

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE PUNE**

APPEAL NO. 20/2023

(Under Section 16(g) read with Section 18 of  
the NATIONAL GREEN TRIBUNAL ACT,  
2010).

IN THE MATTER OF:

**HARISHCHANDRA VITHAL NAIK**

**THROUGH POA VITHAL NAIK**

.....

**APPELLANT**

V/s.

**THE GOA COASTAL ZONE MANAGEMENT**

**AUTHORITY & ORS.**

.....

**RESPONDENTS**

**AFFIDAVIT- IN- REPLY FOR R-4**

I, **MR. JAYANT G. NAIK**, son of Shri Govind Naik, age 46 years,  
married, service, r/o Flat No.UGF-004, Building C, Pinto Ville,  
Socorro, Bardez Goa 403521 ("answering respondent"), the  
Respondent No.4 hereinabove on solemn affirmation state and  
submit as under:-

*(Signature)*

1. I say that I have read and understood the contents of the Appeal Memo, and in response to the same, I seek to file the present Affidavit- in- Reply.
2. I categorically deny and all and singular averments made in the application and no averments made therein shall be deemed admitted for lack of a specific traverse, unless specifically admitted herein. The averments which have not specifically been dealt with and/or denied may not be taken as having been admitted. The answering respondent dispute the contents of the Appeal and the documents annexed thereto, which are inconsistent with the case set out by me.
3. The Appellant is guilty of supressing material facts and documents before this Hon'ble Authority in as much as the Appellant has supressed the fact that he is conducting a commercial activity by running a Hotel and Restaurant in the name & style as "SUNNY SUNRISE BEACH RESORT LA DE SU BEACH RESORT" in the property surveyed under Survey No.269/3, 269/4, 269/5 and 269/6 of Village Mandrem. The Appellant has produced on record false and



fabricated documents and using the same as genuine before the Respondent No.1 and also before this Hon'ble Tribunal and on this ground alone the Appeal is liable to be dismissed.

4. Further the Appellant have made various statements which are ex-facie incorrect and contrary to the factual position, which has been narrated hereinafter in the reply.
5. The answering respondent states that before proceeding to deal with the averments made in the captioned appeal, the answering respondent finds it expedient to narrate a brief conspectus of facts.
6. The answering respondent states that he is the complainant in the captioned matter and had lodged two complaints one dated 14.01.2021 and another dated 20.01.2021 before the Respondent No.1 authority on account of massive environmental degradation caused by illegal construction of Hotel and restaurant in the name & style as "SUNNY SUNRISE BEACH RESORT LA DE SU BEACH RESORT" in the property surveyed under Survey



*(Signature)*

No.269/3, 269/4, 269/5 and 269/6 of Village Mandrem carried out by Respondent No.3, 4, 5 & 6 in No Development Zone ("NDZ") and in close proximity of the turtle nesting zone just 20 mts. From High Tide Line of the CRZ area of Village Mandrem, Pernem Taluka, which is clearly in violation of CRZ regulation and in violation of all statutory requirements by the Appellant herein.

7. The answering respondent states that somewhere in the year December 2020, he noticed a construction of a big hut and the said hut was covered from outside with coconut leaves. The answering respondent upon inquiry found that the said construction was carried out by the Appellant herein and are internally clandestinely carrying out masonry construction work for the purpose of setting up a kitchen in respect of the Hotel and restaurant in the name and style as "SUNNY SUNRISE BEACH RESORT LA DE SU BEACH RESORT" which has been illegally constructed in survey No.269/3, 269/4, 269/5 and 269/6 of Village Junaswada, Mandrem, Goa.



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8. The answering respondent upon inquiry further found that one Mr. Vishwanath Kamat had already lodged a complaint dated 16.09.2020, before Respondent No.1 in respect of illegal construction of beach shack with bar, illegal sand dunes cutting, illegal construction of retaining wall and sewage discharge in sea and illegal construction of two storey building for commercial purpose in the property survey No.269/3 of Village Junaswada, Mandrem, Goa.

9. The answering respondent states that on the basis of the complaint dated 16.09.2020, Respondent No.1 carried out site inspection on 06.11.2020 after giving notice to the Appellant.

Copy of the complaint dated 16.09.2020 and site inspection report dated 06.11.2020 are annexed hereto and marked as

**Annexure A Colly.**

10. Respondent No.1 based of the said complaint of Mr. Vishwanath Kamat and the site inspection report issued Show Cause Notice cum Stop Work Order dated 18.11.2020 in the name of one Mr. Sunny and Mr. Birla.




11. The answering respondent states that Sunny and Birla replied to the said notice vide reply dated 23.11.2020, stating that they are not doing any business in the property bearing Survey No.269/3 of Village Mandrem and they have no nexus to the said property and informed that the said property belongs to Harishchandra Vithal Naik and his children and requested to discharge the said notice.

Copy of the Show Cause Notice cum Stop Work Order dated 18.11.2020 and reply dated 23.11.2020 are annexed hereto and marked as Annexure B Colly.



12. This authority based on the representation made by the said Sunny and Birla issued fresh Show Cause Notice cum Stop Work Order dated 02.12.2020, in the name of Appellant who is the father of one Vithal Naik for illegal construction of beach shack with bar, illegal cutting of sand dunes, illegal construction of retaining wall and sewage discharge in the sea and also illegal construction of two storey building for commercial purpose in survey No.269/3 of Village Mandrem. The answering respondent states that since the

A handwritten signature in blue ink, appearing to be 'Sunny' or similar, with a horizontal line through it.

Appellant continued their illegal construction even after the proceeding pending before the Respondent No.1 and upon also coming to the knowledge that said Vishwanath Kamat had abandon the matter; the answering respondent filed a complaint dated 14.01.2021 before the Respondent No.1, bringing to their notice the illegal construction in addition to which were brought by said Vishwanath Kamat. The answering respondent states that since this authority did not initiate any action on the said complaint; answering respondent had to file an intervention application in the said proceeding and accordingly participated in the proceedings before this authority.

Copy of the Show Cause Notice cum Stop Work Order dated 02.12.2020 is annexed hereto and marked as Annexure C.

13.Further, the answering respondent upon inquiry came to know that the illegal construction of the said hotel and restaurant has also been spread over in the adjoining property i.e. survey No.269/4, 269/5 & 269/6 by the Appellant and therefore the answering respondent lodged



another complaint dated 20.01.2021, bringing the said fact to the notice of this authority in respect to illegal construction in survey No.269/4, 269/5 & 269/6.

Copy of the Complaint dated 14.01.2021 and 20.01.2021 is annexed hereto and marked as **Annexure D.**

14.The answering respondent states that the aforesaid illegal construction of Hotel of (G+2) storied building is being presently used for commercial purposes and the same can be easily seen from various travel booking website on which the same is marketed under name and style as “SUNNY SUNRISE BEACH RESORT LA DE SU BEACH RESORT”.

Photographs of various travel booking website is annexed hereto and marked as **Annexure E.**

15.It is pertinent to mention that during site inspection carried by this authority on 16.11.2020, apart from the illegal construction in survey No.269/3, this authority also noticed another illegal construction of two storey building on the adjoining property bearing survey No.269/4, 269/5 and



3/10/21



269/6, which illegal construction is also carried by the Appellant. Relevant portion of the said inspection report is reproduced herein under:-

*“In addition to the shack, it is also observed at site a under construction tow-storey building landscaping blocks and compound wall. The adjoining plot indicates that this area could have been a coastal sand dune eco-system, which is now damaged.*

*Surveyors have done the survey work of the complaint site and will submit their findings. The new building which is being constructed at site has not been surveyed since this was not part of the complaint. It is recommended to ascertain legality of this construction to through a proper survey.”*

16. It is respectfully submitted that the following violations has been found in the inspection report:-

Name of violator/alleged violator	Type of construction	Distance from HTL
Shri Harishchandra Vithal Naik	Illegal construction of beach shack with bar, illegally cut the sand dunes, illegal construction of retaining wall and sewage discharge in sea. Illegal construction of two	Within NDZ

*Shank*



	storey building for commercial purpose.	
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17. The answering states that the additional illegal construction carried out by the Appellant are the extension of the said hotel and restaurant which has been illegally constructed by the said Appellant adjoining property bearing Survey No.269/4, 269/5 and 269/6 without obtaining permission from this authority.

18. The answering respondent states that during the course of hearing before the Respondent No.1, the Appellant filed his reply to the Show Cause Notice cum Stop Work Order dated 02.12.2020, vide its reply dated 27.01.2021, *inter alia* denied of carrying out any illegal construction of two multi storey building within NDZ area in survey No.269/3 and relied upon certain documents i.e. house tax receipt, permission for construction etc.

Copy of the reply dated 27.01.2021 is annexed hereto and marked as **Annexure F.**



*[Handwritten signature]*

19. The answering respondent states that in the said reply the Appellant relied on one house tax receipt wherein no house number or survey number is mentioned and further claimed that he had sought permission to repair the structure in question from Village Panchayat Mandrem and accordingly relied upon various permission of repairs and contented that CRZ regulation does not apply to them.

20. The answering respondent states that he had made an application under the RTI Act dated 24.06.2022, before the Village Panchayat of Mandrem for seeking information in respect to the documents relied by the Appellant i.e. the house tax receipt and the copies of permission for repairs and to the shock and surprise of the answering respondent, as the information received under RTI, H. No. 444/1, 444/2, 444/3 and 444/4 is not registered in the Village Panchayat record.

21. Further the RTI record revealed that as per the construction license register permission dated 16.10.1986 bearing reference No. VPM/PER/NOC/86-87/94 is not issued by the



Panchayat. Similarly, as per the construction license register permission No. 9/90-91, dated 07.09.1990 bearing reference No. VPM/PER/NOC/1990-1991/585 for house No. 444/2, 444/3 & 444/4 in Survey No. 269/3 is not issued by the Panchayat. Further as per the construction license register. The permission for repair dated 25.05.1986 bearing reference No. VPM/HVN/ permission/86-87/74 for house No. 444/1 is not issued by the Panchayat. Similarly, as per the construction license register. The permission for repair dated 04.06.1986 bearing reference No. VPM/HVN/ permission/86-87/333 for house No. 444/1, 444/2, 444/3 & 444/4 is not issued by the Panchayat. The aforesaid fact has been completely concealed by the Appellant before this tribunal. The answering respondent by way of an application for additional documents placed the aforesaid documents on record before the authority.

The copy of the application under RTI Act and reply received under RTI are annexed hereto and marked as

Annexure –G Colly.



22. Further during the course of arguments, the Appellant also produced on record a copy of resolution book. During the argument he was asked to show the house number or the survey number in respect to the subject matter property. The Appellant was unable to show the same as the same was not mentioned in the said document. It is pertinent to note that a careful reading of the document would reveal that there is manipulation done with the document by over writing and adding para in between to show some document in favour of the Appellant.

23. From the aforementioned information it is clear that the documents produced by the Appellant before the Respondent No.1 are false and fabricated documents placed on record with intention to mislead authority.

24. The Respondent No.1 has carefully considered both the documents produced on record and came to the conclusion that the Appellant failed to show that the structure in question was existence prior to the appointed date of CRZ notification.



