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BEFORE THE NATIONAL GREEN TRIBUNAL,

WESTERN ZONE BENCH, PUNE

ORIGINAL APPLICATION NO. 86/2022

Pundalik Kushali Velip & Anr. ...Applicants

V/s

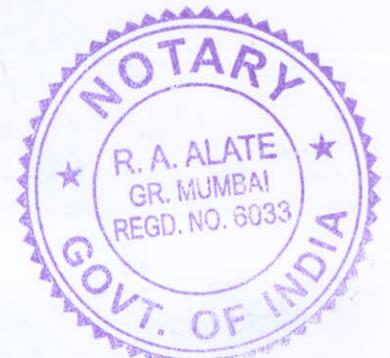
The Dyputy Conservator of Forest

And Ors. ...Respondents

AFFIDAVIT IN REPLY ON BEHALF OF

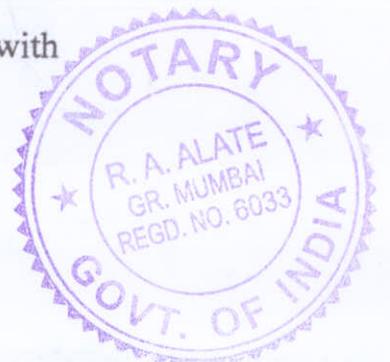
RESPONDENT NO.6

I, Rodney Assumption Conception Salvador D'Silva, son of late Clotinho D'Silva, aged 71 years, Indian National, resident of Dhansagar, Dhanraj Park, New Baraum Par Stella, Vasai West Rajhans Dreams, Umele, Thane, Maharashtra 401202, the Respondent No.6 herein on solemn affirmation hereby states and submits as under:



1. I say that I am Respondent No.6 in the abovementioned matter impleaded vide Order dated 18/04/2023.
2. I say that I have read the contents of memo of application along with the annexed documents thereto, and I have understood the contents thereof.
3. I deny all the contents of the said Petition that are contrary and / or repugnant to and / or inconsistent with the averments made by me in the present affidavit in reply ("this reply"). I say that none of the contents not specifically denied, addressed and / or otherwise dealt with by me in this reply, unless specifically admitted herein may be deemed to have been admitted by me, only for want of specific traverse.
4. I say that the Petition is not maintainable as filed. The petitioner has approached this Honourable Court for a discretionary relief with





unclean hands and not made a full disclosure of facts.

5. I say that the present petition is an abuse of the process of law. I say that it is evident that the present petition is misconceived and not maintainable in law.
6. I say that the properties which are the subject matter in issue in the present matter are not private forest neither have been designated as private forests by the appropriate authority.
7. I say that the petitioners are falsely claiming rights over the lands which are subject matter in issue in the present proceedings. I vehemently deny as being false that the applicants/petitioner are or were agricultural tenants of the properties which are the subject matter of the present petition and are using the petition as a ruse to arm twist their way to lay false claims and grab the property of this respondent. I state that the



*R.A. Alate*

properties which are subject matter of the present petition were never and are not agricultural tenanted lands and the applicants/petitioners making false casual statements as is evident from the cavalier pleadings in this regard, with ulterior malafide motives.

8. I say that the main petition as filed is malafide frivolous and filed with distorted facts. I say that after the perusing the averments contained in application it becomes apparent that the applicant is on fishing expeditions in as much as the averments contained in the application are bereft of basic required details.
9. I say that the Applicant is well aware the Respondent has not violated any provisions of Forest Acts or any other law and the Applicant is deliberately trying to target respondent no.6 herein.



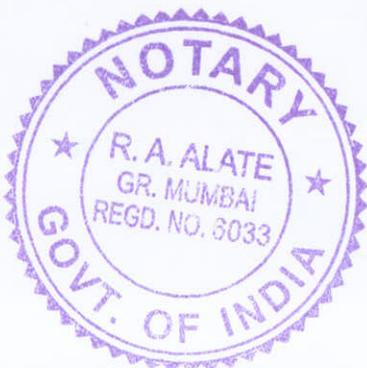
*R. Alate*

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10.I say that I am the co-owner of Land bearing Survey No.23 sub-division 1 to 39, Survey No.29, sub-division No.1 to 58, Survey No.30, sub division No.1 to 88, Survey No.31, sub-division No.1 to 118, Survey No.32, sub-division No.1 to 127 and Survey No.33/1 and 34 of Adnem, Balli village

11.I say that I have appointed Shri Suraj Ballikar and Shri Mansur Shaikh as my attorneys.

