

**BEFORE THE NATIONAL GREEN TRIBUNAL WESTERN
ZONE BENCH, PUNE**

APPEAL NO. 28/2025 WZ

IN THE MATTER OF:-

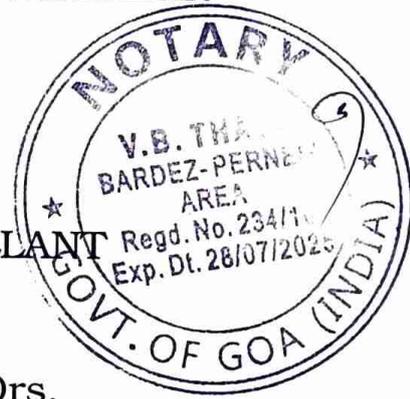
Mr. Dilip Mangesh Morje

....APPELLANT

V/s

The Goa Costal Zone Management Authority & Ors.

...RESPONDENTS



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<u>SL. No.</u>	<u>PARTICULARS</u>	<u>PG. NO.</u>
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FILED THROUGH

(ANKUR KUMAR & ASSOCIATES)

Counsels for the Respondent No.
5/caveator

PLACE: Porvorim, Goa

DATE: 9/04/2025

REPLY ON BEHALF OF THE RESPONDENT NO.5 NAMELY MR.
ANIL PRABHAKAR NAIK

MOST RESPECTFULLY SHEWETH:-

I, Shri. Anil Prabhakar Naik, S/o late Prabhakar Shambhoo Naik, R/o - 64/F, Parel Village, Parel, Mumbai -400012, do hereby solemnly affirm and state on oath as under:-

1. That I am the Respondent No. 5 and such I am well conversant with the facts and circumstances of the case and in that capacity I am duly competent to swear to the present affidavit.
2. That after carefully going through the Appeal filed on behalf of the Appellant, I am submitting the present Reply for kind consideration of this Hon'ble Tribunal.
3. That the issue involved in the present Appeal is quite significant: ensuring effective administration of justice and preserving the Rule of Law:

Preliminary Submission:



1. That Appellant has not approached this Hon'ble Tribunal with a clean hand, therein tried to mislead this Hon'ble Tribunal by making wrong allegations and manipulated facts with the mala-fide intention to harass Respondents and to illegally grab Respondent No. 5 property.

2. It is submitted that this Hon'ble Tribunal by order dated 12/02/2025

"directed the Respondents to submit their reply affidavits within four weeks through e-filing portal of NGT and also circulate the same to the appellant as also other respondents by available e-mail".

"Rejoinder, if any, is directed to be submitted within one week thereafter".

4. The **Hon'ble High Court of Bombay at Goa in Public Interest Litigation (Sou Motu) No. 2 of 2022 vide order dated 26/04/2023** has held

"11. We further note that in the case of 175 structures which are subject matter of the resolutions discharging show cause notices under Section 66 of the Act, fall in the areas demarcated

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as No Development Zone (NDZ), in which, there is a blanket ban on construction, either temporary or permanent, unless approval for the same has been accorded by the GCZMA. This authority is charged with evaluating and granting all such permissions under the CRZ notification issued under the Environmental Protection Act. It is now a matter of record that GCZMA has not issued any permission for the construction of these 175 structures in question. So also, the GSPCB is on record stating that it has not issued the requisite consent to operate under the Air Act and the Water Act. It is thus clear that none of the owners of these 175 structures in question have produced any of the permissions referred to above, before the Panchayat, to obtain a legal discharge of the show cause notice issued to them under Section 66 of the Act."

"12. We further take note of the fact that many of the resolutions refer to the production of electricity bills or house tax receipts produced by the



occupants of the structures as proof of their existence prior to 1991 when CRZ notification was issued. The resolutions rely upon documents such as the house tax receipts or electricity bills, to arrive at a conclusion that the structures were in existence prior to the CRZ notification and therefore, are legal. Such a resolution, on the face of it, is illegal and wholly without justification as the Environment Protection Act and CRZ notification of 1991 exclusively vest the powers to decide the legality of the structures (whether it was in existence before or after 1991 notification) with the GCZMA, and neither the panchayat nor the Town and Country Planning Department or concerned Planning Authority would have the jurisdiction to arrive at such a decision. That being the case, we declare that all the resolutions in relation to 175 structures which are detailed herein below in a tabular form, passed by the Village Panchayat of Anjuna-Caisua on 13.01.2023, 06.02.2023, 20.02.2023,



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14.03.2023, 15.03.2023 and 18.03.2023 are
without jurisdiction and therefore illegal.