Having set out the brief conspectus of facts as aforesaid, I shall now proceed to deal with the contents of the said Appeal parawise and the same are traversed in seriatim as under;

25. With reference to the contents of para.1 of the captioned Appeal I state that the contents therein are denied and the appellant is put to strict proof thereof. It is true that the property bearing No. 269/3, 269,4, 269,5, 269,6 of Village Mandrem belong to the Appellant however it is specifically denied that there existed three structures belonging to the Appellant. It is specifically denied that the appellant obtained permissions and approvals as required by the prevailing laws in force.

26. The Appellant is running a commercial activity and initially somewhere in December 2020, construction of a big hut and the said hut was covered from outside with coconut leaves. The answering respondent upon inquiry found that the said construction was carried out by the Appellant herein and are



internally clandestinely carrying out masonry construction work for the purpose of setting up a kitchen in respect of the Hotel and restaurant in the name and style as “**SUNNY SUNRISE BEACH RESORT LA DE SU BEACH RESORT**” which has been illegally constructed in survey No.269/3, 269/4, 269/5 and 269/6 of Village Junaswada, Mandrem, Goa.

27. With reference to the contents of para.2 of the captioned Appeal I state that the contents therein are denied and the appellant is put to strict proof thereof. It is specifically denied that the structure in question is registered with the Village Panchayat of Mandrem for the purpose of assessment of house tax. The RTI information obtained by the answering respondent from the Village Panchayat Mandrem revealed that the H. No. 444/2, 444/3 and 444/4 is not registered in the Village Panchayat record.

28. With reference to the contents of para. 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 of the captioned Appeal I state that the contents therein are denied and the appellant is put to strict proof thereof. The answering respondent once again



reiterate that the Appellant is guilty of suppressing material facts from this Hon'ble Tribunal in as much as the Appellant has suppressed the fact that he is conducting a commercial activity by running a Hotel and Restaurant in the name & style as "SUNNY SUNRISE BEACH RESORT LA DE SU BEACH RESORT" in the property surveyed under Survey No.269/3, 269/4, 269/5 and 269/6 of Village Mandrem. It is pertinent to mention that the RTI information received by the answering respondent revealed that as per the construction license register permission dated 16.10.1986 bearing reference No. VPM/PER/NOC/86-87/94 is not issued by the Panchayat. Similarly, as per the construction license register permission No. 9/90-91, dated 07.09.1990 bearing reference No. VPM/PER/NOC/1990-1991/585 for house No. 444/2, 444/3 & 444/4 in Survey No. 269/3 is not issued by the Panchayat. Further as per the construction license register. The permission for repair dated 25.05.1986 bearing reference No. VPM/HVN/ permission/86-87/74 for house No. 444/1 is not issued by the Panchayat. Similarly, as per the construction license register. The permission for repair dated 04.06.1986 bearing reference No. VPM/HVN/



permission/86-87/333 for house No. 444/1, 444/2, 444/3 & 444/4 is not issued by the Panchayat. The aforesaid fact has been completely concealed by the Appellant before this tribunal. The answering respondent by way of an application for additional documents placed the aforesaid documents on record before the authority.

29. It is specifically denied that two storey building is an existing structure prior to the appointed date of the CRZ notification. The Appellant started constructing the said building only in the month of December 2020 and conducting a commercial activity by running a Hotel and Restaurant in the name & style as "SUNNY SUNRISE BEACH RESORT LA DE SU BEACH RESORT" in the property surveyed under Survey No.269/3, 269/4, 269/5 and 269/6 of Village Mandrem.

30. Further the inspection report dated 16.11.2020 of the Respondent No.1 clearly shows apart from the illegal construction in survey No.269/3, they also noticed another illegal construction of two storey building on the adjoining property bearing survey No.269/4, 269/5 and 269/6, which



illegal construction is also carried by the Appellant.

Relevant portion of the said inspection report is reproduced herein under:-

*“In addition to the shack, it is also observed at site a under construction tow-storey building landscaping blocks and compound wall. The adjoining plot indicates that this area could have been a coastal sand dune eco-system, which is now damaged.*

*Surveyors have done the survey work of the complaint site and will submit their findings. The new building which is being constructed at site has not been surveyed since this was not part of the complaint. It is recommended to ascertain legality of this construction to through a proper survey.”*

31. The contents of ground no. I, II, III are bereft of any iota of merits and hence denied. The Respondent No.1 has given a detailed order vide its Order dated 15.03.2023 and requires no interference. The Respondent No.1 has carefully considered both the documents produced on record and came to the conclusion that the Appellant failed to show that the structure in question was existence prior to the appointed date.



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32. The contents of ground no. IV, V, VI, VII, are bereft of any iota of merits and hence denied. It is pertinent to note that there was no occasion for the Respondent No.1 to set inquiry in respect to documents produced on record by the Appellant and the same were relied upon by the Appellant himself. The authority is not sitting as an inquiry agency. It was for the Appellant to prove his case with relevant documents which the appellant failed. The Appellant cannot now come and say that the documents were not considered by the Respondent No.1. The Respondent No.1 at page 3 para 4 of the order has clearly given reason for rejecting the document i.e. plan produced by the appellant as under:

*“ The authority perused the plan and rejected relying on the plan as the plan did not have any signature from the concerned Government Department. There is no date mentioned on the plan and that it also did not bear the signature of the owner. The Authority granted time to the respondent to take instructions and to come on the documents to prove that the structure is prior to 1991”.*

From the above it is clear that the authority had applied its mind and gave a proper reason not to consider the



document. It was for the Appellant to prove his case by producing correct document which he failed to do.

33. The contents of ground no. VIII, IX are bereft of any iota of merits and hence denied. The documents under RTI Act are presumed to be genuine documents and in the present case in hand, the said documents clearly revealed that H. No. 444/2, 444/3 and 444/4 is not registered in the Village Panchayat record and therefore question of giving permission does not even arise and hence there was no occasion for the Respondent No.1 to call upon the office of the Panchayat for verification. It was for the Appellant to do the exercise of producing genuine documents in support of his case which he failed to do so. The Respondent No.1 has given proper reason for issuing the demolition order as the Appellant failed to prove the existence of the structure prior to 1991.



34. The contents of ground no. X & XI are bereft of any iota of merits and hence denied. It is once reiterated that the Respondent No.1 after perusing the document on record

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Solemnly affirmed at Panaji-Goa, on

this 26<sup>th</sup> day of July, 2023

DEPONENT

Identified by me:

Advocate for the .....

SOLEMNLY AFFIRMED AND VERIFIED  
BEFORE / ME BY Joyant G. Neik  
WHO IS IDENTIFIED BEFORE / ME  
BY Adv. L.C. & A.O. 1997 00 69020  
WHOM I KNOW  
SERIAL No. 14006 DATED 26/7/2023



ARUN WADKAR  
NOTARY AT TISWADI TALUKA  
STATE OF GOA-INDIA  
No. 382/14  
DATED 19/9/2014

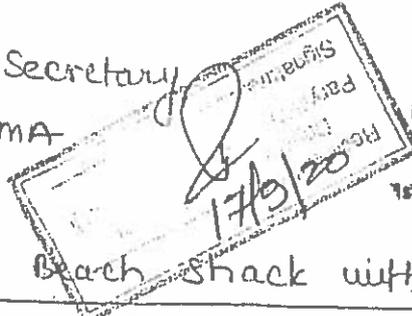
Annexure A Typed copy at Pg 4

PH. No - 8767546978

Date - 16/09/2020

40

The member Secretary  
Office of GICZMA  
Porvorim Area



Secretary  
Goa Coastal Zone Management Authority  
Goa Coastal Zone Management Authority  
1st Floor, P. O. Box No. 403521  
Pondalga, Goa

Sub - Illegal Beach Shack with Bar, Sand Dunes Cutting  
retaining wall, And sewage discharge in sea water.  
in survey no - 269/3

Respected Sir,

WE have Beach Shack owners from mandre have noticed that few outside Goans specially from Delhi, Jammu, maharashtra and other states have started illegal beach shacks in private properties within 50 mtrs from HTL from last season that is 2019-2020.

One of them is at Junaswada Mandre run by RAJESHKUMAR MEHRA (SUNNY) and his brother SUDESHKUMAR MEHRA (Billa) both resident of Jammu state.

They are running this restaurant (Shack) in private property bearing survey no - 269/3 situated at Junaswada mandre Beach at pernem taluka.

This property has shown in form I and XVI as tenanted property where only agricultural activities are permitted. and not any restaurant and hotel activities.

This people are running illegal, unauthorised beach shack without obtaining any permissions, either from GICZMA, tourism department, Green pollution control Board, gram panchayat etc.

They are running this illegal restaurant, (shack with bar from 2019-20 till date.

Complaint was filed to this authority about the illegal shack last year in November 2019.

They are also running illegal liquor bar in the same shack.

Illegal electricity is taken to this shack by tapping from another house which is in different si no.

They have also cut the sand dunes which is still going on to level the property.

They are also building concrete retaining wall towards seaside which is going on.

WE would also like to say that they are discarding kitchen waste and sewage in sea water.

WE request you to take necessary steps to stop and demolish such illegal shack and illegal activities.

We co-ops are facing problems where more than 65 co-op shack owners are facing problem of the demolition of the shacks and also we have been fined more than 1 to 2 lakhs as penalty because of violation of CRZ Norms.

And outsiders are blindly doing illegal businesses at the beach shacks, huts, cottages without taking different permissions from different departments.

We are attaching photograph of the illegal Restaurant / shack and also I & XVI Form. (42)

Hope your authority will do the needful.

Yours FAITHFULLY

X. Karat

16/09/2020

(Rushwanath Karat Deso)

Copy to

- 1) GWA TOURISM Department  
Patto Panjim Goa
- 2) Goa Pollution Control Board  
Salgao Goa
- 3) Wild Life and Eco tourism  
Miramar Goa.

T. C.

S. Sh.

Typed Copy

(43)

Ph. No.: 8767546978

Date: 16/09/2020

To,  
The Member Secretary  
Office of GCZMA  
Porvorim Goa

**Sub.:** Illegal Beach Shack with Bar, Sand Dunes cutting retaining wall, and sewage discharge in sea water in Survey No.269/3.

Respected sir,

We Beach Shack owners from Mandre have noticed that few outside Goans specially from Delhi, Jammu, Maharashtra and other states have started illegal beach shacks in private properties within 50 mtrs. From HTL from last season that is 2019-2020.

One of them is at Junaswada Mandre run by RAJESHKUMAR MEHRA (SUNNY) and his brother SUDESHKUMAR MEHRA (Billa) both resident of Jammu State.

They are running this restaurant (shack) in private property bearing survey No.269/3 situated at Junaswada, Mandre Beach at Pernem Taluka. This property has shown in form I & XIV as tenanted property where only agriculture activities are permitted and not any restaurant and hotel activities.

This people are running illegal, unauthorised beach shack without obtaining any permissions either from GCZMA, Tourism Department, Goa Pollution Control Board, Gram Panchayat, etc.

They are running this illegal restaurant (shack) with Bar from 2019-20 till date.