12. I say that the averments made in the Application by the applicants that the Subject Properties herein are Private Forests is baseless in as much as material proceeds on record by the Applicant themselves. I say that the Deepiksha Sharma Committee Report said the Subject properties are not identified as Private Forest they said the Report has attained Finality. I say that material produced on record by the Applicant themselves along with the Survey record which I crave leave



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to rely upon as the subject properties cannot be classified as Forest considering the description of the said properties in the Survey records maintained in the Provisions of Land Revenue Code of Goa.

13.I say that the application is perused with oblique motives.

14.I say that with respect to the Complaint of illegal felling of the Banyan Tree in the property bearing Survey No.23/1 of Village Adnem, it has been already clarified that the High tension live electric wire of the electricity department was passing through the branches of the said Banyan Tree and the said branches were spread over the wires. It is stated that besides being a threat and danger to human lives the said branches were damaging the electric wires therefore they were trimmed by the electricity department. I say that the said Banyan tree was posing a threat to the



*R. Alate*

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life and Property that is bus stop located near the Tree. I say that to avoid any impending threat and since the panchayat did not have the man power we offered to get the said tree cut. I further say that to avoid any life-threatening incident I had to trim the remaining Branches of the Said Banyan Tree. I say that I had paid the required fine imposed by the Forest Department as well as planted a fresh Banyan Tree sapling in the same place. I once again reiterate that I have not Violated any Provisions of the Environment Protection Act, 1986, or the Forest Conservation Act.

15. I once again reiterate that I have Paid the Fine Imposed by the Range Forest Officer Quepem Goa, of Rs.3000/- on 18/07/2023, for felling the Banyan Tree. I say that the cutting of the tree which was near the bus stop was done having public safety in mind and without any ulterior



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motives. I further say I have also planted 200 seedlings of different varieties in the property bearing Survey No.23/1 of Village Adnem, the same is notified to the Forest Range officer Quepem vide letter with inward date 21/08/2023. Annexed hereto and Marked as **EXHIBIT R6-1-COLLY** is the true photocopies of the receipt of the fine paid to the Range Forest officer Quepem Goa and letter with inward no.21/08/2023 to the Range Forest officer Quepem Goa.

16. I say that the Government of Goa vide Notification bearing No.7/4/2023-FOR/213 dated 10 August 2023 at Official Gazette Series II No.19, published in the Lists of Survey Numbers Finalised as Private Forests. In the said List the SAID PROPERTIES/SUBJECT PROPERTIES herein are not Listed as PRIVATE FORESTS as alleged by the Applicant. Annexed hereto and Marked as



*R. A. Alate*

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**EXHIBIT R6-2** is the True photocopy of the Notification Government of Goa vide Notification bearing No.7/4/2023-FOR/213 dated 10 August 2023 at Official Gazette Series II No.19. **I say that the said properties do not reflect in this gazette notification**

17.I say that with regards to averments made in para 1 and 2, the same are denied as false and the Applicant is put to strict proof. I say that the jurisdiction of this Honourable Tribunal is sought to be invoked on the purported claim as set out in para 2 of the application as wholesale destruction of natural Forests and natural cover and violation of the environment Impact assessment 2006.

18.I say that the claim of the Applicant that they belong to the community of forest dwellers known as "Velip Community", and that they are social cultural, and religious life is related to



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forest is baseless. I say that the Applicants are not classified as Forest dwellers as claimed.

19. I say that the claim of the Applicant is that they are inhabitants of the said village and tribal are baseless and without any proof on record.

20. I say that the Applicants are also trying to claim tenancy rights, as they claimed to be the tenants of the said properties. I say that the Applicants have not produced any documents regarding the same that is Form I and XIV of the said properties where their names are mentioned as tenants.

21. I say that the mischief complained of is seemingly choreographed and executed either by the petitioners or on their bidding in order to show us in a bad light and create prejudice against us. I say that we have been using the said property for agricultural purposes and it is some miscreants who are causing damage to the



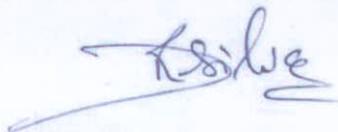
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cashew plants in the property and therefore we have got planted fresh saplings in the property bearing Survey No. 23/1 Adnem.

