put to strict proof thereof.
3. At the outset, I submit that the Appeal is not a bona fide challenge to any "error of jurisdiction" or "procedural illegality". It is, in substance, an attempt to legalise what the Appellant and its predecessors could never prove to be legal, namely multiple/additional constructions within a regulated coastal regime. The Appellant's drafting repeatedly substitutes house numbers, panchayat tax receipts and non-CRZ departmental registrations for the only relevant legal questions under CRZ law: *when*



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were these structures erected, are they authorised, and what are the permissions/approvals that render them lawful in CRZ/NDZ? The Appellant fails on that core test.

4. I submit that Respondent No. 2 issued the impugned Direction/Order dated 21/07/2025 under Section 5 of the Environment (Protection) Act, 1986 read with Rule 4 of the Environment (Protection) Rules, 1986, directing demolition of structures and additional consequential directions, including regarding the well. The Appellant itself pleads this statutory basis.
5. I further submit that the Appellant has invoked the appellate jurisdiction of this Hon'ble Tribunal under the NGT Act while challenging the said statutory direction. However, the Appellant's pleadings do not disclose any credible ground to dislodge an enforcement direction founded on record material, inspections and findings of inability to prove legality of additional structures.
6. With reference to the property description, I state that the subject property that earlier bore Survey No. 50/2 of Village Colva has since been mutated and now bears Survey No. 50/2B. The Appellant's references to 50/2 must therefore be read accordingly.
7. With regard to paras 1 to 4 of the Appeal Memo, I state that to the extent they reproduce party particulars and the fact of filing of the appeal, they are matters of record. However, I specifically and emphatically deny the sweeping assertions that the impugned order is "completely illegal", "arbitrary", "perverse", "mala fide", or in "gross abuse of powers". The Appellant uses a catalogue of adjectives as a substitute for proof. In environmental enforcement, particularly in CRZ matters, the legality of structures is a matter of permissions, dates, and compliance, not rhetoric.





8. I submit that an enforcement direction under Section 5 of the EP Act is a statutory instrument meant to secure compliance with environmental law. Unless the Appellant demonstrates that Respondent No. 2 acted without jurisdiction, relied on irrelevant material, ignored vital material, or violated minimum fairness, the direction cannot be struck down merely because it inconveniences the violator. The Appeal Memo, read as a whole, shows the Appellant's real grievance is that the direction compels demolition and compliance, i.e. it compels the Appellant to obey environmental law.
9. Para 5 is a matter of record. However, I reiterate the crucial correction that the property now bears Survey No. 50/2B as stated above.
10. With reference to paras 6 to 9, I state that while the Appellant narrates an alleged chain of transfers and refers to the High Court's Suo Motu Writ Petition No. 2/2006, title and transfer documents do not legalise coastal constructions. A purchaser does not purchase immunity from CRZ norms. In regulated coastal zones, the legal status of each structure depends on whether it is authorised under applicable planning laws and CRZ notification regime, not on who holds title. The Appellant's pleadings themselves admit that the High Court took cognizance of illegalities/constructions in CRZ areas.
11. I submit that the Appellant's strategy is to keep the narrative confined to ownership transfers, while avoiding the determinative question: what documentary permissions exist for the additional structures/rooms and their timing vis-à-vis CRZ restrictions? On that essential question, the Appellant has no answer.
12. With reference to para 10, I deny the insinuation that because a compliance report allegedly does not list the Appellant's predecessor as an "illegal

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structure”, the structures thereby become legal. First, such compliance exercises were never intended to operate as *conclusive regularisation certificates* for all omissions. Second, the Appellant’s own pleadings admit that the compliance report identified illegal structures and occupants; absence of a name in such list does not confer legality, particularly when subsequent proceedings and inspections reveal unauthorised additions.

13. I further state that Respondent No. 3 was not a party to any panchayat proceedings and cannot be held bound by the Appellant’s interpretative conclusions on a panchayat document. More importantly, the Appellant cannot convert panchayat tax collection into CRZ authorisation. Without prejudice, and to expose the internal contradiction in the Appellant’s own reliance: even the material referred to shows that a structure in Survey 50/2 belonging to Mrs. Monica Fernandes was directed to be demolished. This fact alone destroys the Appellant’s attempt to portray the property as “clean” or immune from illegality.

14. With reference to para 11, I deny the Appellant’s attempt to project multiple structures as historically lawful merely by citing house numbers and tax receipts. I state that even on the Appellant’s own showing, the alleged allotment/recognition relied upon pertains only to one house—House No. 295, as reflected in the NOC dated 29/10/1988 relied upon in the Appeal record. I also say that in any case house numbers or tax receipts do not mention Survey numbers nor exact addresses.

15. I state that long before the Appellant and its immediate predecessors, the property belonged to Dr. Jose Luis Marcos da Silva Pereira and his wife Olinda Bernardina Gomes e Silva Pereira, and was conveyed to Mr. Ventura Fernandes by Deed of Sale dated 01/09/1977, which records only

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one residential house in existence. This is not a minor factual detail, it is the fatal fracture in the Appellant's story of "longstanding multiple structures". If only one residential house existed in 1977, the Appellant must explain, with permissions, how the later multiplicity of structures/rooms lawfully arose in a CRZ/NDZ context. The said deed of sale dt. 01.09.1977 along with a typed copy of the same is annexed and marked hereto as Annexure R3 (A) Colly.

15. I submit that panchayat numbers, tourism registrations, or excise permissions are at best administrative recognitions for limited purposes; they are not authorisations under CRZ law, and cannot operate as a backdoor regularisation of illegal construction. This Hon'ble Tribunal has consistently treated environmental illegality as a matter of substantive compliance, not clerical recognition.

16. With reference to para 12, I deny the Appellant's depiction that multiple structures existed for decades. I state that it is only one structure known as "*Beach Villa Ventura*" that existed and not "structures" as claimed. The Appellant's language is intentionally elastic, using plurals to insinuate legality of multiple additions. Annexed and marked hereto as Annexure R3 (B) is a copy of the Form I & XIV which shows that Pot Kharab (a) is 100sqm.

17. With reference to paras 13 and 14, I deny the insinuation that Respondent No. 3's complaints were false or motivated. I submit that the subsequent course of proceedings demonstrates the complaints were warranted: inspections and record comparisons show additional structures/rooms which the Appellant could not lawfully justify.

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18.I further state that even if the Appellant relies on the Talathi report dated 07/12/2010 and the panchayat inspection report dated 15/11/2010, those reports themselves only allude to plastering/renovation of an existing “structure” (singular) and also refer to works like soak pits, which are otherwise not permitted in the NDZ. This directly undermines the Appellant’s narrative. If the contemporaneous public records speak of one existing structure, the Appellant must disclose how “so many structures/rooms” later emerged, and under what lawful permissions.

19.I submit that in CRZ and especially NDZ contexts, the law is strict precisely because such areas are ecologically sensitive; works like soak pits and expansions cannot be normalised as “repair”. The Appellant’s strategy is to blur the line between “repair” and “fresh/additional construction”, a line that environmental law treats as decisive.

22.I state that pursuant to the Hon’ble High Court’s order dated 29/06/2000 in W.P. 126/1996, the Additional Collector-II (South Goa) was directed to conduct fortnightly reports of CRZ violations, and as per the October 2010 report, violations were noted in the property of the Appellant’s predecessor, now belonging to the appellant. This background is relevant because it shows that the property was within the enforcement gaze and not insulated from CRZ scrutiny. The Hon’ble High Court’s order dated 29/06/2000 in W.P. 126/1996 and the letter of the Addition Collector-II, South Goa District, to the Member Secretary of the Respondent no. 2 in compliance of the order of the Hon’ble HC dt. 22.11.2010 is annexed and marked hereto as **Annexure R3 (C) Colly.**

23.With reference to paras 15 and 16, while the existence of certain registrations may be a matter of record, I state that none of these constitute CRZ authorisations. They do not prove that additional structures were

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legally erected, nor do they cure illegality under the CRZ Notification framework. The Appellant is attempting to rely on collateral licensing regimes to defeat a direct environmental enforcement action—this is legally untenable.