Copy of the Order is marked and annexed as

Exhibit R-1.

3. The Respondent No. 5 would like to list out certain facts/
developments, that the Applicant is the rightful owner of the
property bearing survey No. 119/3.

4. Further, the Respondent No. 5 hereby denies each and every
allegation, contention, and submission contained in the
present under Appeal which is contrary to or inconsistent
with the pleading that forms the part of the record hereunder.

The answering Respondent No. 5 further reserves right to file
further brief reply in the matter if the need arises. The
answering Respondent No. 5 does not admit any of the
allegations and contentions made by the Appellant in the
present Appeal and denies everything that is stated therein
so far as it is contrary to or inconsistent with anything that
is stated by the answering Respondent hereinafter.



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5. At the further outset, the answering Respondent opposes the present appeal against the answering Respondent as it is humbly submitted that disputed questions of facts and incorrect facts stated in the appeal have to be determined and decided by the authorities examined on-site in the presence of the answering Respondent.

6. That the answering Respondent submits that the complaint is related to an illegal conversion of land use of the property bearing survey No. 119/3. That the Respondent has failed to bring on record the Permission issued by the appropriate authority.

Para-wise Affidavit in reply to the Appeal filed by the Appellant.

1. That contents of Para 1 of the Appeal are a matter of fact and hence required no reply subject to duly verification.
2. The Contents of Para 2 of the Appeal is partly correct and Partly misleading facts while suppressing the material facts on record in order to prejudice this Hon'ble Forum against the Respondent No. 5. It is denied that the



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Appellant being the tenant as well as Mundkar of Late. Mr. Prabhkar Shambhoo Naik, it is further denied that Appellant had constructed a dwelling house bearing No. 1377 (new house no.) long back, before 1975.

3. The Contents of Para 3 of the Appeal is misleading facts and vehemently denied while suppressing the material facts on record in order to prejudice this Hon'ble Forum against the Respondent No. 5. It is denied that the Appellant constructed house, the answering respondent submits that the DGPS mapping recommended illegal structures in which night club namely Nirvana (luxury night Club) , swimming pool, Restaurant, Dance bar and many other unauthorised, illegal and commercial activities carried out in CRZ areas by the Appellant.

4. The Contents of Para 4 of the Appeal is the misleading facts, while suppressing the material facts and vehemently denied. It is denied that the Appellant is declared as Mundkar, the Appellant is master manipulator and forged the documents and without knowledge took the order. The answering respondent has challenged the Order which is



pending for further consideration before Dy. Collector, Pernem, hence the matter is sub-judice.

5. The Contents of Para 5 of the Appeal is the misleading facts, while suppressing the material facts and vehemently denied. It is denied that the house structure constructed by the father of the Appellant was much before 1975. It is submitted that the said illegal club is recent structure which is constructed in year post 2008.



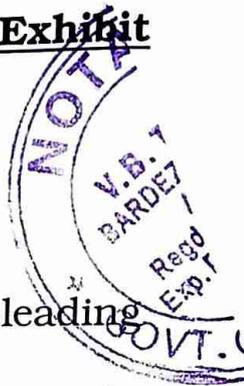
6. The Contents of Para 6 of the Appeal is the misleading facts, while suppressing the material facts and vehemently denied. That the DGPS mapping is not the only factor in deciding illegal structures. That the Appellant is using this property of commercial activities wherein the permission from the village panchayat, Morjim states for Residential purpose. That the Appellant is a master manipulator who is known for doing and running illegal bars and clubs and all sort of immoral activities in the guise of showing residence in the property of survey No. 119/3. It is further submitted that the permission sought by Appellant is in respect of Property bearing Survey No. 119/3-A, wherein

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the present cause of action is regarding property bearing Survey No. 119/3 and not 119/3-A. That the owner of the survey no. 119/3-A is M/s True Axiz Resort Pvt. Ltd which also falls under illegal construction of compound wall as per order vide dated 16/12/2008 by the Hon'ble Goa Costal Zone Management Authority. The true copy of the order dated 16/12/2008 of Hon'ble Goa Costal Zone Management Authority is marked and annexed as **Exhibit R-2.**

7. The Contents of Para 7 of the Appeal is the misleading facts, while supressing the material facts and vehemently denied. The Appellant has no permission for the illegal structure and doing commercial activities in the said illegal resort.