Complaint was filed to this authority about this illegal shack last year is November 2019.

(44)

They are also running illegal liquor bar in the same shack.

Illegal electricity is taken to this shack by tapping from another house which is in different survey No.

They have also cut the sand dunes which is still going on to level the property.

They are also building concrete retaining wall towards seaside which is going on.

We would also like to say that they are discharging kitchen waste and sewage in sea water.

We request you to take necessary steps to stop and demolish such illegal shack and illegal activities.

We Goans are facing problems where more than 65 Goan shack owners are facing problem of the demolition of the shacks and also we have been fined more than 1 to 2 lakhs as penalty because of violation of CRZ Norms.

And outsiders are blindly doing illegal business of the beach shacks, huts, cottages without taking differing permissions from different departments.

We are attaching photograph of the illegal Restaurant/Shack and also I & XIV form.

Hope your authority will do the needful.

Yours faithfully,

Sd/-

16/09/2020

(Vishwanath Kamat Dessai)

## Copy to

1. Goa Tourism Department  
Patto, Panjim Goa
2. Goa Pollution Control Board,  
Saligao Goa.
3. Wild Life and Eco Tourism  
Mirama Goa.

T. C.  
S. S.

**GOA COASTAL ZONE MANAGEMENT AUTHORITY**

C/o Department of Science, Technology and Environment (Govt. of Goa)  
1<sup>st</sup> floor, Pt. Deendayal Upadhyay Bhavan, Pundalik Nagar, Alto,  
Porvorim, Bardéz- Goa-403 521, Phone: (0832) 2416561

[www.czma.goa.gov.in](http://www.czma.goa.gov.in)

Ref.No.GCZMA/N/ELLE-Comp/140-21/52/1041

Dated: 18/11/2020

**SHOW CAUSE NOTICE CUM STOP WORK ORDER IS ISSUED UNDER SECTION 5 OF THE ENVIRONMENT (PROTECTION) ACT, 1986, READ WITH RULE 4 OF THE ENVIRONMENT (PROTECTION) RULES, 1986.**

WHEREAS, the Goa Coastal Zone Management Authority (hereinafter referred to as 'the GCZMA' in short) has been constituted by the Ministry of Environment & Forests (MoEF), Government of India pursuant to the directions of the Hon'ble Supreme Court of India to deal, inter alia, with violation of the Coastal Regulation Zone (CRZ) Notification 2011 and implementation of the CRZ Notification.

WHEREAS, the Office of the Goa Coastal Zone Management Authority (hereinafter referred to as 'the GCZMA' in short) had received a complaint from Vishwanath Kamat Dessai wherein it has been submitted Rajesh Kumar Mehra (sunny) and Sudesh Kumar Mehra (Billa) have carried out illegal construction of beach shack with bar, illegal sand dunes cutting, illegal construction of retaining wall and sewage discharge in sea, illegal construction of Two storey building for commercial purpose in the property bearing survey no 269/3, of Village Junaswada, Mandrem, Pernem, Goa. (Enclosed Copy of the complaint)

AND WHEREAS, upon receipt of the Complaint the GCZMA carried out a site Inspection, on 06/11/2020; and a submitted the report to this Authority. (Enclosed Copy of the report)

AND WHEREAS, upon receipt of the Complaint and the report from the Expert Member, the following alleged illegal construction resulting in blatant and serious violation of CRZ Notification 2011 is noticed. The details of the violations are indicated here below:-

Sr No	Name of the Party/alleged violator	Survey No. Village	Type of Construction	Distance from HTL
1.	Rajesh Kumar Mehra (sunny)	Survey No/ 269/3	illegal construction of beach shack with bar, illegally cut the sand dunes,	Within NDZ
2.	Sudesh Kumar Mehra (Billa)	Junas wada Mandrem	Illegal construction of retaining wall and sewage discharge in sea. Illegal construction of Two storey building fro commercial purpose.	

47

AND WHEREAS, as per the CRZ Notification, 2011; the entire belt of 100 mts. from the High Tide Line (HTL) of river and 200mts. from the HTL from the sea is designated as the No Development Zone (NDZ) and hence no construction/development whatsoever are permissible in the said belt;

AND WHEREAS, the alleged illegal construction is highly detrimental to the Coastal ecosystem / riverine ecosystem. Further it is observed that you have not obtained any prior approval of the GCZMA for the purpose of alleged construction as required under the CRZ Notification 1991/2011.

NOW THEREFORE, in exercise of the powers conferred by section 5 of the Environment (Protection) Act, 1986 read with sub-rule (3) (a) of rule 4 of the Environment (Protection) Rules, 1986, delegated to the GCZMA, the GCZMA hereby directs you to STOP WORK with immediate effect and SHOW CAUSE as to why a direction to demolish the structures and to restore the land to its original condition should not be issued to you. Further, you are directed to ensure that no civil work of whatsoever kind and nature is carried out at said site.

FURTHER TAKE NOTE THAT, you are required to file your reply on alongwith compliance report and produce construction/reconstruction/repair licence/approvals, if any, issued by the concerned Authorities including GCZMA along with approved plan, as also documents to show the title to the Office of the GCZMA, having its Office at 1<sup>st</sup> Floor, Pt. Deendayal Upadhyay Bhavan, Pundalik Nagar, Alto, Porvorim, Bardez- Goa on or before 23/11/2020 and remain present for a personal hearing on the 26/11/2020 at 03.30 p.m at the 2<sup>nd</sup> Floor, Conference Hall, Secretariat, Porvorim, Goa Secretariat, Porvorim, Goa. Take note that if you fail to submit your reply along with the required documents, the GCZMA will come to the conclusion that you have no justification to carry out its activities as above stated and the Authority shall proceed to issue final directions to you in this regard without any further notice which inter alia includes order of demolition of structures, disconnection of water / power supply etc.

  
(Dasharath M Redkar)  
Member Secretary (GCZMA)

Enc: As above

- To,
- 1) Rajesh Kumar Mehra (sunny)
  - 2) Sudesh Kumar Mehra (Billa) both resident of Junas wada, Mandrem, Pernem Goa to be served by the Secretary, Village Panchayat of Mandrem, Pernem Goa.

Copy to:

1. The Collector & District Magistrate (North), Office of the Collector (North), Collectorate Building, Panaji-Goa... for information and necessary action.
2. The Dy. Collector & SDO of Pernem, Goa..... who is required to enforce these directions and ensure that no work is carried out at site, other than in accordance with law.
3. The Secretary, Village Panchayat of Mandrem, ~~Pernem~~ Goa.....who is required to serve the Notice and enforce these directions and ensure that no work is carried out at site and also initiate action under the Goa Panchayat Raj Act, 1994 and to report the compliance to the GCZMA.
4. VISHWANATHI KAMAT DESSAI, resident of Madlamaj Mandrem, Pernem Goa 403527.

Issue report  
above order  
cum son  
13/11/2020

**Inspection report of Illegal beach shack with bar, sand dunes cutting, retaining wall and sewage discharge in sea water in Survey number 269/3, Maudrem Junaswada**

06/11/2011

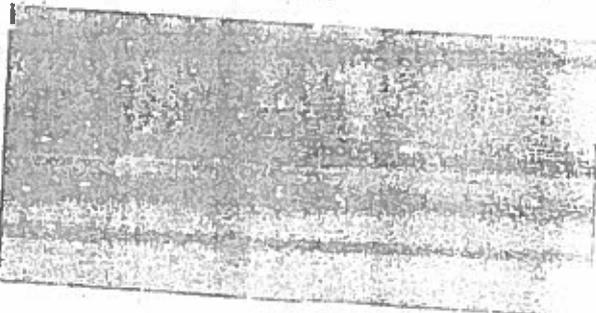
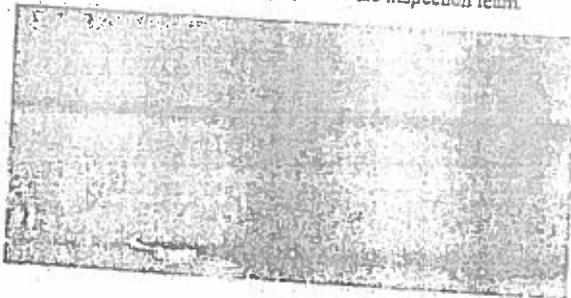
As per the notice NO. GCZMA/N/ILE-COMPL/20-21/52/741 dated. 13.10.2020. The undersigned Member of the GCZMA along with Mr. Devendra Gaonkar, Mr. Sarishkumar Naik, FS of GCZMA, Mr. Rajesh Harmalkar and Mr. Mandar Fadte visited the respective sites on 06.11.2011 and carried out inspections from 01:45 pm.

The respondents were not present at the site. No documents were produced to prove that the shack is legal. In addition to the shack, it is also observed at site a under construction two-story building, landscaping blocks, and a compound wall. The adjoining plot indicates that this area could have been a coastal sand dune eco-system, which is now damaged.

Surveyors have done the survey work of the complaint sites and will submit their findings. The new building which is being constructed at site has not been surveyed since this was not part of the complaint. It is recommended to ascertain legality of this construction too through a proper survey.

Mr. Mahesh Patil, Expert Member GCZMA could not attend the site inspection due to prior commitments.

Mr. Flaviano Jose Miranda, Expert Member GCZMA was also present during the site inspection He was not formally part of the inspection team.



Sujeetkumar Dongre  
Expert Member  
GCZMA

T. C. J.  
S. J.

Annexure C

(50)

Annexure e

Member Secretary

G. C. Z. M. A.

Inward No. 2045

Date: 23/11/2020

1

From,

Shri Rajesh Kumar Mehra

Shri Sudesh Kumar Mehra

Jinas Wado,

Mandrem, Pernem-Goa.

Date: -23/11/2020

To,

The Goa Coastal Zone Management Authority,

C/o. Department of Science,

Technology and Environment (Govt. of Goa),

1st Floor, Pt. Deendayaji Upadhyay Bhavan,

Pundalik Nagar, Alto, Porvorim,

Bardez-Goa.

Sub:- Reply to the Notice dated 18/11/2020 bearing Ref no.  
GCZMA/ N/ILLE-COMPL/2020-21/52/1041.

Sir,

1. The Undersigned raises the following preliminary objection to the present Show Cause Notice under reply:

- a. The Show Cause Notice is wrongly addressed to the undersigned in as much as the structure ~~of the~~ ~~undersigned is~~ situated at survey No. 269/3 of Village Mandrem, Goa is owned and possessed by Shri. Harishandra Vithal Naik and his sons. However, your office has wrongly served the above subject Show Cause Notice Cum Stop Work Order in terms of Section 5 of the

Environment [Protection] Act 1986, read with Rule 4 of the Environment [Protection] Rules 1986.

- b. It is stated that the undersigned are neither in the business of any nature along the coast of Mandrem and Morjim and are not related to the owners of the said property bearing survey No.269/3 of village Mandrem. It is further stated that we having no nexus to the said property hereby handover the above subject Notice Cum Order before this Authority. The undersigned would like to furnish this Authority with details of the individual namely Shri. Harischandra Vithal Naik and his children occupy and own the said property having their residential address at H.No.10, Junas Wada, Mandrem, Pernem, Goa.
- c. Kindly find enclosed the original copy of Show Cause Notice Cum Order dated 18/11/2020. The undersigned request this Authority that they be discharged and the said Show Cause Notice Cum Order may be served on the owners of the said property.