24. With reference to para 17, I state that the Roznama proceedings in Panchayat Appeal No. MAR-I/34/2014 demonstrate that temporary structures marked in blue (not shown in the land survey plan) were agreed to be demolished, and by order dated 17/10/2014, the panchayat was directed to demolish three structures marked in blue. This again shows that unauthorised/temporary structures were found on the property and were directed to be removed, which decisively contradicts the Appellant's attempt to portray the premises as historically settled and lawful. I say that that I do not possess the said plan used in the Appeal proceedings before the Addl. Dir. of Panchayats, however, I am in the process of applying for the same under the RTI Act, and crave to place it on record as and when obtained. The entire roznama proceedings of Panchayat Appeal No. MAR-I/34/2014 and typed copy of orders dt. 10.10.2014 and 17.10.2014 are annexed and marked hereto as **Annexure R3 (D) Colly.**

25. The Appellant's case is built around a false inference: that if some structures were targeted or demolished earlier, whatever remains must be legal. That inference is logically and legally wrong. Illegality is not exhausted by partial action; it persists so long as unlawful structures persist.

26. With reference to para 18, I state that after disposal of the suo motu writ petition, the GCZMA proceeded with the matter and ultimately directed demolition of the structures in the Appellant's property. The Appellant cannot characterise statutory follow-through after judicial disposal as

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“review” or “overreach”; it is the authority doing what the environmental regime requires, enforcement against unauthorised CRZ constructions.



27. With reference to paras 19, 20, 21 and 23, I deny the Appellant’s contentions. I state that the same stand fully answered by the written arguments filed by Respondent No. 3 in the proceedings before the GCZMA, which the Appellant itself has compiled in the Appeal record.

28. I submit that the Appellant’s challenge is essentially an attempt to re-litigate factual findings that were drawn after hearings and inspection process. The Tribunal may not be invited to substitute the Appellant’s preferred narrative for the authority’s reasoned conclusions, particularly where the Appellant failed to produce permissions.

29. With reference to para 22, it is a matter of record that the SMWP was disposed of on 21/06/2016 (as pleaded). However, disposal of a writ does not sanctify unauthorised structures. CRZ illegality is not washed away by passage of time or by change of title.

30. With reference to para 24, I deny that the GCZMA acted on any “wrong assumption” or without material. The record shows that the inquiry committee was directed to examine documents and hear parties, after which personal hearing notices and inspection notices were issued, and a site inspection was fixed on 08/03/2019.

31. The site inspection report concludes that the structures existing on site are seen in 2006 mapping but not seen in the survey map of 1972–75. More importantly, it records that the Appellant’s predecessor could not produce documents showing permissions for construction of additional structures and, consequently, the legality of the offending 13 rooms could not be

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proved. This is the heart of the matter and it demolishes the Appeal. In environmental enforcement, where the violator asserts legality, the burden is squarely on such person to produce primary documentary authorisations (sanad/conversion, construction approvals, CRZ permissions if applicable, and proof of permissible category and timing). The Appellant's inability to prove legality is not a "technicality"; it is a substantive failure that compels enforcement. Therefore, the Appellant's repeated invocation of Article 14 and "natural justice" is a smokescreen. The record shows notices, hearings, inspection and an evaluation of whether permissions exist. The Appellant's case fails because the Appellant cannot prove permissions.

34. With reference to para 25, I state that preliminary objections filed by the predecessor are a matter of record, but I deny their contents in toto.
35. With reference to paras 26 and 27, they are matters of record, and do not advance any ground to invalidate the impugned order.
36. With reference to para 28, I deny that the Appellant was handicapped due to non-supply. The Appellant is expected to possess its own property permissions and approvals. The plea is an admission in disguise: the Appellant does not have the permissions, and therefore attempts to shift blame to the authority. The Tribunal ought to view this plea with serious adverse inference.
37. With reference to para 29, I state that while the Appellant may have filed written arguments, it did not substantiate legality by producing a conversion sanad and permissions from statutory authorities to prove the structures are authorised. This omission is fatal, and it goes to the root of the matter.
38. I say that the contents of paras 30 and 31 are matters of record.



39. With reference to para 32 and all grounds (I-XXVI), I deny them in entirety.

40. I state that the grounds are largely generic and do not answer the determinative findings: (i) structures not reflected in 1972-75 survey map; (ii) the additional structures/rooms appearing later; and (iii) failure to prove permissions, culminating in the conclusion that legality of the offending 13 rooms could not be proved.

41. With reference to para 33, I deny that any stay is warranted. On the contrary, there is overwhelming documentation in the record demonstrating illegality, and therefore the stay application deserves dismissal *in limine*, as otherwise the Appellant would continue to enjoy the benefit of illegality and frustrate enforcement.

42. Paras 34 and 35 are matters of Appellant's assertion and the Appellant is put to strict proof.

43. With reference to para 36, I state that I have not filed any caveat.

44. Paras 37 and 38 are matters of Appellant's assertion.

45. With reference to para 39, I deny the Appellant's attempt to reserve liberty to produce "additional documents" later. The Appellant's own pleading admits that it could not produce some documents. This Tribunal should not permit a violator to repair an evidentiary collapse at the appellate stage after failing to prove legality before the statutory authority. In environmental enforcement, allowing such tactics defeats deterrence and encourages non-compliance by design.

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46. With reference to para 40, I deny that the Appellant is entitled to any reliefs. The prayers seek to quash a lawful enforcement direction and to stay demolition, effectively seeking judicial protection for alleged unauthorised CRZ structures.

47. Without prejudice to the above, I submit that the Appeal deserves dismissal as an abuse of process for these additional reasons:



- i. The Appellant admits the impugned direction requires demolition of structures in Survey 50/2 and allied directions regarding the well, and that it is an enforcement action under Section 5 EP Act. The Appellant's grievance is not lack of authority, but the consequence of enforcement.
- ii. The Appellant's pleadings rely heavily on house numbers and tax collection, yet the record indicates that even these references cannot justify the later additions; the 1977 deed shows one residential house and the inspection/mapping findings speak to additions and failure to prove permissions.
- iii. The record shows that the predecessor could not produce permissions for additional structures and therefore legality of offending 13 rooms could not be proved. This is not a minor defect; it is the very basis that mandates demolition under CRZ enforcement.

48. In view of the aforesaid, I pray that this Hon'ble Tribunal may be pleased to:

- A. Dismiss the Appeal with exemplary costs;
- B. Dismiss the Application for Stay forthwith and decline all interim reliefs;
- C. Demolish all the structures as the old structure does not exist in its original state but is subsumed by other structures
- D. Pass such other orders as this Hon'ble Tribunal deems fit in the interest of justice, environmental protection, and rule of law.



49. I say that the contents of this affidavit in reply are true and to the best of my knowledge and nothing material has been concealed thereto.

