



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

**IA 43/2024**

**IN**

**ORIGINAL APPLICATION NO. 08/2024(WZ)**

**JOHNNY FERNANDES & ANR .....APPELLANTS**

**VS.**

**GCZMA AND ORS. .... RESPONDENTS**

**AFFIDAVIT IN REPLY ON BEHALF OF RESPONDENT NO. 1**

I, Johnson Bedy Fernandes, major of age, adult, having my office at 4<sup>th</sup> floor, Dempo Towers, Panaji, Goa, do hereby solemnly affirm and state as under:

1. I say that I am the Member Secretary of the GCZMA, i.e. Respondent No.1, and am authorised to affirm the present Reply Affidavit on its behalf. I have examined the relevant records available in my office in respect of the subject matter and I am affirming the present Reply Affidavit based on the same. Nothing in the present Reply Affidavit may be deemed to be an admission of any of the contents of the memorandum of the above-captioned Appeal. Nothing in the memorandum of the above-captioned Appeal may be deemed to have been admitted for mere want of specific denial.

2. I say that the Applicant has filed the present IA for stay of the operation and effect of the action and communication dated 03/01/2024 issued by the Answering Respondent to the Respondent No. 6/ Deputy Collector & SDO of Tiswadi Taluka with directions to the Answering Respondent and the Respondent No.6/ Deputy Collector and SDO of Tiswadi Taluka from not taking any coercive steps against the Applicants.
3. I say and submit that it is correctly mentioned by the Applicants that they had unsuccessfully challenged the order dated 07/03/2022 passed by the GCZMA before this Hon'ble Tribunal in Appeal No. 15/2022 and before the Hon'ble Apex Court in Civil Appeal No. 7310/2022 which were dismissed vide orders dated 06/09/2022 and 07/11/2022 respectively.
4. I say and submit that vide order dated 07/03/2022, the GCZMA had directed the present Applicants to demolish all new structures shown by DSLR on Survey Plan in Survey Nos. 275/1, 275/1-A, 275/1-B and 275/1-C, 274/1 and 274/2 of Village Morambi O Grande, Tiswadi except Mundkarial Dwelling House having admeasuring an area of 134 Sq.Mtrs., presently existing in Survey No. 275/1-C and also directed to restore the land to its original condition within 30 days. Hereto annexed and marked **Annexure A** is the order dated 07/03/2022.
5. I further say that on 03/01/2024, the Present Respondent issued a communication dated 03/01/2024 to execute the demolition order passed by the present Respondent dated 07/03/2022 and requested to provide the services of demolition squad to ensure compliance to the order passed by the present respondent which by application of the Doctrine Of Merger has resulted in finality



A handwritten signature in blue ink, appearing to be 'Jalee'.

to the litigation. Hereto annexed and marked **Annexure B** is the communication dated 03/01/2024.

6. I specifically state that though the order dated 03/01/2024 does not have the mention of Mundkarial Dwelling House, the same has an exception as mentioned specifically in the order dated 07/03/2022.
7. I say that the execution of the order is yet to take place as on two occasions i.e 12/02/2024 and 04/03/2024 respectively the demolition squad could not execute the order on account of the main gate of the property being locked and some pit-bull and rottweiler dogs were let loose in the site and secondly due to non-presence of the police force respectively the demolition has not taken place. I further add and say that incharge of demolition squad has been called upon to ensure execution of the order in letter and spirit as contained by directions issued by the Authority. Hereto annexed and marked **Annexure C** colly are the panchanama reports dated 12/02./2024 and 04/03/2024.
8. I say and submit that staying the operation will defeat the purpose of law, therefore the I.A may be considered on merits.

In view of the above, it is most humbly submitted that the Present I.A may be dealt with appropriately with the above information.

Place: Panaji-Goa

Date: 07/03/2024

  
Deponent





VERIFICATION

I, the deponent above-named do solemnly affirm that all that is stated in this Affidavit is True to the best of my knowledge and belief, which is based on the records available in respect of the issue involved in the above-captioned Appeal. Nothing false has been stated herein.