Place: - Porvorim-Goa

Date: - 23/11/2020

*Rajesh Kumar Mehra*

Shri Rajesh Kumar Mehra

*Sudesh Kumar Mehra*  
Shri Sudesh Kumar Mehra

Annexure C

269/3 Annexure C  
 Vishwanath Kamat Dessai v/s Harichandra Naik

## GOA COASTAL ZONE MANAGEMENT AUTHORITY

C/o Department of Science, Technology and Environment (Govt. of Goa)  
 1<sup>st</sup> floor, Pt. Deendayal Upadhyay Bhavan, Pundalik Nagar, Alto,  
 Porvorim, Bardez, Goa-403 521, Phone: (0832) 2416561  
[www.gczma.goa.gov.in](http://www.gczma.goa.gov.in)

Ref.No.GCZMA/N/ILLE-Compl/20-21/52/1202

Dated: 02/11/2020  
 12

**SHOW CAUSE NOTICE CUM STOP WORK ORDER IS ISSUED UNDER SECTION 5 OF THE ENVIRONMENT (PROTECTION) ACT, 1986, READ WITH RULE 4 OF THE ENVIRONMENT (PROTECTION) RULES, 1986.**

WHEREAS, the Goa Coastal Zone Management Authority (hereinafter referred to as 'the GCZMA' in short) has been constituted by the Ministry of Environment & Forests (MoEF), Government of India pursuant to the directions of the Hon'ble Supreme Court of India to deal, inter alia, with violation of the Coastal Regulation Zone (CRZ) Notification 2011 and implementation of the CRZ Notification.

WHEREAS, the Office of the Goa Coastal Zone Management Authority (hereinafter referred as 'the GCZMA' in short) had received a complaint from Vishwanath Kamat Dessai wherein it has been submitted Rajesh Kumar Mehra (sunny) and Sudesh Kumar Mehra (Billa) have carried out illegal construction of beach shack with bar, illegal sand dunes cutting, illegal construction of retaining wall and sewage discharge in sea. Illegal construction of Two storey building for commercial purpose in the property bearing survey no 269/3, of Village Junaswada, Mandrem, Pernem, Goa. (Enclosed Copy of the complaint)

AND WHEREAS, upon receipt of the Complaint the GCZMA carried out a site Inspection, on 06/11/2020; and a submitted the report to this Authority. (Enclosed Copy of the report)

AND WHEREAS, upon receipt of the Complaint and the report from the Expert Member, the GCZMA issued a Show Cause notice bearing No. GCZMA/N/ILLE-COMPL/20-21/52/1041 dated 18/11/2020, to Rajesh Kumar Mehra (sunny) and Sudesh Kumar Mehra (Billa).

AND WHEREAS, the Matter was placed for Personal Hearing before the GCZMA Authority in its 238<sup>th</sup> Meeting held on 26/11/2020. The Proceeding of the Meeting were as under, "Ld. Adv Amey Phadte for Respondent present and submitted that the notice is wrongly served upon him and that the property bearing survey no 269/3 of Village Mandrem does not belong to him but belongs to one Mr. Harichandra Naik and the notice be issued to him".

(12)

AND WHEREAS, the Authority in its 238<sup>th</sup> Meeting held on 26/11/2020 decided that, "The Authority decided to issue Stop Work Order cum Show Cause Notice to Harichandra Naik and serve the same through the Village Panchayat of Mandrem. The matter is kept on 10/12/2020 at 3.30p.m."

AND WHEREAS, the Alleged Violators Rajesh Kumar Mehra (sunny) and Sudesh Kumar Mehra (Billa) filed his reply to the Show Cause Notice stating that the structure in question is owned and possessed by Shri Harichandra Vithal Naik and his sons. He further stated that the SCN is wrongly issued to them. The alleged violators have also furnished the address of the Owner. (Enclosed Copy of the Reply dated 23/11/2020)

AND WEREAS, based on the upon receipt of the Complaint and the report from the Expert Member and reply filed by alleged violators Rajesh Kumar Mehra (sunny) and Sudesh Kumar Mehra (Billa) the following alleged illegal construction resulting in blatant and serious violation of CRZ Notification 2011 is noticed. The details of the violations are indicated here below:-

Sr No	Name of the Party/alleged violator	Survey No. Village	Type of Construction	Distance from HTL
1.	Shri Harichandra Vithal Naik	Survey No/ 269/3 Junas wada Mandrem	illegal construction of beach shack with bar, illegally cut the sand dunes, Illegal construction of retaining wall and sewage discharge in sea. Illegal construction of Two storey building for commercial purpose.	Within NDZ

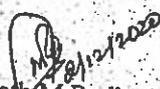
AND WHEREAS, as per the CRZ Notification, 2011; the entire belt of 100 mts. from the High Tide Line (HTL) of river and 200mts. from the HTL from the sea is designated as the No Development Zone(NDZ) and hence no construction/development whatsoever are permissible in the said belt;

AND WHEREAS, the alleged illegal construction is highly detrimental to the Coastal ecosystem / riverine ecosystem. Further it is observed that you have not obtained any prior approval of the GCZMA for the purpose of alleged construction as required under the CRZ Notification 1991/2011.

NOW THEREFORE, in exercise of the powers conferred by section 5 of the Environment (Protection) Act, 1986 read with sub-rule (3) (a) of rule 4 of the Environment (Protection) Rules, 1986, delegated to the GCZMA, the GCZMA hereby directs you to **STOP WORK** with immediate effect and **SHOW CAUSE** as to why a direction to demolish the structures and to restore the land to its original condition should

not be issued to you. Further, you are directed to ensure that no civil work of whatsoever kind and nature is carried out at said site.

**FURTHER TAKE NOTE THAT,** you are required to file your reply on alongwith compliance report and produce construction/reconstruction/repair licence/approvals, if any, issued by the concerned Authorities including GCZMA along with approved plan, as also documents to show the title to the Office of the GCZMA, having its Office at 1<sup>st</sup> Floor, Pt. Deendayal Upadhyay Bhavan, Pundalik Nagar, Alto, Porvorim, Bardez- Goa on or before 08/12/2020 and remain present for a personal hearing on the 10/12/2020 at 03.30 p.m at the 2<sup>nd</sup> Floor, Conference Hall, Secretariat, Porvorim, Goa Secretariat, Porvorim, Goa. Take note that if you fail to submit your reply along with the required documents, the GCZMA will come to the conclusion that you have no justification to carry out its activities as above stated and the Authority shall proceed to issue final directions to you in this regard without any further notice which inter alia includes order of demolition of structures, disconnection of water / power supply etc.

  
(Dasharath M Redkar)  
Member Secretary (GCZMA)

Encl: As above

To,

- 1) Shri Harichandra Vithal Naik, resident of House No. 10, Junas Wada, Mandrem, Pernem Goa

Copy to:

1. The Collector & District Magistrate (North), Office of the Collector (North), Collectorate Building, Panaji-Goa... for information and necessary action.
2. The Dy. Collector & SDO of Pernem, Goa..... who is required to enforce these directions and ensure that no work is carried out at site, other than in accordance with law.
3. The Secretary, Village Panchayat of Mandrem, Pernem-Goa.....who is required to serve the Notice and submit report of service. Further to enforce these directions and ensure that no work is carried out at site and also initiate action under the Goa Panchayat Raj Act, 1994 and to report the compliance to the GCZMA.
4. VISHWANATH KAMAT DESSAI, resident of Madlamaj Mandrem, Pernem Goa 403527.

Annexure D

52

Annexure D

**GOA COASTAL ZONE MANAGEMENT AUTHORITY**

C/o Department of Science, Technology and Environment (Govt. of Goa)  
1<sup>st</sup> floor, Pt. Deendayal Upadhyay Bhavan, Puidalik Nagar, Alto,  
Porvorim, Bardez- Goa-403 521, Phone: (0832) 2416561

[www.gczma.goa.gov.in](http://www.gczma.goa.gov.in)

Ref.No.GCZMA/N/FILE-Compl/20-21/52/1202

Dated: 02/11/2020

**SHOW CAUSE NOTICE CUM STOP WORK ORDER IS ISSUED UNDER SECTION 5 OF THE ENVIRONMENT (PROTECTION) ACT, 1986, READ WITH RULE 4 OF THE ENVIRONMENT (PROTECTION) RULES, 1986.**

WHEREAS, the Goa Coastal Zone Management Authority (hereinafter referred to as 'the GCZMA' in short) has been constituted by the Ministry of Environment & Forests (MoEF), Government of India pursuant to the directions of the Hon'ble Supreme Court of India to deal, inter alia, with violation of the Coastal Regulation Zone (CRZ) Notification 2011 and implementation of the CRZ Notification.

WHEREAS, the Office of the Goa Coastal Zone Management Authority (hereinafter referred as 'the GCZMA' in short) had received a complaint from Vishwanath Kamat Dessai wherein it has been submitted Rajesh Kumar Mehra (sunny) and Sudesh Kumar Mehra (Billa) have carried out illegal construction of beach shack with bar, illegal sand dunes cutting, illegal construction of retaining wall and sewage discharge in sea. Illegal construction of Two storey building for commercial purpose in the property bearing survey no 269/3, of Village Juneswada, Mandrem, Pernem, Goa. (Enclosed Copy of the complaint)

AND WHEREAS, upon receipt of the Complaint the GCZMA carried out a site inspection, on 06/11/2020; and a submitted the report to this Authority. (Enclosed Copy of the report)

AND WHEREAS, upon receipt of the Complaint and the report from the Expert Member, the GCZMA issued a Show Cause notice bearing No. GCZMA/NILLE-COMPL/20-21/52/1041 dated 18/11/2020; to Rajesh Kumar Mehra (sunny) and Sudesh Kumar Mehra (Billa).

AND WHEREAS, the Matter was placed for Personal Hearing before the GCZMA Authority in its 238<sup>th</sup> Meeting held on 26/11/2020. The Proceeding of the Meeting were as under, "Ld. Adv Amey Phadte for Respondent present and submitted that the notice is wrongly served upon him and that the property bearing survey no 269/3 of Village Mandrem does not belong to him but belongs to one Mr. Harichandra Naik and the notice be issued to him".

AND WHEREAS, the Authority in its 238<sup>th</sup> Meeting held on 26/11/2020, decided that, "The Authority decided to issue Stop Work Order cum Show Cause Notice to Harichandra Naik and serve the same through the Village Panchayat of Mandrem. The matter is kept on 10/12/2020 at 3.30p.m."