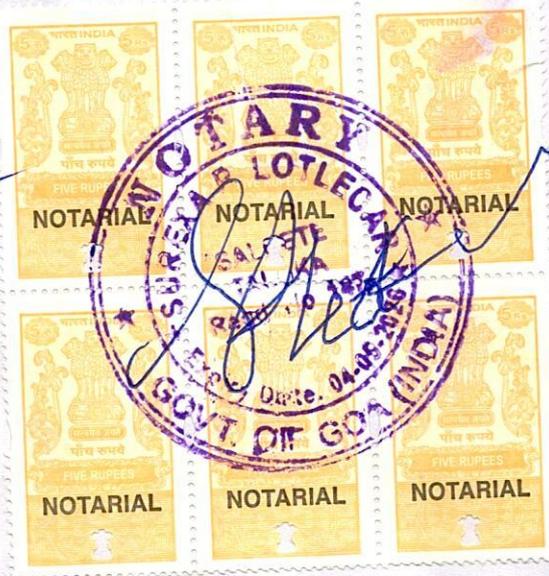
Solemnly affirmed at MARGAO, Goa
 on this 28th day of February 2026

J. Almeida
 DEPONENT
 PUBLIC & CONSUMER FORUM
 Regd. No. 1009/GOA

Solemnly affirmed before me by
Mrs. Judith Almeida
 who is identified by

to whom I personally know
 Reg No. 2224/2026
 Date: 28/02/2026

S. Neelkar
SUREXA P. LOTLECAR
 NOTARY MARGAO
 SALCETE TALUKA
 STATE OF GOA (INDIA)



TRUE XEROX COPY

GOA, DAMAN & DIU

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Plenty for 37

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Registrar of *Salcedo*
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	Rs.	P.
Registration	165	10
Copying (Police)	11	20
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J.P.R.
Ventura
Fernandes

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* DEED OF SALE *

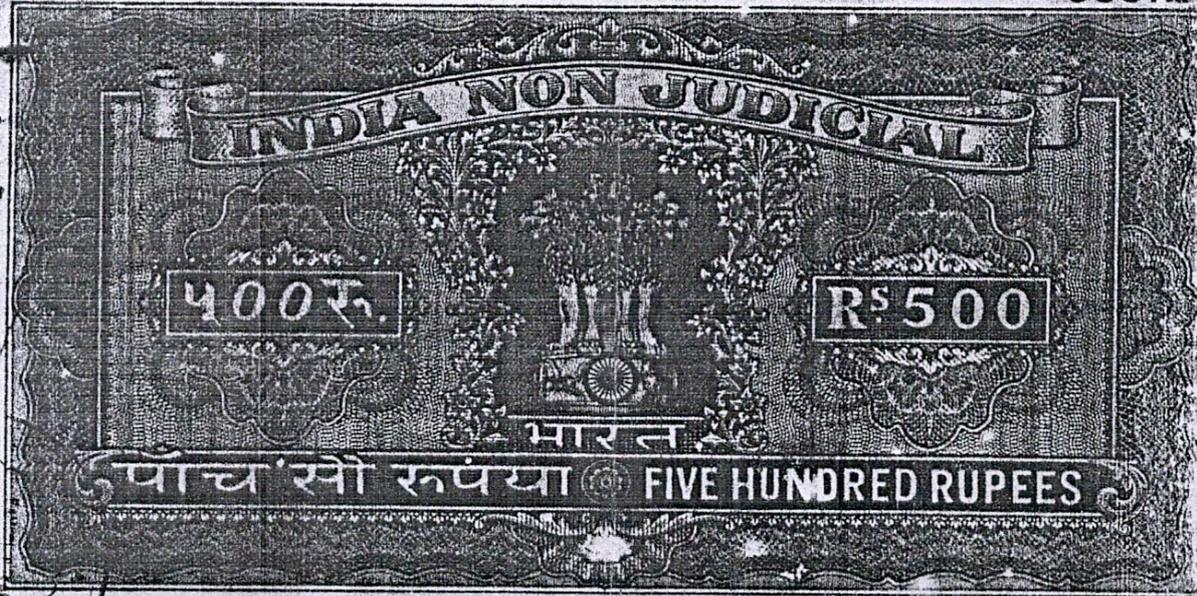
On the 1st day of September, 1977, the following contract of sale is settled between the parties:

First - Doctor José Luiz Marcos da Silva Pereira, medical practitioner, residing at Pangim, son of Antonio Joaquim da Silva Pereira, aged 77 years, and his wife Olinda Bernardina Gomes e Silva Pereira, housewife, daughter of *Ricardo* Boaventura Gomes, aged 62 years, both landlords, resident of Colvá, the former represented by the latter, as may

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be seen from a power of attorney dated 8-2-1973, authenticated by the Notary Dr. Fernando Colago, from Pangim, annexed to a deed dated 23-12-1975, registered in the Land Registration Office of Salcete; and the

Second - Ventura Fernandes, son of Manuel Vicente Fernandes, about 50 years old, fisherman, resident of Praias de Colvá, fourth ward, married to Carmelina Fernandes, all Indian nationals, which terms are as follows:

In the Conservatória do Registo Predial (Land Registration Office of Salcete) is registered under no.20.894, at page 160 overleaf of the book B no.53 of the new series, a property named NOVO AFORAMENTO DAS PRAIAS, situated in the village and freguezia of Colvá, panchayat of Colvá-~~Retalhaura~~-Sernabatim-Vanelim, bearing coconut trees, and bounded

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according to the Land Registration Office, on the East with Hermenegildo Mascarenhas and others, on the West with José Rodrigues and high tide of the sea, on the North, with boundary of the village of Batalbatim and on the South with heirs of Aureliano Mascarenhas. In the same Department, the new boundaries are shown as thus: on the East Hermenegildo Mascarenhas, Hipolito Mascarenhas, heirs of António Joaquim da Silva Pereira, heirs of Xisto Aguiar, heirs of the said Antonio Joaquim da Silva Pereira, Filipe Neri Fernandes, Manuel Mascarenhas Portugal, heirs of the referred Antonio Joaquim da Silva Pereira, Henrique Circuncisão Fernandes, José Rodrigues, ditch of waters and heirs of Antonio José Machado, on the West José Rodrigues and high tide of the sea, on the North with boundary of Batalbatim village, and on the South with heirs of the said Antonio Jose Machado and heirs of Aureliano Mascarenhas. This property is enrolled in the Taluka

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venue Office under nos. 859 and 714.