Solemnly affirmed this 7<sup>th</sup> day of March 2024

*[Signature]*  
Deponent



Solemnly affirmed before me

Johnson B. Fernandes

Who is identified before me by

\_\_\_\_\_ At Panjim - Goa

Sl. No. 31/03/2024/P

Date. 08/03/2024

*[Signature]*  
Venefrada/C.P.P.B Gracias  
Advocate & Notary Goa State

**GOA COASTAL ZONE MANAGEMENT AUTHORITY**

C/o Department of Science, Technology and Environment (Govt. of Goa)

4<sup>th</sup> floor, Dempo Towers, Patto, Panaji, Goa,[www.czma.goa.gov.in](http://www.czma.goa.gov.in)

Ref. No. GCZMA/N/ILLE-COMPL/16-17/07/2188 Date: 07/03/2022

**DIRECTION UNDER SECTION 5 OF THE ENVIRONMENT (PROTECTION) ACT, 1986, READ WITH RULE OF THE ENVIRONMENT (PROTECTION) RULES, 1986.**

**Sub: Directions to demolish illegal unauthorized construction in the property bearing Sy. Nos., 275/1, 275/1-A, 257/1-B and 275/1-C, 274/1 and 274/2 of village Morambi-O-Grande, Tiswadi.**

Ref. :-

- (1) Complaint letter dated 29/03/2016 from village Panchayat of Mercedes.
- (2) Complaint letter dated 06/04/2016 from Mr. Jose Oliveira & residents of Kumbharwada, vaddy, Mercedes, Goa. (
- 3) Complaint letter dated 24/05/2016 from Mr. Umesh Kudnekar & residents of Kumbharwada vaddy, Mercedes, Goa. (
- 4) Complaint letter dated 18/04/2017 from Sudesh Kalangutkar, Presidents of Mercedes Welfare Association.
- (5) Notice of Personal Hearing dated 23/07/2018.

**WHEREAS**, the Office of the GCZMA received four complaints, as referred at Sr. No (1) to (4) above against Mr. Johny Fernandes and Mr. Shane Fernandes regarding alleged illegal development of plots in property bearing Sy. Nos. 275/1, 1-B and 1-C; illegal development, illegal conversion of land, filling of mud and construction of houses and also cutting of mangroves, illegal transfer, filling and selling of agricultural tenanted land in property bearing Sy. Nos., 275/1, 275/1-A, 257/1-B and 275/1-C, 274/1 and 274/2 of village Morambi-O-Grande, Tiswadi.

**AND WHEREAS**, in terms of resolution of GCZMA in its 179<sup>th</sup> meeting held on 19/07/2018, the authority decided to call the parties for personal hearing on 31/07/2018 in terms of principles of natural justice vide letter no. GCZMA/ N/ILLE-COMPL/16-17/07/664 dated 23/07/2018.

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AND WHEREAS, the said matter was placed before the Authority in its 180<sup>th</sup> GCZMA meeting held on 31/07/2018, for personal hearing, and you were found absent for the said hearing. In the 180<sup>th</sup> meeting GCZMA meeting held on 31/07/2018, the Authority decided to grant final opportunity to respondent.

The matter was placed in the 181<sup>st</sup> GCZMA meeting held on 14/08/2018 for personal hearing the proceeding in the said matter can be seen as under "The complainants' along with the representative from the village panchayat of Morambi-o-Grade remain present. The respondent Mr. Johny Fernandes and Mr. Shane Fernandes were also present. The Advocate on behalf of village panchayat submitted that there is no permission issued by village panchayat for said constructions. The respondent sought time before Authority to file submission to the Authority.

In the 181<sup>st</sup> GCZMA meeting held on 14/08/2018 it was decided as follow " The Authority after hearing both parties and considering written and oral submission Authority directed respondents to file their submission if any before Authority before 28/08/2018 with a copy of same to the respondent.

The matter was placed in the 183<sup>rd</sup> GCZMA meeting held on 31/08/2018 for discussion and deliberation and taking final decision in the matter. In the 183<sup>rd</sup> GCZMA meeting held on 31/08/2018 it was decided as follow ' Authority took note of all submission made by both parties. The inspection report has clearly established the fact that there is land reclamation and destruction of mangroves done by the respondent within NDZ of chimbel creek, further it is also established that construction of poultry, slaughter house, chawl etc in sy. Nos. 275/1, 275/1-A, and 275/1-C are within NDZ area. The respondent have not got any prior permission from GCZMA for any of said work. As it is no construction activity apart from those permitted as per CRZ notification 2011 can be carried out in NDZ area. The documents submitted by the respondent are permission from village of panchayat Mercedes who is not competent authority to grant such permission in the CRZ area. Authority also took note of the prayer made by complainants to ascertain the area of reclamation done by the respondent through a survey by DSLR. Therefore Authority decided to issue demolition order for all structures present in survey No. 275/1, 275/A and 275/1 C of Mercedes village Morambi-o-Grande with direction to restore the land in its original position. It is further resolved to direct DSLR to conduct survey to ascertain extend of land reclamation done by respondent based on which further directions for restoration of land reclaimed shall be issued.



The said demolition order dated 20/09/2018 was challenged by respondent before the Hon'ble High Court of Bombay at Goa vide Writ Petition bearing no. 1088/2018.