AND WHEREAS, the Alleged Violators Rajesh Kumar Mehra (sunny) and Sudesh Kumar Mehra (Billa) filed his reply to the Show Cause Notice stating that the structure in question is owned and possessed by Shri Harichandra Vithal Naik and his sons. He further stated that the SCN is wrongly issued to them. The alleged violators have also furnished the address of the Owner. (Enclosed Copy of the Reply dated 23/11/2020)

AND WHEREAS, based on the upon receipt of the Complaint and the report from the Expert Member and reply filed by alleged violators Rajesh Kumar Mehra (sunny) and Sudesh Kumar Mehra (Billa) the following alleged illegal construction resulting in blatant and serious violation of CRZ Notification 2011 is noticed. The details of the violations are indicated here below:-

Sr No	Name of the Party/alleged violator	Survey No/ Village	Type of Construction	Distance from HTL
1.	Shri Harichandra Vithal Naik	Survey No/ 269/3 Junas wada Mandrem	Illegal construction of beach shack with bar, illegally cut the sand dunes, illegal construction of retaining wall and sewage discharge in sea. Illegal construction of Two storey building for commercial purpose.	Within NDZ

AND WHEREAS, as per the CRZ Notification, 2011; the entire belt of 100 mts. from the High Tide Line (HTL) of river and 200mts. from the HTL from the sea is designated as the No Development Zone (NDZ) and hence no construction/development whatsoever are permissible in the said belt;

AND WHEREAS, the alleged illegal construction is highly detrimental to the Coastal ecosystem / riverine ecosystem. Further it is observed that you have not obtained any prior approval of the GCZMA for the purpose of alleged construction as required under the CRZ Notification 1991/2011.

NOW THEREFORE, in exercise of the powers conferred by section 5 of the Environment (Protection) Act, 1986 read with sub-rule (3) (a) of rule 4 of the Environment (Protection) Rules, 1986, delegated to the GCZMA, the GCZMA hereby directs you to **STOP WORK** with immediate effect and **SHOW CAUSE** as to why a direction to demolish the structures and to restore the land to its original condition should

*[Signature]*

54

not be issued to you. Further, you are directed to ensure that no civil work of whatsoever kind and nature is carried out at said site.

**FURTHER TAKE NOTE THAT,** you are required to file your reply on alongwith compliance report and produce construction/reconstruction/repair licence/approvals, if any, issued by the concerned Authorities including GCZMA along with approved plan, as also documents to show the title to the Office of the GCZMA, having its Office at 1<sup>st</sup> Floor, Pt. Deendayal Upadhyay Bhavan, Pundalik Nagar, Alto, Porvorim, Bardez- Goa on or before 08/12/2020 and remain present for a personal hearing on the 10/12/2020 at 03.30 p.m at the 2<sup>nd</sup> Floor, Conference Hall, Secretariat, Porvorim, Goa Secretariat, Porvorim, Goa. Take note that if you fail to submit your reply along with the required documents, the GCZMA will come to the conclusion that you have no justification to carry out its activities as above stated and the Authority shall proceed to issue final directions to you in this regard without any further notice which inter alia includes order of demolition of structures, disconnection of water / power supply etc.

(Dasharath M Redkar)  
Member Secretary (GCZMA)

Encl: As above

To,

- 1) Shri Harichandra Vithal Naik, resident of House No. 10, Junas Wada, Mandrem, Pernem Goa

Copy to:

1. The Collector & District Magistrate (North), Office of the Collector (North), Collectorate Building, Panaji-Goa... for information and necessary action.
2. The Dy. Collector & SDO of Pernem, Goa..... who is required to enforce these directions and ensure that no work is carried out at site, other than in accordance with law.
3. The Secretary, Village Panchayat of Mandrem, Pernem-Goa..... who is required to serve the Notice and submit report of service. Further to enforce these directions and ensure that no work is carried out at site and also initiate action under the Goa Panchayat Raj Act, 1994 and to report the compliance to the GCZMA.
4. VISHWANATH KAMAT DESSAI, resident of Mad'amaj Mandrem, Pernem Goa 403527.

T. C.  
S. Jh.

Annexure D

Annexure E Colly

(55)

Annexure E Colly

14.01.2021

FROM:

MR. JAYANT G. NAIK,  
R/o of C/o Flat No UGF-004,  
Building C, Pinto Ville,  
Socorro, Bardez-Goa 403521

To,

THE MEMBER SECRETARY,

GOA COASTAL ZONE MANAGEMENT AUTHORITY,

Pandit Din Dayal Upadhyay Bhavan,

Pundalik Nagar, Alto,

Pervorim, Bardez-Goa.

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

14/01/2021

SUB.: Complaint in respect of illegal structure constructed in  
survey No.269/3 of Village Mandrem, Pernem-Goa.

Sir,

By the present complaint, it is brought to your kind notice that person namely (a) Shri Rajesh Kumar Mehra and (b) Shri Sudesh Kumar Mehra have illegally constructed beach shack in an NDZ area of CRZ (about 50 mtrs. from the HTL line) in Survey No.269/3 of Village Mandrem. The said structure has been set up by destroying/cutting the sand dunes in the area. Further the aforesaid person have also constructed retaining wall at the site and also concreting of floor of restaurant. It may be also noted that the sewage discharge from the aforesaid structure, which is being used for commercial purpose, is directly discharged into the sea, thereby causing water pollution.

it is submitted that the aforesaid activities, which are being carried out in NDZ of the CRZ area are clearly in contravention of the CRZ Notification and therefore appropriate action under the said notification is required to be immediately taken against the violators.

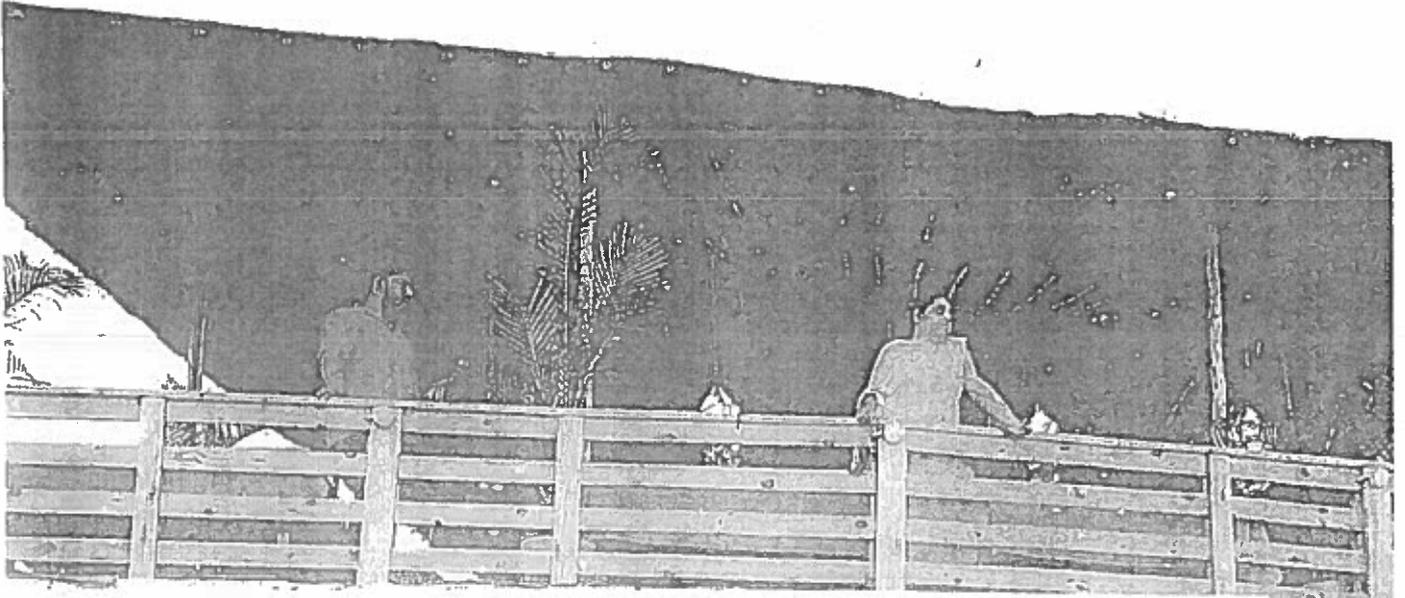
In the above conspectus it is most humbly prayed that the aforesaid structure are required to be demolished immediately and further the violators should be imposed the exemplary cost for causing destruction of environment by carrying out activities in complete contravention of CRZ Notification.

Thanking you.

Yours faithfully,

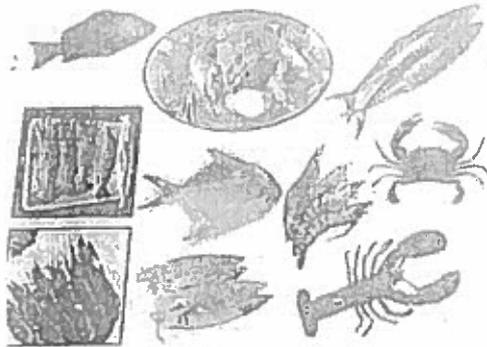
  
MR. JAYANT G. NAIK

57



**ROOMS ARE AVAILABLE : AC FAMILY ROOMS, AC SEAVIEW ROOM**

*Our Speciality A Luxury Accommodation*  
*Tandoori Seafood*



# Sunny Sunrise

## LA DE SU BEACH RESORT

**HOTEL, BAR & RESTAURANT**

**JUNASWADA MANDREM - GOA 403527**

ਸਨੀ ਸਨਰਾਈਜ਼  
ਡਾ. ਡੀ. ਸੁ.  
ਬੀਚ ਰੋਜ਼ਰਟ  
ਹੋਟਲ, ਬਾਰ ਅਤੇ ਰੈਸਟੋਰੈਂਟ



**SUNNY PAAJI : 7774097440**

**7051243231**

**BILLA PAAJI : 8308415655**

**CHETAN : 7261942885**

Annexure F

(60)

20.01.2021

FROM:  
MR. JAYANT G. NAIK,  
R/o of C/o Flat No.UGF-004,  
Building C, Pinto Ville,  
Socorro, Bardez-Goa 403521

To,  
THE MEMBER SECRETARY,  
GOA COASTAL ZONE MANAGEMENT AUTHORITY  
Pandit Din Dayal Upadhy Bhavan,  
Pundalik Nagar, Alto,  
Purvorim, Bardez-Goa.

O/o Member Secretary *20/01/2021*  
Goa Coastal Zone Management Authority  
C/o Department of Environment & Climate Change  
Dempo Tower 4th Floor  
Patto Plaza Panjim Goa - 403001

SUB.: Complaint in respect of illegal structure construction carried out in survey No.269/4, 269/5 & 269/6 of Village Mandrem, Pernem-Goa by one Mr. Vithal H. Naik, r/o Junus wada, Mandrem Goa.

Sir,

By the present complaint, the undersigned brings to your kind notice about the construction of illegal structures in survey No.269/4, 269/5 & 269/6 of Village Mandrem, Pernem-Goa by one Mr. Vithal H. Naik, r/o Junus wada, Mandrem Goa. The aforesaid construction falls within NDZ area and is carried out without any approval from your good office. Further it is pertinent to note that the said construction is carried out in an area which is close proximity of the turtle nesting zone.

The aforesaid construction has been recently carried out without any permission and more particularly without your permission from your good office.

In the above conspectus it is most humbly prayed that the aforesaid structure are required to be demolished immediately and further the violators should be imposed the exemplary cost for causing destruction of environment by carrying out activities in complete contravention of CRZ Notification.