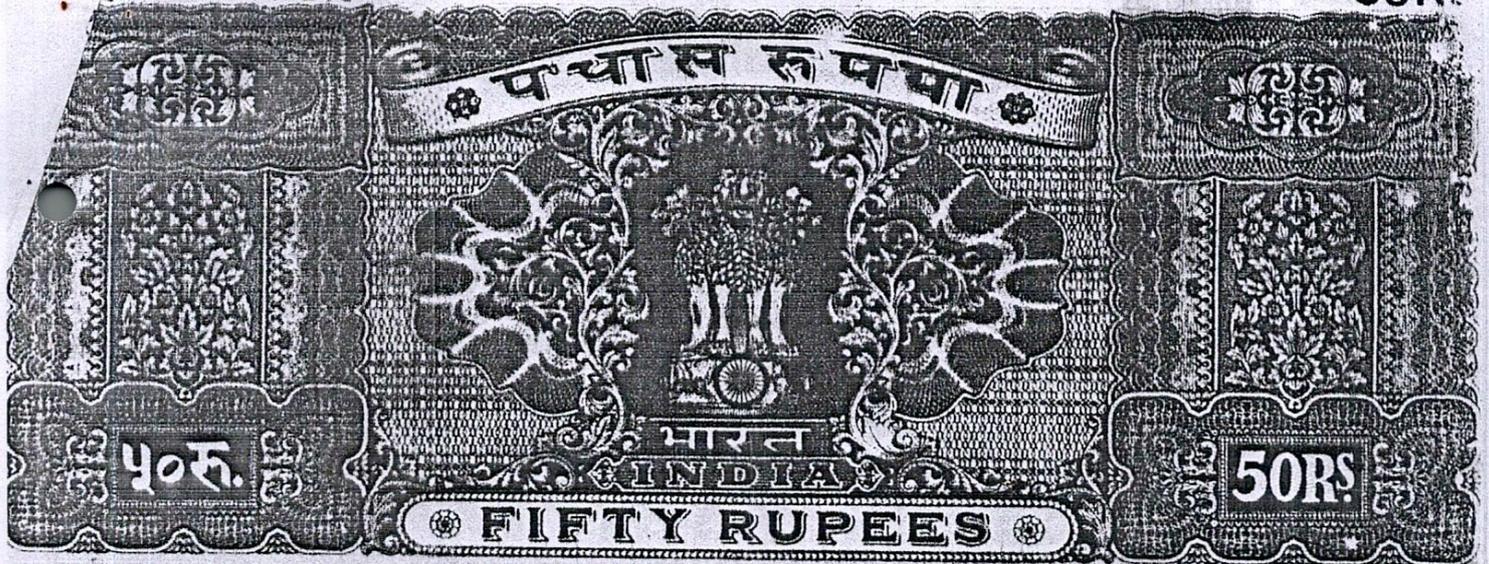
This whole property is inscribed in the name of the seller husband by the inscription no. 36.082, at page 106 overleaf of the book G 41, dated 19th November, 1942, as it was purchased by him to his Uncle Francisco Ligorio Carmo de Silva Pereira, and his wife Angela Madalena Heraclina Leonildes de Piedade Venezes, resident of Colva, by a public deed dated 12th September, 1942, from page 78 of the book 542 of the former notary public at Margão, Miranda.

Out of this property, the first party separates a portion that may be considered as 1/30 of the whole, in which there is the residential house of the second party, bounded now on the

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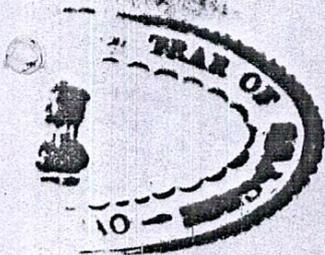


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East, North and South with the remaining part of the same property of the vendors, and on the West with property of heirs of Filinto Rodrigues. This portion has a figure of a rectangle and its sides East and West measure in metres on each side, 26 metres, and on each side North and South 31,50. Its area is, therefore, of 819 square metres approximately. The area of this plot is to be taken out from the number 859 of the matrix predial. While calculating the price, the ground

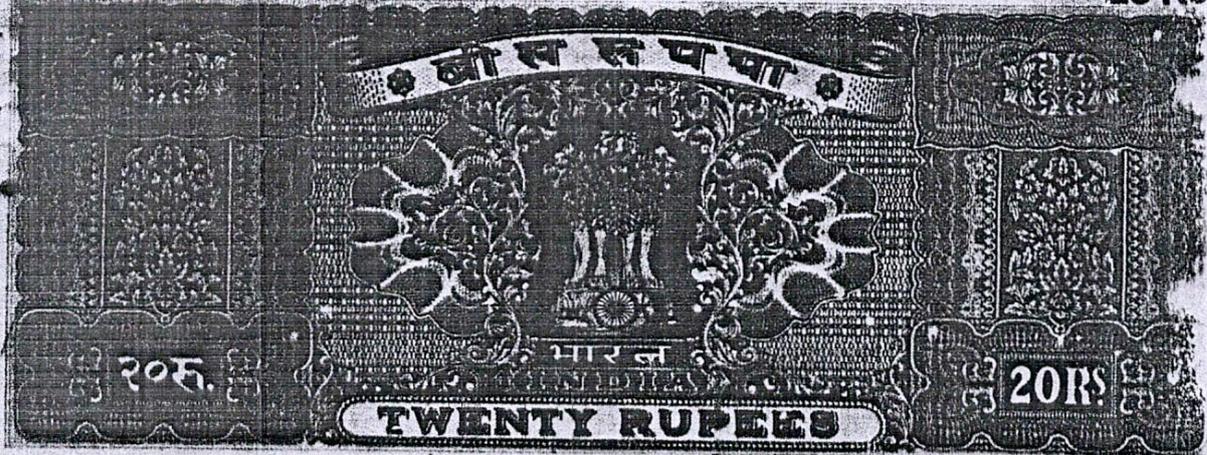
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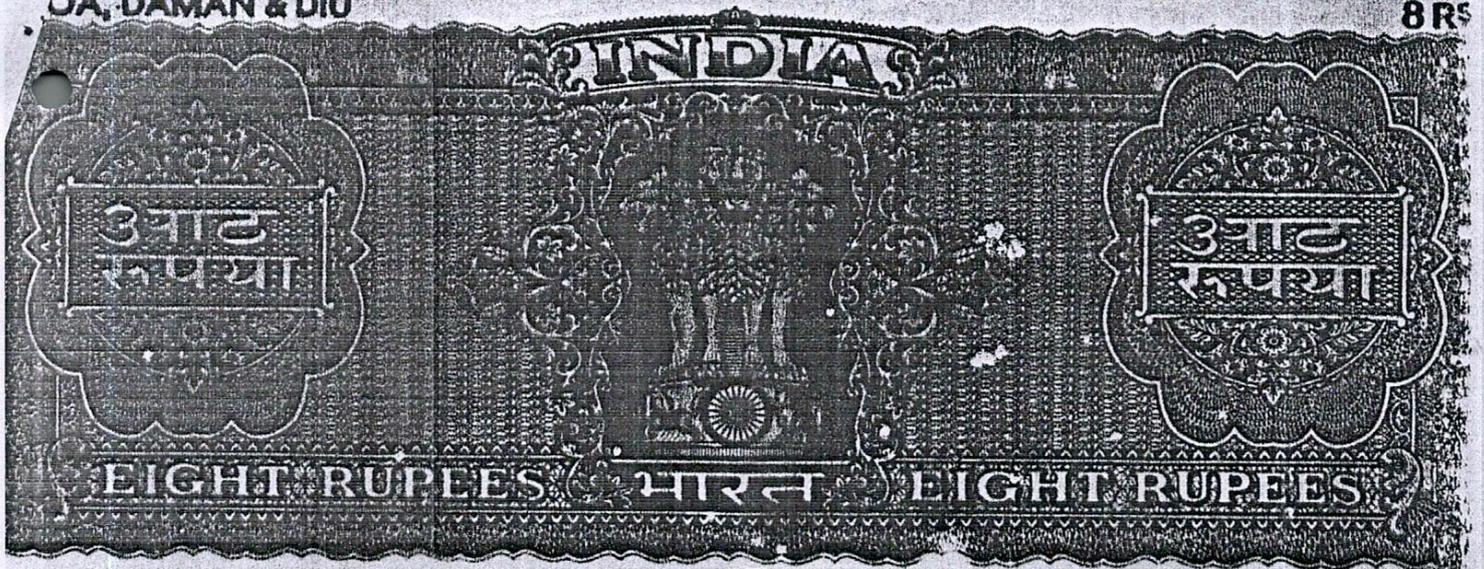
occupied by the house of the purchaser and his outside belongings, including the 5 metres around, in all 500 square metres, was reduced to the legally fixed.

The first party sell the referred separated ground admeasuring 819 square metres, to the second party by the agreed price of Rs.27,980/- (Rupees twenty seven thousand nine hundred eighty only) which the vendors received from the purchaser, and to whom, therefore, they give complete acquittance, and transfer and assign to the purchaser all the right, possession and enjoyment, to hold the same absolutely, for ever from to-day with all its liberties, privileges, active and passive easements, appurtenances whatsoever to the said plot and discharge the vendors from them-

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selves, their heirs, successors, executors, administrators, all the correspondent right, and promise to indemnify the purchaser against all estates, encumbrances, claims created or made by the Vendors or their ancestors in title.