The Hon'ble High Court of Bombay at Goa after hearing the matter passed an order dated 27/02/2019 wherein it has observed as follows:

- (i) *The petition is partly allowed.*
- (ii) *The impugned order is hereby set aside.*
- (iii) *The petitioner shall file a reply along with documents, if any before the second respondent within two weeks from today.*
- (iv) *The second respondent shall then proceed to decide the matter on its own merits and in accordance with law after granting an opportunity of personal hearing to the petitioner as well as the respondent nos.6 and 7.*
- (v) *The second respondent in its discretion can decide to grant personal hearing to respondent no.5 also, if found necessary.*
- (vi) *The second respondent shall decide the matter as expeditiously as possible and preferably within a period of four weeks from the receipt of the reply."*

The respondent has filed reply dated 12/03/2019 to the office of GCZMA.

The matter placed in 196<sup>th</sup> GCZMA meeting held on 16/04/2019, Advocate S. Naik remained present on behalf of the complainant Mr. Jose Oliveira, Avertino Miranda remained present on behalf of Umesh khandolkar, Adv A.P. Mandrekar remained present on behalf of respondent. The complainant stated that the nature of violation can be seen progressively with the help of Google images from 2003 onwards and after CRZ notification. There has been rampant illegal construction in the said area. The complainant relied on site inspection reports from Expert Members (GCZMA) and Goa State Pollution Control Board. Complainant submitted aerial pictures depicting said illegal construction. The respondent inter alia stated that the site inspection report by the Expert member is not supported by any sketch/map hence it is not a valid. The distance from the creek and construction is not known. Also there exists a sluice gate. The respondent is tenant and declared as mundkars. The property is agriculture and not influenced by any tidal effect.

In 196<sup>th</sup> GCZMA meeting held on 16/04/2019 decided as follow " The authority heard parties at length. The authority noted that the site in question has been inspected by the Expert Members of the GCZMA. The Expert Members of GCZMA has identified the said property as property lying along banks of tidally influenced back water of Mandovi river and having lush mangroves. The authority noted that it is the case of the respondent that they are agricultural tenants and mundkars of the said property and the structures in Syno.275/1, 275/2-A, 275/1-B,275/1-C,274/1, village Morombi protected under Mundkar Act and Agricultural Tenancy Act. Further the case of the respondent is that Chimbel creek actually falls more than 200 mts from the property and hence the property is beyond CRZ area. It is the case of the respondent that there is no map on record to identify the No Development Zone (NDZ).

It is the case of the complainant that the report of the expert member of GCZMA is clear and set out the violations done by the respondent. It is the case of the complainant that the illegal filling and construction is evident from Google images and structures built by respondent cannot be considered as prior to 1991.

Considering the case of the respondents and complaints, the authority observed that in the present matter admittedly there is no specific map depicting the High Tide line (H.T.L) and No Development Zone (NDZ) line. The authority noted that there are lush green and thick mangroves identified at site by the Expert Members.

The Authority is of the opinion that the present location of H.T.L and corresponding 100 mtrs NDZ line and Ecologically Sensitive area (ESA) if any are required to be ascertained. Presently the Ministry of Environment Forest and Climate Change (MOEF & CC) has entrusted and notified the National Centre for Sustainable Coastal Management NCSCM (Chennai) as sole agency responsible for identification & demarcation of high tide line (H.T.L). Considering the contentions of the complainant, respondents, report submitted by Expert Members of GCZMA the authority resolved to direct the respondent to demarcate the CRZ line and Ecologically Sensitive area (ESA) if any through the NCSCM (Chennai) at his own costs and submit the same before this authority.

The respondent is directed to carry out said exercise of demarcation of CRZ line and Ecologically Sensitive area (ESA) if any in all the survey numbers owned by him from the NCSCM (Chennai) within 4 weeks of receipt of the order from authority. Based on demarcation of CRZ line and Ecologically Sensitive area (ESA) if any in the plot of the respondent, a final decision in the matter would be taken. In the mean time, the respondents are directed to maintain status quo in the property own by him.

**WHEREAS** as upon inquiry direction were issued by the Authority on 27/11/2019 calling upon respondent herein Shri. Johny Fernandes & Shri. Shane Fernandes to demarcate the HTL & ESA in survey numbers owned by them through NCSCM at their own cost within 4 weeks of receipt of the Authority direction.

**AND WHEREAS** despite of said direction this Authority in receipt of complaint that said Shri. Johny Fernandes & Shri. Shane Fernandes continuing with their illegal construction activities and they also even failed to place report from the agency as directed to demarcate the HTL & ESA in survey numbers owned by them

**AND WHEREAS** in view of that Authority decided to carry out the exercise of ground truthing and mapping through DSLR in properties survey No. 274/1, 275/1-A, 275/1-B and 275/C of village morambi-O-Grande, Tiswadi and to superimpose all the structures with measurements on sy plan and show all the old and new structure, ongoing construction work in survey No. 274/1, 275/1-A, 275/1-B and 275/C of village morambi-O-Grande, Tiswadi.