22.I say that the description assigned of said properties at para 2 of the Application excepts the property bearing Sy.no 23/1(P) which is the garden rest of the Properties referred at para 3 of the Applications are classified as Paddy fields.

23.I say that with regards to para 3 it is denied that in the Village Adnem-Balli in Quepem Taluka of South Goa is a Tribal Hamlet of the tribal group called the Velips. It is denied that the Velips are the Forest Dwellers and their Social, cultural and religious Life is mainly related to forest. It is denied being false that the Applicants are the inhabitants of the said village and tribal (colloquially "Velips"). It is stated that the applicants are seeking misplaced sympathy with oblique motives. I say that we have never and do



not intend to interfere with the Villagers, however, on the guise of this litigation the said persons who have no rights whatsoever on this private land and property owned by us are seeking a ruse to assert false claims on our lands which ought not to be entertained. It is true that village of Adnem- BalliQuepem Taluka, South Goa, Goa, there exist properties surveyed under Nos. 23/1 to 23/39, 29/1 to 29/58, 30/1 to 30/88, 31/1 to 31/118, 32/1 to 32/127, 33/1 and 34 of Village Adnem – Balli, Quepem Taluka South Goa, Goa. It is stated that these lands are privately owned lands and there are no tenants on this land. I say that myself along with other co-owners are in peaceful possession of these lands. I say that since we do not reside in these lands, the applicants are trying to use the mechanism of all sorts to create mischief.



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24. I further say that properties mentioned at Para 3 of the Application which described the nature of the subject properties, the applicant deliberately failed to disclose the said facts that the subject properties except the property Sy. No 23/1 are all identified in Survey Records mentioned in the Land revenue code as Paddy fields.

25. I say that out of 508675 square meters of the subject property the property bearing survey no. 23/1 which admeasures 115595 sq. mts or thereabout any area of 114489 sq. mt is identified as Garden and 375 sq mt identified Dry Crop.

26. I say that with regards para 4 it is denied that the Applicants are tenants of a part of the subject property. It is further denied as being false that all Velips are tenants of agricultural fields in the Subject Property. I reiterate that the said facts of alleged tenancy are pleaded by the applicants in



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a most causal and cavalier manner and with a malicious intent to grab the properties. I further deny that the subject properties are Natural Forests and Natural Cover, where one often spots wild animals like the Indian Gaurs/Bisons and leopards on occasion. I further deny that Applicants state that the subject properties under Nos. 23 and 29 have been classified as Forest as per South Goa Forest Division Committee Report (Araujo Committee Report ) currently in force in the State of Goa. I say that claim of the Applicants herein is fraudulent, baseless and untenable in the light of the documents on record herein and there are absolutely no tenants on the subject properties.

27.I say that with regards to para 5, it is denied being false that the Regional Plan of 2021 For Quepem Taluka shows the other subject under Survey Nos. 30 to 33 under Natural Cover, hilly



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slopes and Cultivable Land, classified "Ecologically Sensitive Area" in the Regional Plan.

28. I say that with regards to para 6 and 7 wrongly numbered as 3 and 4, it's denied being false. The Applicant is put to strict proof.

29. I say that with regards to para 8 wrongly numbered as para 5, it is denied being false. I say that the Applicant himself along with a few other villagers approached the Panchayat with oblique intent and making false assertions in order to browbeat the owners of the properties.

30. With regards to para 9 and 10 wrongly numbered as para 6 and 7 respectively, the contents thereof are denied being false. I say that it is further denied that the dispute here is a substantial question relating to the environment and involves the enforcement of the legal rights of the Applicants and Villagers relating to the



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Environment. I again reiterate that none of the subject properties are Private Forests. I say that the final report and government gazette in this regard has been placed on record

31. I say that with regards to para 11 wrongly numbered as 8, the grounds mentioned herein are denied as false and are not applicable to the facts of the present matter.

32. I say that with respect to para 12 wrongly numbered as para 9 it is denied as false.

33. I say with respect to para 13,14,15,16,17,18,19, and 20 wrongly numbered as 10,11,12,13,14,15,16, and 17 respectively the Applicant is not entitled to any relief as claimed.