Thanking you.

Yours faithfully,

*J. Naik*  
MR. JAYANT G. NAIK



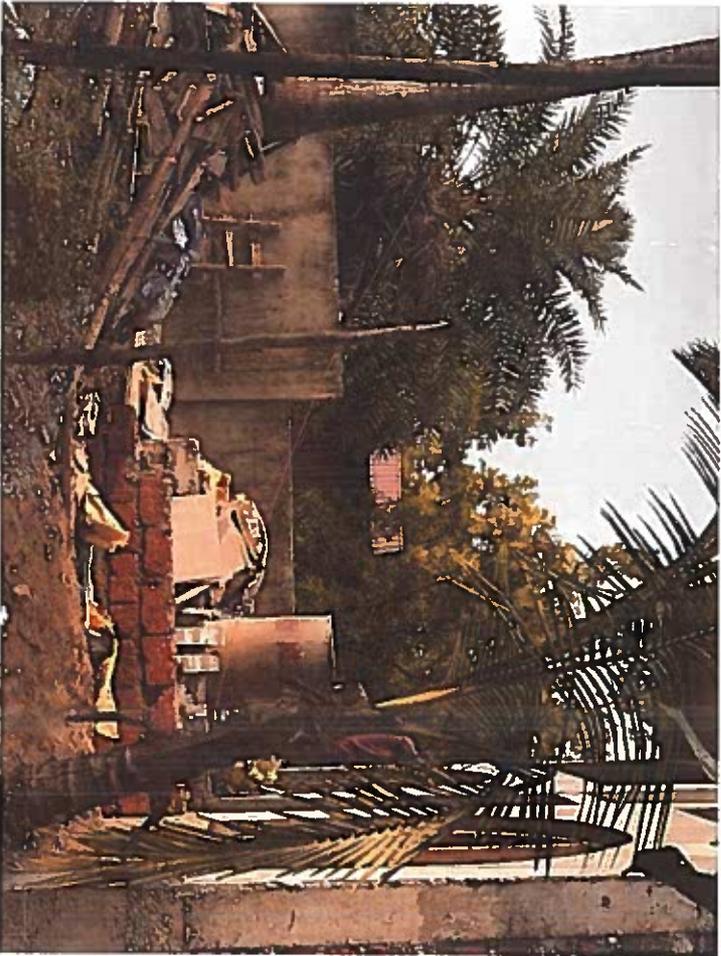


Mandrem - Junos Vaddo  
30 November 2019 4:30...

[Edit](#)



HDR

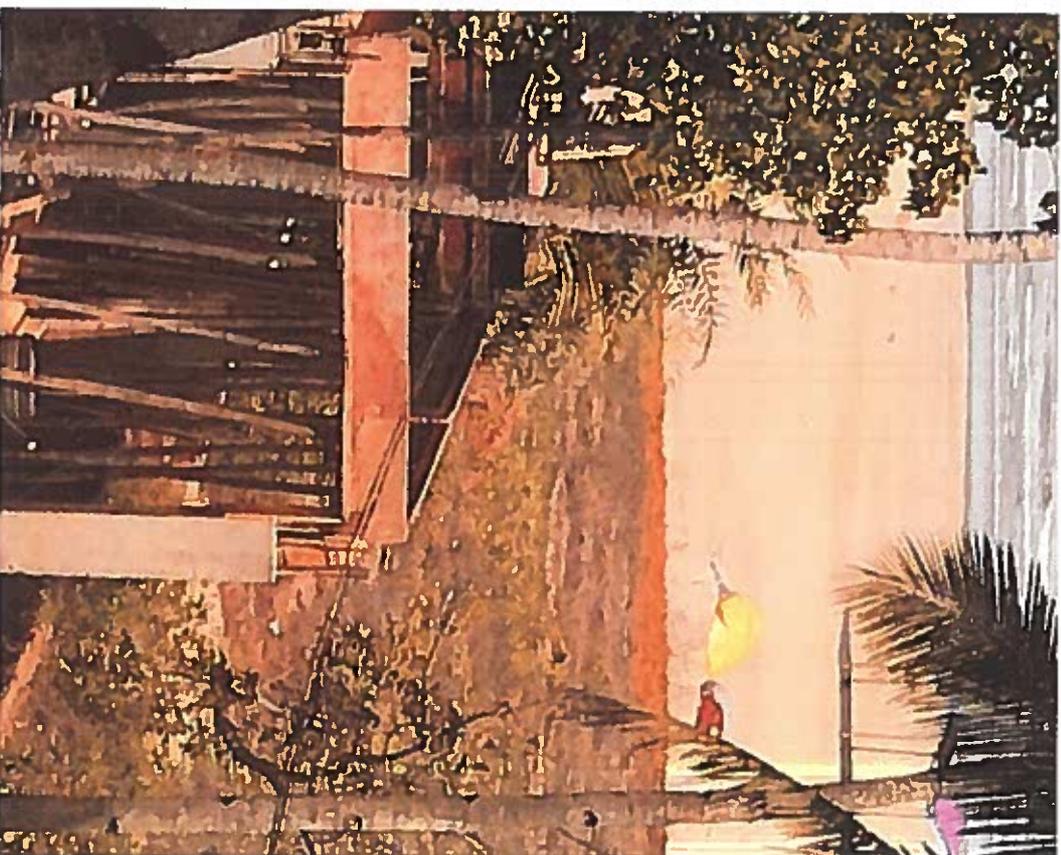


Mandrem - Junos Vaddo  
9 May 2019 10:33 AM

[Edit](#)



HDR



BEFORE THE GOA COASTAL ZONE MANAGEMENT  
AUTHORITY, PANAJI GOA

Case No. /

IN THE MATTER:

MR. VISHWANATH KAMAT DESAI ... COMPLAINANT

Versus

RAJESH KUMAR MEHRA ... RESPONDENT

And

SHRI JAYANT NAIK ... INTERVENOR

APPLICATION FOR INTERVENTION

MAY IT PLEASE YOUR HONOUR

1. The applicant herein has filed a complaint in respect of illegal construction carried out in Survey No.269/3 of Village Mandrem, Pernem Goa, wherein it has been pointed out in details as to how the respondent herein have violated provisions of CRZ Notification and constructed structures illegally in the NDZ area of CRZ.
2. After filing of the complaint, the applicant was given to understand that in respect of the very same structure and the very same survey number there is already a complaint filed by one Mr. Vishwanath Kamat Desai, in respect of which this Hon'ble authority have already taken cognizance and initiated the proceedings by issuing show cause notice to the violators.
3. The applicant states that the applicant has also filed complaint against the illegality committed by the Respondent herein and

To Member Secretary *GD* 20/01/2021  
Coastal Zone Management Authority  
Department of Environment & Climate Change  
3rd Floor 4th Floor  
to Plaza Panjim Goa - 403001

the applicant wishes to assist this Hon'ble authority in arriving at correct factual position *qua* the illegal structure in question.

In the above circumstances the applicant most humbly prayed that the application for intervention be allowed and the applicant be permitted to appear in the proceedings in order to point out the illegalities committed by the Respondent.

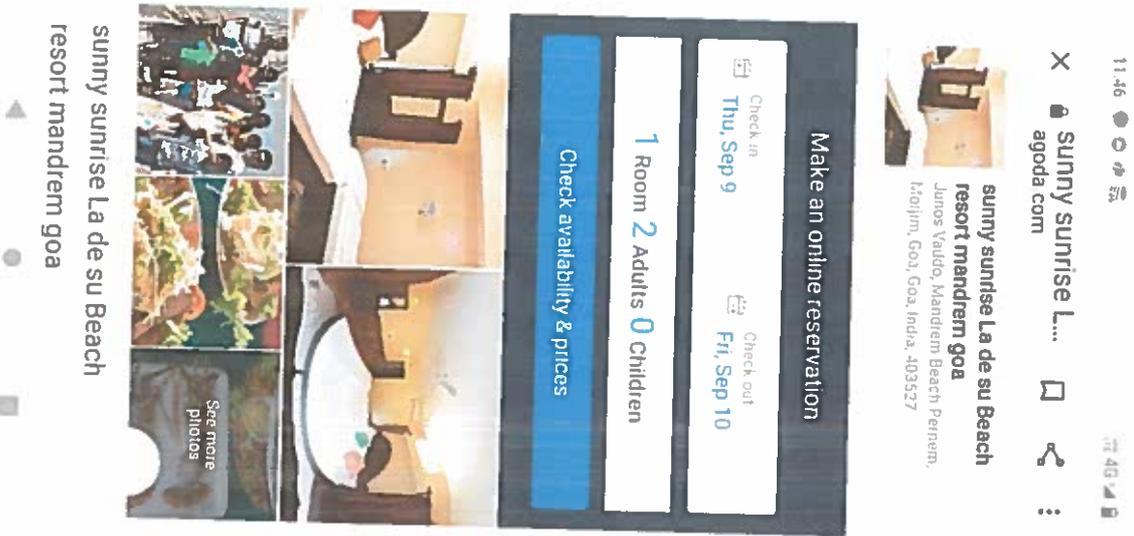
Date: 20.01.2021

Place: Panaji-Goa

*Soul*  
INTERVENOR

T. C.  
S. S.

Anneecure E

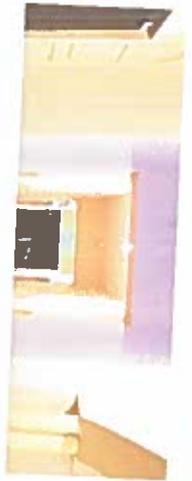


Survey no 267/3, 4, 5 and 6

Sunny view no - 267 / 4, 5, 6



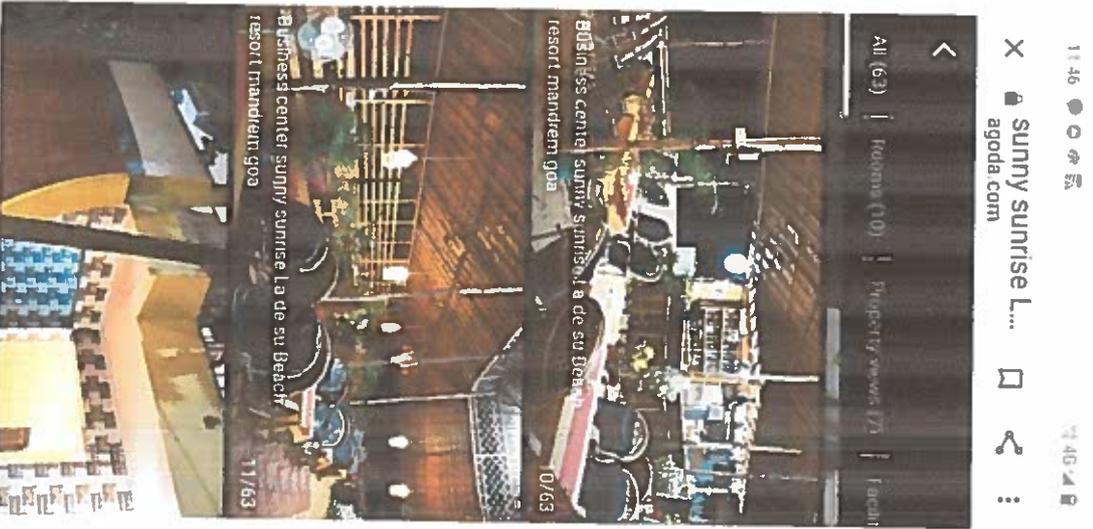
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Sunny Sunrise La De Su beach...  
:achresort.business site



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WhatsApp  
Call  
Directions

Sunny no - 267 13, 4, 5, and 6



## Annexure F

From,  
Shri. Harishchandra Naik,  
H.No. 10,  
Junas Wado,  
Mandrem, Pernem-Goa.