A plan, in duplicate, of the property sold and signed by the parties is annexed to this deed.

IN WITNESS WHEREOF the parties to this deed are going to sign it before two fit witnesses, after being by the

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contracting parties understood and found to be according to their wish. *The first party present has also the name of Bernardino da Silva Gomes*

The vendor,

Olinda Bernardina Gomes e Silva Pereira

(Olinda Bernardina Gomes e Silva Pereira, for self and as attorney of her husband, Dr. José Luiz Marcos da Silva Pereira)...

The purchaser,



Left hand thumb impression
Signature

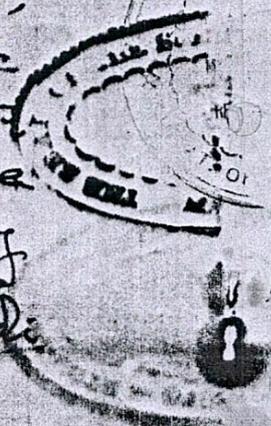
Witnesses:

1. *Antônio do N. ...*
2. *Recebedor ...*

No. 55269 Place of vend. Man... Date: 23/8/22
 Value of stamp paper Two only
 Name of the purchaser V. Fernando
 Residing at Cow... M. Fernando
 There is no one else... for the value of Rs 1080/-
 Additional stamp paper for the completion of the value is attached along with
 Signature of the vendor
 Signature of purchaser

[Handwritten signature]

Smt. Olinda Bernardino
 Gomes e Silva Pereira
 Bernardino Olinda Gomes
 daughter of Alarico Brouan
 Rosa Gomes, aged 62 years
 and lady, residing in Colva
 or self and a. all on my
 Da Silva Pereira, medical
 practitioner, son of
 Antonio Joaquim da
 Silva Pereira, aged 77
 years, residing in Panaji
) Smt. Ventura Fernandes,
 son of Manuel Vicente
 Fernandes, about 50 years
 fisherman, married to Bai
 Melina Fernandes, of Colva



Executing party

admits execution of the so called
Sale dated

Olinda Bernardino Gomes e Silva Pereira

TO *[Redacted]* of Olinda

TP

Ventura Ferreira

Shri. Antonio Vicente da Sousa
son of Sr. J. J. Sousa, aged 7
years, married, advocate
resident of Margao

and I have personally known
above that he personally knows
above account and identifies them

Antonio Ventura Ferreira



Sub-Reg. No. 1142
Kerala

states that Form No. 269P(1) in Form no. 37 of 7th
Income tax Act, 1961 is
produced today

Dated 23/11 September 19

K. S. Prud'ca

Sub-Reg. No. 1142
Kerala

Registered
of Form No.
Date 12/11/19

1142 at page 73 to 78

K. S. Prud'ca

Sub-Registrar

TRUE COPY OF
THE ORIGINAL



KAMATH H. GONSALES
NOTARY
MARGAO - GOA

DEED OF SALE

On the 1st day of September, 1977, the following contract of sale is settled between the parties:

First – Doctor Jose Luiz Marcos da Silva Pereeira, medical practitioner, residing at Pangim, son of Antonio Joaquim da Silva Pereira, aged 77 years, and his wife Olinda Bernardina Gomes e Silva Pereira, housewife, daughter of Riarico Boaventura Gomes, aged 62 years, both landlords, resident of Colva, the former represented by thee letter, as may

Page 02

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Second – Ventura Fernandes, son of Manuel Vicente Fernandes, about 50 yearss old, fisherman, resident of Praias de Colva, fourth ward, married to Carmelina Fernandes all Indian Nationals, which terms are as follows ;

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according to the Land Registration Office, on the East with Hermenegildo Mascarenhas and others, on the West with Jose Rodrigues and high tide of the sea, on the north with boundary of the village of Betalbatim and on the South with heir of Aureliano Mascarenhas. In the same Department, the new boundaries are shown as thus: on the East Hermenegildo Mascarenhas, Hipolito Mascarenhas, heirs of Antonio Joaquim da Silve Pereira, heirs of Xisto Aguiar, heirs of the said Antonio Joaquim da Silva Pereira, Filipe Neri Fernandes, Manuel Mascarenhas Portugal, heirs of the referred Antonio Joaquim da Silva Pereira, Henrique Circuncisao Fernandes, Jose Rodrigues, ditch of waters and heirs of Antonio Jose Machado, on the West Jose Rodrigues and Hogh tide line of the sea, on the North with boundary of Betalbatim village, and on the South with heirs of the said Antonio Jose Machado and heirs of the said Antonio Jose Machado and heirs of Aureliano Mascarenhas. This property is enrolled in the Taluka

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Page 05

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Page 06

Occupied by the house of the purchaser and his outside belongings, including the 5 metres around, in all 300 square metres, was reduced to the legally fixed.

The first party sell the referred separated ground admeasuring 819 square metres, to the second party by the agreed price of Rs 27,980/- (Rupees twenty-seven thousand nine hundred eighty only) which the vendors received from the purchaser, and to whom, therefore, they give complete acquittance, and transfer and assign to the purchaser all the right, possession and enjoyment, to hold the same absolutely, forever and from today with all its liberties, privileges, active and passive easements, appurtenances whatsoever to the said plot and discharge the vendors from themselves,

Their heirs, successors, executors, administrators, all the correspondent right, and promise to indemnify the purchaser against all estates, encumbrances, claims created or made by the Vendors or their ancestors in title.

A plan, in duplicate, of the property sold and signed by the parties is annexed to this deed.

IN WITNESS WHEREOF the parties to this deed are going to sign it before two fit witnesses, after being by the contracting parties understood and found to be according to their wish. The first party present has also the name of Bernardina Olinda Gomes

The vendor

Olinda Bernadina Gomes e Silva Pereira

(Olinda Bernadina Gomes e Silva Pereira, for self and as attorney of her husband, Dr. Jose Luiz Marcos da Silva Pereira)

Signed

The Purchaser,

Witnesses

1.

2.

**FORM I & XIV**

1111

Date : 27/02/2026

नमुना नं १ व १४

Page 1 of 1

Taluka SALCETE
तालुका
Village Colva
गांव
Name of the Field Primeira Glabelo Predio Aframento
शेताचें नांव

Survey No. 50
सर्वे नंबर
Sub Div. No. 2-B
हिस्सा नंबर
Tenure
सत्ता प्रकार

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

Dry Crop जिरायत	Garden बागायत	Rice तरी	Khajan खाजन	Ker केर	Morad मोरड	Total Cultivable Area एकूण लागण क्षेत्र
0000.00.00	0000.17.25	0000.00.00	0000.00.00	0000.00.00	0000.00.00	0000.17.25

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

Pot-Kharab पोट खराब

Remarks शेरा

Class (a) वर्ग (अ)	Class (b) वर्ग (ब)	Total Un-Cultivable Area एकूण नापिक जमीन	Grand Total एकूण
0000.01.00	0000.00.25	0000.01.25	0000.18.50

Case No. 3/ISLR/PART/SAL/Col/353/22/388
dated 08/04/2022.

Assessment : आकार	Rs. 0.00	Foro फोर	Rs. 0.00	Predial प्रेदियाल	Rs. 0.00	Rent रेंट	Rs. 0.00
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S.No.	Name of the Occupant कब्जेदाराचे नांव	Khata No. खाते नंबर	Mutation No. फेरफार नं	Remarks शेरा
1	CFI Church		91836	

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

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

Details of Cropped Area पिकाखालील क्षेत्राचा तापशील

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

End of Report

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

ANNEXURE R3 (C) COLLY

2000:BHC-GOA:222-D

IN THE HIGH COURT OF BOMBAY AT GOA, PANAJI.