34. I say that it is therefore humbly prayed before this honorable Tribunal to dismiss the present application as the Applicant is not entitled to any relief as prayed in para 21 and 22 wrongly numbered as 18 and 19 respectively.



*R. A. Alate*

35.I say that the Applicant is only trying to harass Respondent No.6 by filing a false complaint / Application before the Honourable Green Tribunal.

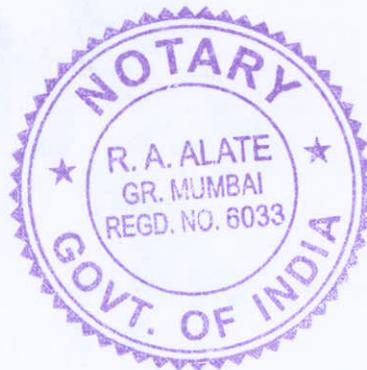
36.I say that the contents of paras 1 to 36 of this reply are true to my own knowledge and the annexures annexed to the affidavit are true copies of the original.

Solemnly affirmed at Mumbai )

*R. Alate*

This 11<sup>th</sup> day of September, 2023 DEPONENT

Identified by me:



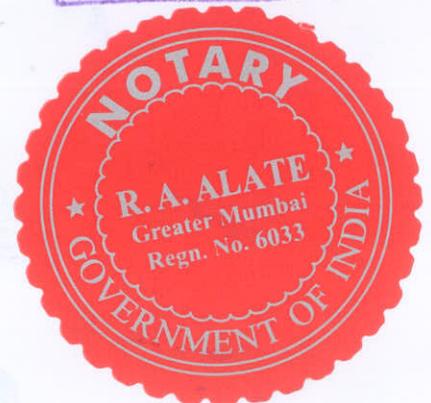
Advocate

BEFORE ME

*R. Alate* 11/09/23

R. A. ALATE B. SC. LL.B.  
NOTARY GREATER MUMBAI  
1/B-7, Dongre Sadan, Mohili Village  
Sakinaka, Mumbai-400 072

SR. NO. 1884  
DT. 11/09/2023.



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EXHIBIT - R-6-1 Colly.

Shri Suraj Ballikar  
 R/o H.No 262 Deulwada Balli  
 Quepem-Goa  
 Shri Mansur Shaikh  
 R/o H.no 153/2 Sirvoi  
 Quepem-Goa

Date:-

To,  
 The Range Forest Officer  
 Quepem-Goa

**Sub:-Regarding the seedling of Different Varieties**

We undersigned Shri Suraj Ballikar resident of H.No 262 Deulwada Balli Quepem-Goa and Shri Mansur Shaikh R/o H.no 153/2 Sirvoi Quepem-Goa hereby inform you that we have Seedling Different Varieties 200 Numbers that @15 exist poly bags at condimol Nursery Balli under Surveyed No. 23/1 Adnem Village panchayat Adem balli Village of Quepem Taluka hereby I have enclosed required documents for your kind information.

Hope you will consider my application and do the needful to me

Thanking You,

Yours faithfully

Suraj Ballikar

Mansur Shaikh

Received

*R. Silva*  
 21/08/2023  
 From the Office of the  
 Range Forest Officer,  
 Quepem-Goa

*R. Silva*

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ORIGINAL  
G.A.R. 5

FORM  
See Rule 22(i)  
RECEIPT

No.

18/07/2023

Received from

Suraj Ballikar  
RIS Balli

with letter No.

dated

20

the sum of ₹ 3000/-

(Rupees Three thousand only) in cash/by

cheque/by Bank draft on account of Sale of seedlings of different  
payment of varieties 200 nos. @ 15/- per polybags  
at condimal Nursery Balli

Range Forest Office  
Signature  
Puspem-Goa

₹

3000/-

Designation

Ballikar

Reg. No. RNP/GOA/32/2021-2023

RNI No. GOAENG/2002/6410

Panaji, 10th August, 2023 (Sravana 19,1945)

SERIES II No. 19

# OFFICIAL GAZETTE



# GOVERNMENT OF GOA

PUBLISHED BY AUTHORITY

## SUPPLEMENT

### GOVERNMENT OF GOA

#### Department of Forests

#### Notification

No. 7/4/2023-FOR/213

Whereas, the Government of Goa in compliance to the Hon'ble Supreme Court order dated 12-12-1996 in Writ Petition (Civil) No. 202/1995, T.N. Godavarman Thirumalpad V/s Union of India and others, constituted various committees for the identification of Private Forests in the State of Goa from time to time and the process of identification of Private Forest is being monitored by Hon'ble National Green Tribunal (NGT);