Date: - 27/01/2021

To,  
The Goa Coastal Zone Management Authority,  
C/o. Department of Science,  
Technology and Environment (Govt. of Goa),  
1<sup>st</sup> Floor, Pt. Deendayal Upadhyay Bhavan,  
Pundalik Nagar, Alto, Porvorim,  
Bardez-Goa.

Sub:- Reply to the Show Cause Notice Cum Stop Work Order  
dated 02/12/2020 bearing Ref no. GCZMA/ N/ILLE-  
COMPL/2020-21/52/1202.

Sir,

1. The Undersigned at the outset raises the following preliminary objection to the present Show Cause Notice under reply:

a. The Show Cause Notice is served upon the undersigned is accompanied by inspection report dated 06/11/2011 wherein the undersigned was neither informed nor any intimation was addressed inter alia directing the undersigned to remain present for the said site inspection in as such

(65)

the site inspection report on the basis of which the present Show Cause Notice Cum Stop Work Order is issued is bad in law.

2. The briefs facts relevant for deciding the present Show Cause Notice Cum Stop Work Order are as under:-

- i. It is stated that there exist a landed property known as "GHARBHAT" bearing survey no. 269/3 of village Mandrem, Pernem Goa (hereinafter referred to as Said Property) wherein there always existed three structures belonging to the undersigned which were constructed almost more than 4 to 5 decades and subsequently with the consent of the landlords the said structures were repaired and renovated upon obtaining requisite permission and approvals as required by the prevailing laws in force at the relevant point of time, hereinafter referred to as Said Structures.
- ii. It is stated that said Structures have been assessed for house tax by the village Panchayat of Mandrem and accordingly the structures have been designated with independent house numbers namely H.No. 444/2, 444/3 and 444/4 and the undersigned and his predecessors have diligently paid house tax to the village Panchayat of Mandrem.

Annexed hereto and marked as Annexure - A is the copy of house tax receipt bearing no. 22 dated

04/06/1986 issued by Gram Panchayat Mandrem, Pernem, Goa for structures bearing H.No. 444/2, 444/3 and 444/4.

iii. It is stated that on account of the salty sea air affected the existing structures which required periodical repair and/or renovation and/or reconstruction as such the undersigned obtained permission for repair from the Gram Panchayat Mandrem, Pernem, Goa which was granted pursuant to its correspondence bearing reference no. VPM/HVN/Permission/86-87/333 dated 04/06/1986.

Annexed hereto and marked as Annexure - B is the copy of Permission for repairs correspondence bearing reference no. VPM/HVN/Permission/86-87/333 dated 04/06/1986 issued by Gram Panchayat Mandrem, Pernem, Goa.

iv. It is pertinent to state that the Undersigned in the said permission to repair has sought for repair of his existing structures in survey no. 269/3 of village Mandrem and had sought for repairs like replacement of roof and existing walls of the structures bearing house no. 444/2, 444/3 and 444/4.

v. The said permission also mandated that the undersigned should not extent the plinth area and accordingly the undersigned had maintained his

existing plinth area of 30 mts x 12.50 mts width for the structure bearing house no. 444/2 with regards to the structures bearing H.No. 444/3 and 444/4 the undersigned maintained the existing plinth area of 10 mts x 6 mts width.

vi. It is stated that the undersigned again applied for permissions for reconstructions for the existing structures bearing H. No. 444/2, 444/3 and 444/4 in the said property which was granted by village Panchayat of Mandrem pursuant to its permission no. 9/90-91 bearing reference no. VPM/PER/NOC/90-91/565 dated 07/09/1990 and the said proposed reconstruction comprising of ground floor and first floor was required to be in consonance with the plan annexed to the permission.

Annexed hereto and marked as Annexure - C is the copy of Permission no. 9/90-91 bearing reference no. VPM/PER/NOC/90-91/565 dated 07/09/1990 along with the plan issued by Gram Panchayat Mandrem, Pernem, Goa.

vii. It is stated that the undersigned upon completion of its reconstruction of the said structures, vide its letter dated 12/12/1990 intimated the village Panchayat of Mandrem the fact of completion of its reconstruction work.

Annexed hereto and marked as Annexure - D is the copy of letter dated 12/12/1990 addressed to Gram Panchayat Mandrem, Pernem, Goa.

viii. It is stated that in the Showcause Notice cum Stop work Notice it is alleged that illegal construction of two (2) storey building is constructed within NDZ is denied in as much as the undersigned has requisite permissions for the said two (2) storey building.

ix. It is stated that the said two (2) storey building is an existing structure prior to the appointed date of the CRZ Notification and the said building was assessed for House Tax by the Village Panchayat of Mandrem and was allotted House No.444/1. The said two (2) storey building is situated in survey no.269/3(Part), 4, 5 and 6 (Part) of Village Mandrem Goa.

x. It is stated that there always existed a residential house in the Survey Nos. 269/3(Part), 4, 5 and 6 (Part) of Village Mandrem Goa for more than 4 to 5 decades and on account of the same been comprised of mud walls and required immediate reconstruction furthermore with the increase in the number of family members wherein the undersigned was one of the member of a joint family there arosed a demand for reccnstruction of the existing house in the

said property and accordingly to accommodate all the members of the joint family the undersigned in the year 1986 applied for permission for repair of the said house bearing house no. 444/1 to replace the existing roof and the existing walls which was allowed by the Village Panchayat of Mandrem vide its permission bearing reference no. VPM/HVN/Permission/86-87/74 dated 26.05.1986.

Annexed hereto and marked as Annexure - E is the copy of Permission for repairs correspondence bearing reference no. VPM/HVN/Permission/86-87/74 dated 26.05.1986 issued by Gram Panchayat Mandrem, Pernem, Goa.

xi. It is stated that while repairing the said house the same being of mud could not sustained the new roof therefore the undersigned applied for reconstruction of the existing house retaining the existing plinth area. The Village Panchayat of Mandrem vide its permission bearing reference no. VPM/HVN/Per/NOC/86-87/94 dated 16.10.1986 permitted the reconstruction as per the plan approved by the technical officer vide its letter dated 08.10.1986.

Annexed hereto and marked as Annexure - F is the copy of Permission for repairs correspondence bearing reference no. VPM/HVN/Per/NOC/86-87/94 dated 16.10.1986 along with the approved plan issued by Gram Panchayat Mandrem, Pernem, Goa.

- xii. It is stated that pursuant to the said permission issued by the Village Panchayat of Mandrem the undersigned had reconstructed the existing structure comprising of ground plus two (2) floors so as to accommodate its family members of joint family.
- xiii. It is stated that the undersigned perused the contents of the Complaint and the photographs enclosed along with it and hereby denies each and every allegation as false and baseless. The said Complaint is filed out of its personal rivalry known best to the Complainant and is motivated with intention to extort illegal gratification from the undersigned who being the honest and law abiding citizen never stooped to their such demands.
3. With regards to the allegation pertaining to the land being a tenant land the same is denied and it is stated that the Structures of the undersigned were in existence prior to 4 to 5 decades.
4. It is denied that there is any ongoing construction in the Said Property as alleged by the Complainant. It is further stated that the photographs enclosed to the complaint do not depict the correct factual position at location and therefore the same are denied.

5. The undersigned denies that there is no alleged illegal construction of breach shack and cutting of sand dunes. It is also denied that there is no construction of retaining wall as alleged in the complainant and also stated in the Show cause notice cum Stop work Order under reply.
6. It is stated that the structures standing in the said properties are constructed prior to 1991 which is evident from the documents enclosed with this reply as such the question of any CRZ clearance for the structures constructed prior to 1991 doesn't arise and there is no on going construction as alleged by the complainant and has stated in the present ShowCause Notice and Stop Work Order under reply.
7. Therefore In view of the above said reply and the documents submitted along with the reply it is stated that the structures existing in survey nos.269/3 are constructed legally upon obtaining requisite permissions prior to 1991 and as such it is graciously requested that the present ShowCause Notice and Stop Work Order under reply be dropped.

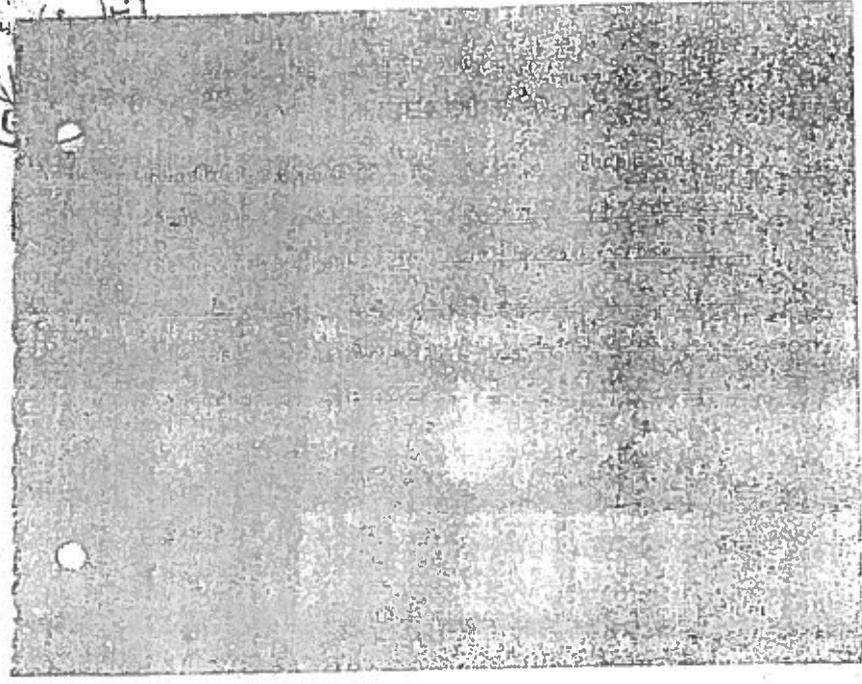
Place: - Porvorim-Goa

Date: - 28/01/2021.