WRIT PETITION NO.126 OF 1996.

The Goa Foundation,
represented by its
Secretary, Dr.Claude Alvares,
with registered office at
Room No.7, Above Mapusa Clinic,
Mapusa - 403 507, Goa. ... Petitioners.

versus

1. State of Goa, through its
Chief Secretary, Secretariat,
Panaji.
2. The Panchayat of Calangute,
through its Sarpanch,
Calangute, Bardez, Goa.
3. The Town and Country
Planning Department,
through its Chief Town
Planner, Town and Country
Planning Department,
Old Medical College Complex,
Panaji, Goa.
4. The Goa State Committee
on Coastal Environment
through its Member-Secretary,
Town and Country Planning
Department, Old Goa Medical
College Complex, Panaji, Goa.
5. The Secretary,
Ministry of Environment
and Forests, Government of
India, Paryavaran Bhavan,
C.G.O. Complex, Lodi Road,
New Delhi - 110 003.
6. Manoj Chodankar,
H.No.1883,
Cobrovaddo, Calangute.
7. Ashwini Nayar,
Delhi Darbar,
Opp. Villa Goesa,
Cobrovaddo, Calangute.
8. The Panchayat of Candolim,
Candolim, Bardez-Goa.

Mrs. Norma Alvares, Advocate for the Petitioners.



- 2 -

Shri A. N. S. Nadkarni, Advocate General with Shri A. P. Lawande, Government Advocate for Respondent Nos.1, 3 and 4.

Shri P. A. Kamat, Advocate for Respondent No.2.

Shri Joseph Vaz, Additional Central Government Standing Counsel for Respondent No.5.

Shri S. S. Katak, Advocate for Respondent No.6.

Shri S. N. Joshi, Advocate for Respondent No.7.

Mrs. A. A. Agni, Advocate for Respondent No.8.

CORAM: F. I. REBELLO &
V. C. DAGA, JJ.

DATED: JUNE 29, 2000.

ORAL JUDGMENT(PER REBELLO,J.)

The Petitioners are a Society registered under the Societies Registration Act. The aims and objects of the Society amongst others are to take steps to halt the ecological degradation of the environment and to formulate and implement programmes for the rehabilitation and development of the Goan Environment and to restore ecological balance. The Petitioners had averred that its members as citizens of India like other citizens have the fundamental duties enshrined under Article 51(g). The Petitioners are all Nationals and Citizens of India. The Petitioners had been involved in measures directed towards protection of the coastal areas of Goa for about 10 years previous to filing of the Petition.

By the present Petition, the Petitioners



- 3 -

complained that on the Candolim-Baga Beach, a large number of constructions have been coming up within 200 metres of the High Tide Line. The situation has become so alarming that the authorities responsible for taking steps have failed to exercise their duties or have been turning a blind eye to such development. Apart from licences given by the Panchayats for construction which could not have been given, there are other cases where constructions are coming up even without necessary permission. It is the case of the Petitioners that the Environment(Protection) Act, 1986 along with the rules has come into force from 19th November, 1986. It is contended that before the Act came into force, there were guidelines for constructions upto 500 metres of High Tide Line. Based on these guidelines, no constructions were approved within the 200 metres of the High Tide Line. The Government of India thereafter issued what are known as the Coastal Zone Regulations. The first is dated 19th February, 1991 which has been amended from time to time on 16th August, 1994, 18th April, 1996, 31st January, 1997 and 9th July, 1997. It is, therefore, contended that there is a blanket ban to make any construction within the 200 metres of High Tide Line.

2. The Petitioners specifically complain that Respondent Nos.2 and 8 who are the local authorities



- 4 -

namely the Village Panchayat of Calangute and the Village Panchayat of Candolim have taken no steps to remove the constructions that have come up within the 200 metres of High Tide Line. It is contended that Respondent No.6 has put a construction within 60 metres of the High Tide Line in Cobravaddo, Calangute next to the crematorium near Villa Goensa. Apart from the said construction a well has been dug which violates, the CRZ Notification. It is also contended that Respondent No.7 has also put up a construction in violation of CRZ Notification.

3. An affidavit has been filed on behalf of Respondent No.3 by Shri R. N. Ray, Chief Town Planner. In para 2, dealing with the construction of Respondent No.6 it is pointed out that on 23rd March, 1996, his Office carried out a site inspection. On inspection, it was found that there were two structures and a well within 200 metres. No permission had been obtained from the Goa State Committee for Coastal Environment. It is also contended that the construction appeared to be very recent. The matter was reported to the Department of Science Technology and Environment vide letter dated 21st June, 1996 giving the necessary details. It was found that the Respondent No.6 had obtained licence from the Village Panchayat of Calangute for the repairs and renovation



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of the structures. There are some averments in so far as Respondent No.6 is concerned. In so far as Respondent No.7 is concerned, it is pointed out that Respondent No.7 had carried out construction within 200 metres of High Tide Line without any permission from the authorities under the Environment (Protection) Act, 1986 or Goa State Committee for Coastal Environment. I need not dwell further as learned Counsel for Respondent No.7 who appears in this Court points out that the constructions which are shown at Exhibit 'B' to the Petition have since been removed and that there are no further constructions which remain at site. It is further pointed out that the State has taken all steps including preparation of the plan, constitution of Goa State Committee for Coastal Environment and control of development along the 500 metres belt along Goa's Coast.

4. There is an affidavit filed by Joseph Sequeira, the then Sarpanch of Village Panchayat of Calangute. I need not refer the various pleadings in the affidavit. Suffice it to say that pursuant to various directions by this Court further affidavits came to be filed. In the said affidavit, various structures which were existing, new constructions and extensions done to various structures have been set out. In paragraph 11 of the affidavit dated 27th



- 6 -

July, 1998 of Smt. Muktabai M. Desai, Sarpanch, it is set out that the Sarpanch has identified the structures within the local area of the Panchayat which are within 200 metres of the High Tide Line. The total number of such structures as per the Panchayat statistics are 273 new structures. There are 160 structures which have extensions done to old houses. The structures have been identified on the map and denoted in the map. The map was done by the Panchayat with the help of Survey Department.

5. Similarly, the Village Panchayat of Candolim has also carried out a survey of new structures in addition to the existing structures which are within the 200 metres High Tide Line. Plans have also been prepared based with the assistance of the officials of the Survey Department of the State Government.

6. In the meantime, during the pendency of the Petition, an Order has been issued in exercise of the powers conferred by Sub-Sections(1) and (3) of Section 3 of the Environment(Protection) Act, 1986. By the said Order, an authority has been constituted known as the Goa Coastal Zone Management Authority. It consists of persons set out therein. The Director, Department of Science Technology and Environment of the Government of Goa is appointed as Member Secretary. Powers have



- 7 -

been conferred on the said authority. The powers include as under:-

(ii)(a) Inquiry into cases of alleged violations of the provisions of the said Act and/or the Rules made thereunder, or under any other law which is relatable to the objects of the said Act and, if found necessary in a specific case, issuing directions under Section 5 of the said Act insofar as such directions are not consistent with any direction issued in that specific case by the National Coastal Zone Authority or by the Central Government".

(VIII) The authority shall ensure compliance of all specific conditions that are laid down in the approved Coastal Zone Management Plan of Goa".

Thus, under the provision of Environment(Protection) Act, 1986, there is now an authority competent to take action against constructions which have come within the No Development Zone of 200 metres. The first grievance of the Petitioners, therefore, can be met by issuing suitable directions to the Goa Coastal Zone Management Authority.