8. The Contents of Para 8 of the Appeal is the misleading facts, while supressing the material facts and vehemently denied. It is denied that the present Appellant had obtained necessary approvals and permission from the concerned authorities.



9. The Contents of Para 9 of the Appeal is partly correct and partly misleading facts, while suppressing the material facts. It is denied that the Respondent No. 5 and his family members realized that they were not getting the expected output from initiating civil proceedings against the Appellant and therefore with revengeful intentions, the present Respondent No. 5 filed a complaint dated 25.04.2022, regarding alleged illegal and unlawful construction carried out by the Appellant before, the Goa Coastal Zone Management Authority.

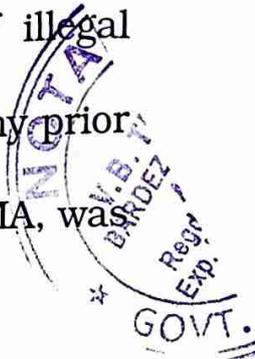


10. The Contents of Para 10 of the Appeal is partly correct and partly misleading facts, while suppressing the material facts subject to duly verification.

11. The Contents of Para 11 of the Appeal is the misleading facts, while suppressing the material facts and vehemently denied. It is denied that the Respondent No. 1, i.e the GCZMA, without considering all the documents on the record had passed the impugned order dated 16/01/2025

(11)

bearing Ref. No. GCZMA/N/ILLE-Compl/22-23/35/PartIII/3386, wherein the Appellant was directed to demolish the structure stated in the order within 30 days from the date of receipt of the Order. That the answering Respondent submits that after duly going through all the records of the Appellant, who deliberately failed to produce any documents in support of illegal construction of Resort cum Dance club without any prior permission from the authorities, the Hon'ble GCZMA, was pleased to pass the demolition order.



12. The Contents of Para 12 of the Appeal is the misleading facts, while suppressing the material facts and vehemently denied. It is denied that GCZMA has completely erred in passing the impugned order, it is vehemently denied that the authority has substantially failed in considering that the father of the Appellant was a Mundkar in the said property and the house constructed by the Appellant was in existence since before 1975. It is submitted that the answering Respondent is already challenged the order of the Mamlatdar before Dy. Collector, Pernem, and the

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Appellant is trying to prejudice the bench by stating the illegal structure as house, the illegal structure is Resort cum dance bar which is being operated illegally by the Appellant without any requisite permission.

13. The Contents of Para 13 of the Appeal is the misleading facts, while suppressing the material facts and vehemently denied. It is denied that impugned order has only focused on the fact on how the plan submitted by the Appellant, forwarding his bona-fides, is allegedly computerized and has an error projecting the Survey No. of the property as 119/3-A instead of 119/3 and that the earlier structure was different from the present structure. It is submitted that the Appellant has furnished the forged and fictitious Plan as the illegal structure is in Sy No. 119/3 and not in 119/3-A. It is further submitted that during 1988 the Sy. No. of the property as 119/3-A was not existing, the said survey No. of property 119/3-A only came into existence in year 2008 in the name of M/s True Axis who has purchased the property from M/s R & R Resort from Calcutta. It is submitted that the property bearing Survey No. 119/3-A was purchased by M/s Ture Axiz Resorts Pvt.



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Ltd vide Deed of sale in year 2005 and made application for mutation in year 2005 from M/s R & R Resorts Pvt Ltd.

Hence the illegal structure and commercial hotel of the respondent was not existed in the year 1988. The application for Mutation entry of survey No. 119/3 vide dated 31/05/2005 is marked and annexed as **Exhibit R-**

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14. The Contents of Para 14 of the Appeal is the misleading facts, while suppressing the material facts and vehemently denied. That the Appellant have filed and relied on bogus documents who has no legal sanctity in the eye of law before the Village Panchayat of Morjim, who have issued issued residence certificate without going through the documents relied by the Appellant. of The permission for repair and renovation to the mother of the Appellant is given by misleading the authority as the Appellant is trying to deceive and confuse this Hon'ble authority by bring two different survey No. 119/3-A and the permission sought for 119/3 which is contradictory in nature and prejudice this Hon'ble Tribunal. The Appellant have failed to explain the contradiction in the reply and misleading this Hon'ble



authority. That the Goa Costal Zone Management Authority vide notification dated 09/07/2014 with ref No. GCZMA/GEN-MISC/14-15/726 gave direction under section 5 of the Environment (Protection) Act, 1986 regarding identification of violations under the Costal Regulation Zone notification 2011 and initiation of action thereon