And whereas, in compliance with the Hon'ble High Court Order in Writ Petition No. 334 of 2006 dated 16-12-2009, the Government of Goa vide Notification No. 7-1-2009/FOR/439 dated 27-11-2012 published in the Official Gazette, Series II No. 36 dated 06-12-2012 constituted two Committees, namely North Goa Forest Division Committee and South Goa Forest Division Committee (hereinafter referred to as "said Committees"), for identification of balance areas of private forests in the State. Accordingly, the said Committees provisionally identified balance areas of private forest in the State of Goa from the year 2012 to 2018;

And whereas, to review the private forest areas provisionally identified by the said Committees, the Government of Goa vide Notification No. DCF(WP)/Pvt.For/16(THC)/2013(WZ) 19-20/26 dated 21-01-2020, published in the Official Gazette, Series II No. 44 dated 30-01-2020, constituted a review committee

headed by Conservator of Forests (Conservation) which was subsequently headed by the Chief Conservator of Forests vide Notification No. DCF(WP)/Pvt.For/16(THC)/2013(WZ)19-20/119 dated 18-06-2020 published in the Official Gazette, Series II No. 13 dated 25-06-2020 (hereinafter referred to as the "Review Committee");

And whereas, the Government of Goa vide Notification No. MS-REV.PF/DCF/WP/2018-19/393/177 dated 18-09-2020 published in the Official Gazette, Series No. II No. 26 dated 24-09-2020, read with Addendum No. MS-REV.PF/DCF/WP/2018-19/393/205 dated 26-10-2020 published in the Official Gazette, Series II No. 32 dated 05-11-2020 and Addendum No. MS-REV.PF/DCF/WP/2020-21/97 dated 03-06-2022 published in the Official Gazette, Series II No. 11 dated 16-06-2022, notified 16 site inspection teams in 156 villages to carry out site inspection of properties meeting private forest criteria of canopy density and area as per Forest Survey of India Map, in respect of the provisionally identified private forest by the said committee;

And whereas, the claims and objections were sought and received from the owners/representatives of provisionally identified private forest through public notices. The Review Committee conducted personal hearing of objectors, whose area fulfils the criteria of Private Forest;

And whereas, Hon'ble National Green Tribunal vide Order dated 07-01-2021 in E.A. No. 26/2020 in O.A. No. 478/2018 [Earlier O.A. No. 16/2013 (WZ)] has directed that the entire exercise of identification and demarcation of balance private forests in terms of order of the Tribunal dated



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(SUPPLEMENT)

SERIES II No. 19

10TH AUGUST, 2023

12-10-2018, be completed positively within three months and that if any grievance survives, it will be open to the applicant to take further remedies in accordance with law and to upload the final report on the website for information of the concerned parties;

And whereas, in pursuance of the said direction of Hon'ble National Green Tribunal, the Review Committee has so far reviewed 1678 survey numbers out of 3349 survey numbers, which were identified by the said Committees. Accordingly, review committee has finalized an area of 455.1081 Hectare as private forest area in 60 qualifying survey numbers;

Now, therefore, in pursuance of Hon'ble National Green Tribunal order, the Government of Goa hereby notifies the part final report on Private Forest encompassing an area of 455.1081 Hectare which has been reviewed and finalized in all respects by the Review Committees till its 6 (Six) Part Final Reports, as Private Forest in the State of Goa.