7. The larger grievance of the Petitioners is that the constructions are mushrooming. The



- 8 -

Petitioners can only point out to the Court the fact that it is not physically possible for them to monitor the illegal constructions. It is the various statutory authorities who are bound to carry out the statutory functions within their local areas. In this view of the matter, it is contented that suitable direction be given that in future the areas covered by the CRZ Notification would be monitored.

8. Learned Advocate General appearing for the State of Goa informed the Court that a note has been prepared in respect of which various authorities have been asked to carry out the monthly inspection, fortnightly inspection and weekly patrolling. A chart has been submitted which is as under:-

<u>Monthly</u> <u>Inspection</u>	<u>Fortnightly</u> <u>Inspection</u>	<u>Weekly Patrolling</u>
<u>ADDITIONAL</u> <u>COLLECTOR</u> (North Goa)	<u>DY.COLLECTOR</u> (Pernem, Bardez)	MAMLATDAR (Pernem)
		MAMLATDAR (Bardez)
		MAMLATDAR (Bardez)



- 9 -

	<u>DY.COLLECTOR</u>	
	(Tiswadi)	MAMLATDAR (Tiswadi)
<u>ADDITIONAL</u>	<u>DY.COLLECTOR</u>	MAMLATDAR(Marmugao)
<u>COLLECTOR</u>	(Marmugao,	
(South Goa)	Salcete)	MAMLATDAR(Salcete)
		MAMLATDAR(Salcete)
	<u>DY.COLLECTOR</u>	MAMLATDAR(Quepem)
	(Quepem,	
	Canacona)	MAMLATDAR(Canacona)

Apart from that, it is submitted that Government will be issuing directions to all the local authorities to constantly monitor constructions within the CRZ areas.

9. This in our opinion would be sufficient for the purpose of carrying out inspections in future. If there are deficiencies, this Court can always be moved and take note and issue further directions in the matter. Suffice it to say that on a weekly patrolling done the Mamlatdars notified for the various talukas will send their report of weekly patrolling within 7 days of patrolling to the Deputy Collector. The Deputy Collector on carrying fortnightly inspection based on reports or otherwise to consider all cases and thereafter after inspection submit his report within 15



- 10 -

days to the Additional Collectors of North and South Goa respectively depending on the districts wherein they are exercising their jurisdiction. The Additional Collectors thereafter on examination of the report shall submit a report within a month of completion of the inspection to the Coastal Zone Management Authority. The Coastal Zone Management Authority thereafter to proceed according to law and dispose of the matters after following the procedure that will have to be followed at any rate within six months of receiving the report of the Additional Collector. This to our mind will substantially help monitoring of the area covered by the CRZ Notification.

10. That being the position, in respect of constructions which have come up in violation of the CRZ Notification, except those cases which are pending before this Court and/or cases in respect of which directions have been issued under Section 5 of the Environment(Protection) Act, 1986, all other matters which presently the Panchayats namely Respondent Nos.2 and 8 have identified as having violated and or purported to be in violation of the CRZ Notification to be referred to the Goa Coastal Zone Management Authority. In the instant case the structure of Respondent No.6 will also be referred to the Committee. The structure of Respondent No.6 has also been referred



- 11 -

to in the affidavit filed by Respondent No.6.

11. The Environment(Protection) Act,1986 has been enacted as its preamble itself shows, in furtherance of India's commitment of the resolution passed at the United Nations Conference on environment held at Stockholm in June, 1972. In matters of environment and ecology new vistas have opened the doors of knowledge. The destruction of our ecology and pollution of our environment is today a matter of concern not only to us but to the world at large. The Stockholm declaration has reflected on the same.It has enjoined on the nations of the world to implement legislations to protect the environment so that the ecology of the world is protected. Not only that, Parliament has acknowledged the Stockholm declaration. Subsequent to a chapter on Fundamental Duties has been inserted as part IV-A to the Constitution of India, under the chapter "Fundamental Duties". One of the Fundamental Duties as inserted in the Constitution of India of Article 1(G) is to protect and improve the natural environment including forest, lakes, rivers and wild life and to have compassion for living creatures. Similarly, Article 48-A has been introduced which reads as under:-

The State shall endeavour to
protect and improve the



- 12 -

environment and to safe guard
the forests and wild life of
the country.

Parliament, therefore, has noted the gravity of the situation and has enjoined on the executive to take all steps necessary in furtherance of these directive principles. Various acts on environment have been enacted. These are all meant to protect the ecology and environment of this country for our future generations. It is in that context that failure on the part of the executive to implement the various notifications becomes a matter of grave concern. Statutory authorities vested with powers under the various acts are dutybound to enforce the provisions. All public authorities entrusted with duties specially under the environmental laws must realise that in they discharging the duties ^{Consequently} ~~consequently~~, lies the future of our children.

12. Having said so, the following directions:

1. Respondent Nos.2 and 8 within 30 days from today to submit to the Goa Coastal Zone Management Authority the details of the illegal structures identified by them and located on the plans prepared and filed in this Court.



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2. The Goa Coastal Zone Management Authority on receipt of such plan to proceed according to law as expeditiously as possible.
3. The Goa Coastal Zone Management Authority to consider all these cases in exercise of the jurisdiction conferred upon them whether or not the local Panchayat has taken a decision to regularise or otherwise.
4. Respondent No.1 to notify the authorities set out in para 6 for the purpose of weekly patrolling, fortnightly inspection and monthly inspection within thirty days from today.
5. The Authorities so notified to submit their reports regularly, as set out in para 6 of this petition within the time framed as fixed.



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6. The Goa Coastal Zone Management Authority to ^{seriously} ~~seriously~~ consider the case of Respondent No.6 and issue directions according to law.

13. Rule made absolute in aforesaid terms.

We have noted that the statutory duty cast on Respondent Nos.2 and 8 has not been discharged by those statutory authorities. The Petitioners had to approach this Court to ensure performance of statutory functions by the said authorities. In these circumstances, we feel that it is just and proper and as Petitioners have acted in public interest they must be compensated for bringing to the notice of this Court the ecological degradation of the coastal area and mushrooming of illegal constructions. We, therefore, direct Respondent Nos.2 and 8 by way of compensatory cost to pay the Petitioners a sum of Rs.15,000/- each within four weeks from today.

(V. C. DAGA)
JUDGE

(F. L. REBELLO)
JUDGE

INFORMATION ISSUED UNDER RTI ACT, 2005

Member Secretary
G.C.Z.M.A.
Inward No. 1675/L
Date 26/11/2010

No. AC-II/F. Report/13642/2010/19483
Office of the Additional Collector- II,
Collectorate of South,
Margao- Goa.
Dated:- 22.11.2010

To,
The Member Secretary,
Goa Coastal Zone Management Authority,
C/o Department of Science, Technology & Environment,
Opp. Saligao Seminary,
P.O. Saligao, Bardez, Goa- 403511.

SUB:- Directions pursuance to the order dated 29th February, 2000
passed by the High Court in Writ Petition No. 26/1996
(Fortnightly report)

Sir,

With reference to the above, the first fortnightly report of October 2010 in respect to CRZ violation as submitted by the Deputy Collector & SDO, Mormugao may be considered as 'NIL' . The first fortnightly report of November, 2010 in respect of CRZ violation submitted by the Deputy Collector & SDO, Quepem may be Considered as 'NIL' and the First Fortnightly report of November, 2010 submitted by the Deputy Collector & SDO, Margao showing some CRZ violation is enclosed herewith.

This is for your information and necessary action.