"4. All concerned Municipal Councils/Corporation of City of Panaji and Village panchayats are directed not to issue any occupancy certificate to any structure/premise etc in the CRZ area without prior NOC/Permission of the GCZMA". The true copy of Goa Costal Zone Management Authority vide notification dated 09/07/2014 with ref No. GCZMA/GEN-MISC/14-15/726 is marked and annexed as **Exhibit R-4.**

15. The Contents of Para 15 of the Appeal is the misleading facts, while supressing the material facts and vehemently denied. That the Appellant has to strict to his own case and the other matter reference given by the Appellant is not concerned with the other parties. The other matter is sub-judice and will be considered on merit at proper stage before appropriate forum.



16. The Contents of Para 16 of the Appeal is the misleading facts, while suppressing the material facts and vehemently denied. It is denied that the Appellant is the citizen of Morjim since his birth and his family has been residing in the dwelling house since before 1975, i.e before the CRZ Notification of 1991 came into force and therefore, the dwelling house of the present Appellant is exempted. It is further denied that Hon'ble Goa Coastal Zone Management Authority has utterly failed to consider the facts before ordering the demolition of the entire structure in 30 days of the receipt of the order dated 16.01.2025. It is further denied that if the said impugned order dated 16.01.2025 is implemented and executed it will cause irreparable loss to the Appellant and his family as the Appellant is residing in the said house and he will be left high and dry. It is stated and submitted that Appellant is constructed the illegal Resort cum Dance bar namely Nirvana without any permission from the authorities and doing all sort of illegal commercial activities. That till date the Appellant has failed to produce any supporting documents or permission for the construction of illegal Resort. In the light of the



above submission, the complainant pray that strict action should be taken against the Respondent for misleading and constructing illegal structures in Survey No. 119/3. Therefore, this Forum with immediate effect direct the officials to demolish the illegal commercial structure on Survey No. 119/3 as per Goa Costal Zone Management Authority notification dated 09/07/2014 with ref No. GCZMA/GEN-MISC/14-15/726.



17. It is therefore most respectfully stated that this Appeal is filed out of sheer malice, spite and vengeance against the Respondents, which can clearly been seen from the Orders of Hon'ble High Court of Bombay at Goa in Writ Petition 2146/2024 (F) and order passed by Hon'ble GCZMA. It is further submitted that this Appeal is a clear abuse of process of law and courts, filed with mala-fide intention and ulterior motives and therefore ought to be dismissed with exemplary cost on the above grounds.

It is therefore most respectfully prayed that the Appeal /2025 be dismissed for the reasons stated above, with cost and pass

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such further order or orders as this Hon'ble Tribunal deems fit in the interest of Justice and Equity.

VERIFICATION

I, Mr. Anil Prabhakar Naik, Age - 72, Senior Citizen, S/o - Late Prabhakar Shambhoo Naik, R/o - House No -64/F, Parel Village, Parel, Mumbai - 400012, do hereby on solemn oath state and affirm that the contents of this Reply in Para 1 to 17 are true to the best knowledge, belief and information.

Verified at ^{Mapusa} ~~Pernem~~, Goa on this 9th Day of 9 April, 2025.

Anil Naik
DEPONENT

Before Me
Mapusa / Pernem on 09/04/25
[Signature]
V. B. THALI
Notary Bardez & Pernem - Goa



Serial no. 819/2025

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Rahul Kanoj <rahulkanoj01041996@gmail.com>

Advance Service in behalf of the Respondent No.5 in Appeal No. 28/2025 WZ

1 message

Rahul Kanoj <rahulkanoj01041996@gmail.com>

Wed, Apr 9, 2025 at 6:14 PM

To: chetan nagare <nagarechetan@gmail.com>, Ankur Kumar <ankurtnls.18@gmail.com>

Dear Sir,

PFA the Affidavit in Reply on behalf of the R-5 in the matter of Mr. Dilip Mangesh Morje Vs. The Goa Costal Zone Management Authority & Ors.

Regards
Rahul
O/o Ankur Kumar Advocate
Supreme Court

 **Affidavit Reply.pdf**
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