Shri. Harishchandra Naik

72



NOTARIAL NOTARIAL

NOTARIAL



Certified true copy of the Original  
Exposure On... 25/10/2021  
Reg. No... 94/2021

*[Signature]*  
D.P. DASH  
B.Sc. (Hons) LL.B. (Hons)

THE APPLICANT DOES NOT  
WISH TO RELY ON THIS DOCUMENT

*S. Shal*  
*Adv for Applicant*

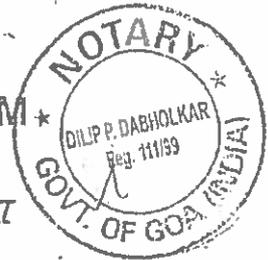
73



GRAM PANCHAYAT MANDREM \*

Tal. PERNEM - GOA 403 527

ग्राम पंचायत - मांद्रे, ताल. पेडणे - गोवा



Ref. No. VPM/HVN/permission/86-87/333

Date: 04/06/1986

PERMISSION FOR REPAIRS

The Village Panchayat is hereby granted a permission to Shri. Harichandra Vithal Naik, resident of Junaswada, Mandrem, to repair his existing Structures bearing House Nos. 444/2, 444/3 & 444/4 in the property bearing Survey No. 269/3, like replacement of Roof and existing walls is passed in the meeting by the Village Panchayat Mandrem as per the following conditions:

- 1) The present length of the Structure of House No. 444/2 is 30 mtrs and width is 12.50 mtrs with which should not be extended.
- 2) The presents lengths of the Structures of the House Nos. 444/3 & 444/4 are 10 mtrs and the widths are 6.00 mtrs which should not be extended.
- 3) The repairs should be within the plinth level without changing the original structures.
- 4) If any objection comes from the landlord owner the Panchayat is not responsible for that.
- 5) The permission shall be valid for six months from the date of issue of this permission.
- 6) This permission carries the seal of the Village Panchayat Mandrem.

*[Signature]*  
Secretary  
V. P. Mandrem  
Pernem



*[Signature]*  
Sarpanch  
Village Panchayat Mandrem  
Pernem Goa





## GOVT. PANCHAYAT MANDREM

Taluka - Pernem - Goa.

Ref. No. VPM/PER/NOC/90-91/ 585

Date :- 07/09/1990

- Read :-
- 1) Goa Government grant of loan for houses under the paying guest scheme and small hotel establishment, Rules 1978.
  - 2) Notification No. 1/15/(10)/84-LAND dated 19th Nov. 1985 issued by the under Secretary (F and A) Secretariat Panaji

PERMISSION NO. : 5/90-91

This is to certify that this Panchayat has No Objection for Re-Construction of Existing structure bearing House No. 144/2, 144/3, 144/4 of Harichandra Vithal Naik situated at Junaswada, Mandrem in the property known as CHARBHAT under Survey No. 269 Sub Division 3 Mandrem, Pernem - Goa.

It is Subject to conditions that :-

- 1) Reconstructions should be within the Plinth level without extending existing plinth area as per the plan Annexed.
- 2) Labour quaters comprising of ground floor and first floor as per the plan annexed.
- 3) Traditional Access should be maintained.
- 4) There is Access road to the party concerned.
- 5) The permission shall be valid untill construction work is completed.
- 6) The completion of reconstruction work should be informed to this Office for the purpose of verification.

*[Signature]*  
Secretary V. P. Mandrem  
Secretary  
V. P. Mandrem  
Pernem-Goa.



*[Signature]*  
Sarpanch V. P. Mandrem  
Sarpanch  
Village Panchayat Mandrem  
Pernem Goa

75

From:- Shri. Harichandra Vithal Naik,  
R/O Junaswada, Mandrem,  
Pernem, Goa.  
Dated:- 12/12/1990.

To,  
The Sarpanch,  
Village Panchayat  
Mandrem, Pernem Goa.

Sub: Intimation that reconstruction in Survey  
No. 269/3 of Mandrem Village is completed.

Sir/Madam,

Kind note that the reconstruction work of the undersigned has been completed of its existing structures. The same is within the plinth area and as per the approved plan and as per the Panchayat Permission No.9/90-91 bearing ref No:----- VPM/PER/NOC/90-91/585 dated 07/09/1990.

This letter is in compliance with condition No. 4 of the above said Permission No.9/90-91.

Thanking you,

Yours faithfully,

( HARICHANDRA V. NAIK )

*Received*  
12/12/1990  
*Harichandra V. Naik*  
Sarpanch  
Village Panchayat Mandrem  
Pernem Goa.



VILLAGE PANCHAYAT MANDREM  
Taluka - Pernem - Goa.

Ref. No. VPM/HVN/Permission/86-87/74 Date :- 26/05/1986

PERMISSION FOR REPAIRS

The Village Panchayat is hereby granted a permission to Mr. Harichandra Vithal Salk, resident of Jambhuda, Mandrem to repair his existing house bearing House No. 444/1 like replacement of roof and exterior walls as passed in the meeting by the Village Panchayat under the following conditions.

1. The present length of the house is 20 mtrs and width is 10 mtrs which should not be extended.
2. The repairs should be within the original structure.
3. If any objection has come from the land holder the Panchayat is not responsible for that.
4. The permission shall be valid for six months from the date of issue of this permission.
5. This permission carries the seal of this Village Panchayat Mandrem.

*(Signature)*  
Secretary  
V. P. Mandre  
Pernem-Goa.



*(Signature)*  
Sarpanch  
Village Panchayat Mandrem  
Pernem Goa



Certified true copy of the Original  
Mapusa On 28/05/2021  
Reg. No. 92/2021

*(Signature)*  
D.P. DABHOLKAR  
B.Sc. (Hons) LL.B NOTARY

(TYPED COPY)

VILLAGE PANCHAYAT MANDREM  
TALUKA - PERNEM - GOA

RefNo. VPM/HVN/Permission/86-87/74

Date: 26/05/1986

PERMISSION FOR REPAIRS

The Village Panchayat is hereby granted a permission to Shri. Harichandra Vitthal Nath, residing at Junaswada, Mandrem, to repair his existing House bearing House No. 444/1 like replacement of Roof and existing walls is passed in the meeting by the Village Panchayat as per the following conditions.

1. The present Length of the House is 20 Mtrs and the Width is 10 Mtrs., which should not be extended.
2. The repairs should be within the Plinth level without changing the original structure.
3. If any objection has come from the Landlord Owner, the Panchayat is not responsible for that.
4. The permission shall be valid for six months from the date of issue of this permission.
5. This permission carried the seal of this Village Panchayat, Mandrem.

Secretary

Sarpanch

(77)



## VILLAGE PANCHAYAT MANDREM

Taluka - Pernem - Goa.

Ref. No. VPM/PER/NOC/86-97/94

Date :- 16/10/1986

Read :-

- 1) Goa Government grant of loan for houses under the paying guest scheme and small hotel establishment, Rules 1978.
- 2) Notification No. 1/15/(10)/84-LAWD dated 19th Nov. 1985 issued by the under Secretary (F and A) Secretariat Panaji

### PERMISSION

This is to certify that this Panchayat has No Objection for Re-Construction of Existing Residential House bearing House No. 444/1 of Shri Harichandra Vithal Naik situated at Junaswada Mandrem in the property known as Gharbhat Bharwan Kungo under Survey No. 269 Sub Division 3,4,5,6 Mandrem, Pernem - Goa, based on the following conditions.

- 1) Reconstructions should be within the Plinth level without extending the existing plinth area as per the plan Annexed is approved by the technical Officer vide letter dated 08/10/1986
- 2) Traditional Access should be maintained.
- 3) There is Access road to the party concerned.
- 4) The permission shall be valid until the construction work is completed.

  
Secretary  
V. P. Mandre  
Secretary V.P. Mandrem



  
Sarpanch  
Village Panchayat Mandrem  
Pernem - Goa

To,  
Shri, Harichandra Vithal Naik  
H. No. 444/1, Junaswada, Mandrem,  
Pernem-Goa.



Date: 24/06/2022

From:

Joyant G. Naik  
 c/o Flat No. 004  
 Building-C  
 Pinto ville - Pervorim-Goa.  
 8767546978

To, The secretary/PIO  
 Village Panchayat mandue  
 Pernem-Goa.

SUBJECT: Application under RTI

sir,

The undersigned would like to apply for the following information under RTI with respect to survey NO 269/3, 269/4, 269/5 and 269/6 at Junaswada-mandue Pernem-Goa.

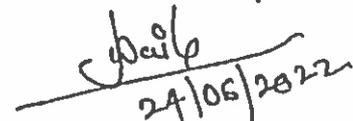
- 1] House tax Register No for House NO. 444/1, 444/2, 444/3 & 444/4
- 2] Permission dated 16/10/1986 bearing No. Ref No. VPM/PER/NO/86-87/94 issued by Panchayat mandue in survey NO. 269/3, 269/4, 269/5 and 269/6 for H. NO 444/1 along with approved plan
- 3] Permission No. 9/90-91 dated 07/09/1990 bearing No Ref No - VPM/PER/NO/1990-91/585 for H. No. 444/2, 444/3 and 444/4 in survey NO 269/3 along with plan
- 4] Permission for Repair dated 26/05/1986 bearing Ref. No VPM/HVN/permission/86-87/74 for H. NO. 444/1 along with plan
- 5] Permission for Repair dated 04/06/1986 bearing Ref No. VPM/HVN/permission/86-87/333 for H. NO. 444/2, 444/3, 444/4
- 6] Certificate dated 06/04/1991 bearing Ref. No. VPM/CERT/91-92/146

The above information/documents are require for purpose of producing before authority/court/tribunal  
 pls do the needfull as early as possible



Received  
 V. P. Mandrem Goa  
 Date: 24/06/2022

Yours faithfully

  
 24/06/2022

# VILLAGE PANCHAYAT MANDREM

## Mandrem Pernem Goa

Ph. No. (0832)2247222

Email ID: mandrem.vp@gmail.com

Ref. No. VP/MAN/PER/RTI/2022-2023/1693

Date: 27/06/2022

To,  
Mr. Jayant G. Naik,  
R/O. Flat No. 004 Building-C,  
Pinto Ville, Porvorim Goa.

Sub: - Submission of information under RTI Act 2005.

Sir,

With refer to your application dated 24/06/2022, which is in warded in this office vide no. 1346 under RTI act 2005. Submitting here with information asked by you with respect to point no. 1 to 6 is as under:-

- 1) With respect to point no. 1: H.No. 444/1, 444/2, 444/3 & 444/4 is not register in V.P. record.
- 2) With regards to point no. 2: As per construction license register permission dtd. 16/10/1986 bearing reference no. VPM/PER/NOC/86-87/94 is not issued by this panchayat.
- 3) With respect to point no. 3: As per construction license register permission no. 9/90-91 dated 07/09/1990 bearing Ref No. VPM/PER/NOC/1990-1991/585 for house no. 444/2, 444/3, & 444/4 in Sy. No. 269/3 is not issued by this Panchayat.
- 4) With respect to point no. 4: As per the construction license register. The permission for repair dated 26/05/1986 bearing Ref No. VPN/HVN/Permission/86-87/74 for House No. 441/1 is not issued by this Panchayat.
- 5) With respect to point no. 5: As per construction license register. The permission for repair dated 04/06/1986 bearing Ref No. VPM/HVN/Permission/86-87/333 for House No. 444/2, 444/3, 444/4 is not issued by this Panchayat.
- 6) With respect to point No. 6: No record available of certificate dated 06/04/1991 bearing Ref No. VPM/CERT/91-92/146.

This is for your kind information.



Yours faithfully

*AArothy*

Secretary/PIO  
V.P Mandrem