Yours faithfully,
[Signature]

Yours faithfully,

[Signature]
(Y.B. Tavde)

Additional Collector -II South Goa District,
Margao-Goa

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Which is available in this Office records

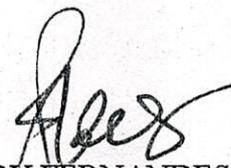
Braganza
Public Information Officer
GCZMA / DSTE

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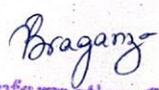
**LIST SHOWING THE DETAILS OF ILLEGAL CONSTRUCTION WITHIN CRZ FOR
THE FIRST FORTNIGHT OF NOVEMBER, 2010.**

Sr. No.	Name of the person with address	Survey No.	Village	Remark
1.	2.	3.	4.	5.
1.	M/s Hafisabad Real Estate, Rep. by Sareen Sharma, R/o 4 th ward Colva, Salcete, Goa.	50/2	Colva	Carried out pucca structure appr. 500 mts. in the property surveyed under survey no. 50/2 of Colva of Salcete, Goa.

Dated: 19/11/2010


 (JOHNSON BEDI FERNANDES)
 Dy. Collector & S.D.O.,
 Margao-Goa.

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 GCZMA / DSTE

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332/c

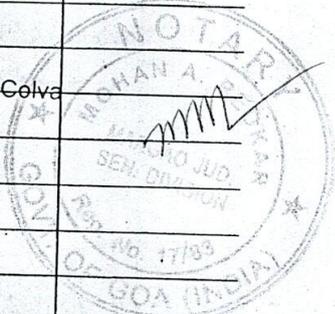
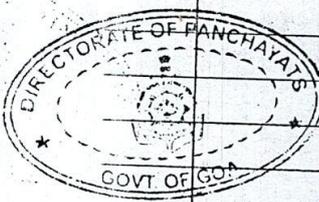
PROCEEDINGS SHEET

C. P. C.

The Court of the

BEFORE THE ADDITIONAL DIRECTOR OF PANCHAYATS-I,

Date	No. of Exhibit	Case No.	of 20	Date to which the case is adjourned
		<u>MARGAO-GOIA.</u>		
		P.A. No. MAR-1734/2014		
		Hafisabad Real Estate pvt. Ltd.		
		A company registered under the Companies Act, 1956,		
		Having its registered office at 187, Phase II,		
		Industries Area, Chandigarh,		
		Represented by its duly constituted attorney,		
		Mr. Anil Arora, aged 28 years		
		Complainant/Applicant/Appellant/Plaintiff		
		Son of Mr. Satish Kumar Arora,		
		General Manager, Hotel Lucky star,		
		Resident of H. No. 33/B, Per Seraulim,		
		Salcete-Goa.		
		V/s		
		Village Panchayat of Sernabatim, Defendant		
		Through its secretary, Sernabatim, Vanelim, Colva		
		& Gandaulim,		
		Salcete-Goa.		
6/5/14		Appeal filed u/s 66(7) of Goa Panchayat Raj Act, 1994.		
		ORDER..... Heard the arguments on the stay application filed by the appellant on 6/5/2014 and pleading, documentary evidence on record. I am opinion that appellant is made a case for status-quo, hence I pass the order stating that both parties to maintain STATUS-QUO till next date of hearing. This matter fixed for hearing on 8/7/2014 at 3.00 p.m.		
		 Additional Director of Panchayats-I Margao-Goa		
		This certified copy is a copy of the Photocopy submitted to this Office which is available in this Office records  Public Information Officer OCZMA / DS/TE		
17/6/14		Fresh notices issued to the concerned parties.		
		Next date of hearing is fixed on 8/7/14 at 3.00 p.m.		



Date	No. of Exhibit	Case No.	of 20	Date to which the case is adj.
8/7		Adv for Both parties. Adv of for resp. undatable to file w/ calculation of reply on next date of hearing. stated as given. Extended till next date of hearing.		19/8
				3.00
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Govt. Ptg. Press, Panaji-Goa—S/78/50,000—7/2011.

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 Original and is valid for all purposes.
 Write to the Director of Public Information
 Office, Panaji-Goa.

This Certified copy is a copy of the
 Photocopy submitted to the Office
 which is available in the Office.
 Public Information Officer
 GCZMA/25TE

Public Information Officer
 GCZMA/25TE

[typed copy at pg. 488]

INFORMATION ISSUED UNDER RTI ACT, 2005

C.P.C. 330/c

Date	No. of Exhibit	Case No.	Date to which the case is adjourned
10/10		34 of 2014 Advt for both parties pms. Advt for appeal and submitted that temporarily structures will be demolished ^{which are} marked blue and which are not shown in plan of land survey submitted before Hon. High Court. Advt for resp agreed for same. Matter fixed report along with photographs	15/10 2 nd
		8/10/10	for [Signature]
15/10		As P.O. is on leave. case is adjourned and fixed for hearing on-	17/10/14 at 3.00pm
17/10		Advt for both parties pms. Resp. panchayat is directed to demolish three structures which are marked in blue in plan of 10/10/2014 and which are not shown in plan of hand survey dept. which is submitted before Hon. High Court. pronounced in open court Matter type	This Certified copy is a copy of the original submitted to the Office which is available in the Office records [Signature] PUBLIC INFORMATION OFFICER GOA
		17/10	[Signature]

ARV
 A-REDA
 No. 17/8
 GOA (INDIA)

17/10/14
 PUBLIC INFORMATION OFFICER
 GOA

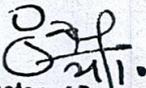
This Certified copy is a copy of the
 original submitted to the Office
 which is available in the Office records
 [Signature]
 PUBLIC INFORMATION OFFICER
 GOA

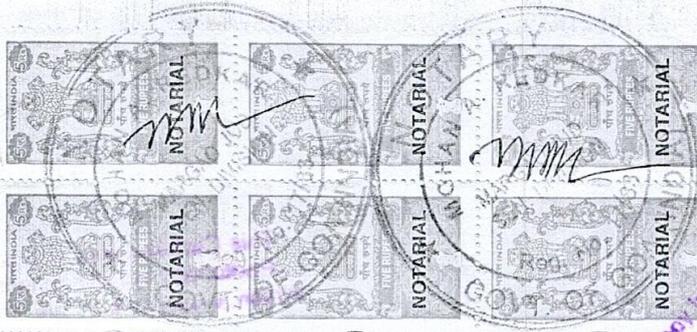
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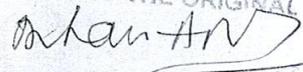
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CERTIFIED COPY
 Copy applied for on 17.10.14
 Date given to the party for taking delivery of
 Copy and extension thereof, if any.....
 Copy ready for delivering on 24.10.14
 Copy delivered on 13.11.14
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 Additional Director of Panchayats - 1
 Margao - Goa



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21/7/15
 (MOHAN A. REDKAR)
 THE NOTARY
 MARGAO
 STATE OF GOA (INDIA)
 Reg. No. 1384F/2015

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Date	No of Exhibit	Case No 34/ of 2014	Date to which the case is adjourned
10/10		Adv for both parties present, Adv for Appellant submitted that temporarily structures will be demolished which are marked in blue and which are not shown in the plan of land survey submitted before Hon'ble High Court. Adv for Respondent agreed for the same, Matter fixed for report along with photographs	15/10 3.00pm Sd/-
15/10		As P.O is on leave Case is adjourned and fixed for hearing on	17/10/14 at 3.00pm
17/10		Adv for both parties present. Resp. Panchayat is directed to demolish three structures which are marked in blue in plan dt 10/10/2014 and which are not shown in plan of land survey dept. which is submitted before Hon;ble High Court. Pronounced in Open Cout Matter disposed Sd/- 17/10	