TABLE

**Survey Numbers finalized as Private Forest by review committee having an area of 455.1081 HA.**

Sr. No.	Taluka	Village	Survey Numbers provisionally identified as private forest by Thomas & Araujo Committee	Survey Numbers finalized by Review Committee and reported in its part final report*	Extent of Area finalized as private forest (in Ha.)
1	2	3	4	5	6
1.	Pernem	Pernem	224	224/1(p)	11.82
2.	Ponda	Ponda	83	83(p)	2.44
3.	Ponda	Ponda	84	84(p)	1.56
4.	Ponda	Curti	99	99(p)	1.90
5.	Ponda	Curti	100	100(p)	1.85
6.	Quepem	Quitol	75(p)	75(p)	5.52
7.	Quepem	Quitol	79(p)	79(p)	2.58
8.	Quepem	Quitol	80(p)	80(p)	1.23
9.	Quepem	Quisconda	14(p)	14(p)	45.89
10.	Quepem	Corla	10(p)	10(p)	6.968
11.	Sanguem	Colomba	50(p)	50(p)	14.51
12.	Sanguem	Colomba	53(p)	53(p)	3.62
13.	Sanguem	Uguem	70(p)	70(p)	5.24
14.	Sanguem	Uguem	59(p)	59(p)	15.97
15.	Sanguem	Uguem	63(p)	63(p)	22.08
16.	Sanguem	Uguem	81(p)	81(p)	16.57
17.	Quepem	Sulcorna	18(p)	18(p)	14.3412
18.	Quepem	Sulcorna	21(p)	21(p)	3.61
19.	Quepem	Sulcorna	29(p)	29(p)	7.29
20.	Quepem	Sulcorna	36(p)	36(p)	4.0634
21.	Quepem	Sulcorna	37(p)	37(p)	2.2037
22.	Quepem	Sulcorna	40(p)	40(p)	3.84
23.	Sanguem	Curpem	62(p)	62(p)	26.89
24.	Sanguem	Curpem	26(p)	26(p)	10.51
25.	Sanguem	Curpem	48(p)	48(p)	5.27
26.	Sanguem	Curpem	31(p)	31(p)	0.0125
27.	Sanguem	Curpem	37(p)	37(p)	6.14
28.	Canacona	Nagarcem-Palolem	159(p)	159(p)	5.902

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(SUPPLEMENT)

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1	2	3	4	5	6
29.	Canacona	Nagarcem-Palolem	162(p)	162(p)	1.185
30.	Salcete	Raia	399	399	1.376
31.	Salcete	Raia	402	402	1.816
32.	Salcete	Raia	405(p)	405(p)	0.297
33.	Dharbandora	Piliem	7	7(p)	5.02
34.	Dharbandora	Piliem	15	15(p)	17.21
35.	Dharbandora	Piliem	16	16(p)	19.36
36.	Sattari	Xelpe-Curdo	23	23(p)	13.85
37.	Bardez	Socorro	204	204(p)	6.2385
38.	Bardez	Assagao	59	59(p)	2.4
39.	Bardez	Assagao	67	67(p)	9.95
40.	Bardez	Assagao	68	68(p)	0.3023
41.	Bardez	Siolim	309	309(p)	0.1325
42.	Sanguem	Santona	34(p)	34(p)	5.15
43.	Sanguem	Santona	35(p)	35(p)	12.17
44.	Sanguem	Santona	60(p)	60(p)	4.84
45.	Sanguem	Patiem	47(p)	47(p)	0.27
46.	Sanguem	Coranguinim	19(p)	19(p)	2.64
47.	Sanguem	Coranguinim	23(p)	23(p)	0.9
48.	Sanguem	Coranguinim	5(p)	5(p)	5.75
49.	Sanguem	Neturlim	74(p)	74(p)	4.94
50.	Sanguem	Tudou	2(p)	2(p)	36.35
51.	Sanguem	Salauli	38(p)	38(p)	1.14
52.	Sanguem	Bhati	36(p)	36(p)	10.05
53.	Quepem	Quedem	9(p)	9(p)	24.309
54.	Quepem	Naquerim	89(p)	89(p)	0.776
55.	Quepem	Naquerim	90(p)	90(p)	0.864
56.	Dharbandora	Sigao	21(p)	21(p)	7.2
57.	Dharbandora	Sangod	10(p)	10(p)	2.84
58.	Dharbandora	Dharbandora	94	94(p)	3.089
59.	Dharbandora	Dharbandora	106	106(p)	2.89
60.	Bardez	Pomburpa	16	16(p)	0.07

\*Note: Any new survey number formed due to partition of any of the above survey numbers after 27-11-2012 shall be deemed to have been notified as Private Forest, if the identified area comes within said survey numbers.

This Notification shall come into force on the date of its publication in the Official Gazette.

By order and in the name of the Governor of Goa.

*Nathine S. Araujo*, Under Secretary (Forest).

Porvorim, 9th August, 2023.

[www.goaprintingpress.gov.in](http://www.goaprintingpress.gov.in)

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