**AND WHEREAS** as directed by Authority DSLR conducted site inspection on 10/02/2021 and prepared plan whereby superimposed all structures on survey plan of survey No. 274/1, 275/1-A, 275/1-B and 275/C of village morambi-O-Grande, Tiswadi and shown which are new structures erected and which are old structure recorded on survey plan.

**AND WHEREAS** matter placed before Authority in its 286<sup>th</sup> meeting held on 25/01/2022, Advocate from both complainant and respondent present complainant

Avertino present in person complainants and respondents both in receipt of plan submitted by DSLR and Authority heard the both side argument matter posted for order.

**AND WHEREAS**, the matter was placed in the 289<sup>th</sup> GCZMA meeting held on 08/02/2022, the Authority decided that, *"The Authority after hearing both the parties and after taking into consideration the written reply along with documents and oral arguments of both the parties. Authority decided to pass the following Order.*

That is case of complainant that Mr. Johny Fernandes and Mr. Shane Fernandes regarding alleged illegal development of plots in property bearing Sy. Nos. 275/1, 1-B and 1-C; illegal development, illegal conversion of land, filling of mud and construction of houses and also cutting of mangroves ,illegal transfer, filling and selling of agricultural tenanted land in property bearing Sy. Nos., 275/1,275/1-A , 257/1-B and 275/1-C, 274/1 and 274/2 of village Morambi-O-Grande, Tiswadi.

That it is case of respondents that land in dispute is agriculture land was cultivated by shri. Mario Fernandes @ Maruti kalal late father of respondents as tenant of said property surveyed under survey No. 275/1 of village Morambi-O-Grande and also build his residential house therein. That said shri. Mario Fernandes @ Maruti kalal late father of respondents declared as tenant of said property surveyed under survey No. 275/1 of village Morambi-O-Grande by judgment and order dated 12/04/2006 passed by Mamlatdar in case No. MAM/TNC/DECL/Merces/01/2006, Respondent also claimed that their late father was also declared as Mundkar of dwelling house existing survey No. 275/1 of village Morambi-O-Grande vide order dated 17/10/2006 passed by Mamlatdar in case No.MAM/8-A/MERCES/10/2006. The respondents late Father purchased Mundkarial plot along with dwelling house therein, having total admeasuring an area of 440 sq.mts out of which dwelling house having total admeasuring an area of 131 sq.mts.

That respondents late father applied for partition the said property surveyed under survey No. 275/1 of village Morambi-O-Grande and said partition was allowed by concerned Deputy collector and said property sub divided into plots and new survey numbers has been allotted to said property i.e. survey no. 275/1-A,275/B and Survey no.275/1-C. that after death of their late father the present respondents are in possession of aforesaid property.

That respondents denied every statement and submission made in the complaint, it is case of respondents that land is in question is beyond 200 mts from bank of creek(chimbel) and was never covered nor part of mangroves, hence does not attract the CRZ Regulations.

Authority on due deliberation and perusal of documents,reply placed on record noted that respondent nowhere denied the existing of structures in Sy. Nos., 275/1, 275/1-A, 257/1-B and 275/1-C, 274/1 and 274/2 of village Morambi-O-Grande, Tiswadi. Which are also been marked by DSLR and same has been shown/superimposed on survey plan,in its site inspection by doing ground truthing. The said structure also noted

and observed by the expert member of Authority in its site inspection carried out as per direction of Authority, it is also observed by the Expert member that property in question is situated adjoining to a Mangroves habitat which indicate tidal influence and hence the attract CRZ provisions.

It is evident from DSLR and Expert member report that there exist structures in Sy. Nos. 275/1, 275/1-A, 257/1-B and 275/1-C, 274/1 and 274/2 of village Morambi-O-Grande, Tiswadi, that as far as legality of these structures are concerned respondents have not produced any such documents before the Authority, the respondents only defended that said structures does not falls under CRZ jurisdictions. The Authority directed respondents to carry out said exercise of demarcation of CRZ line and Ecologically Sensitive area (ESA) if any in all the survey numbers owned by him from the NCSCM (Chennai) within 4 weeks in order to ascertain the jurisdictions of Authority, the respondents failed to place report from the agency as directed to demarcate the HTL & ESA in survey numbers owned by them.

The Authority directed DSLR to conduct site inspection and superimposed all structures on survey plan in order to ascertain new and old structures erected in properties Sy. Nos., 275/1, 275/1-A, 257/1-B and 275/1-C, 274/1 and 274/2 of village Morambi-O-Grande, Tiswadi accordingly DSLR carried out the site inspection on 10/02/2021 and showed factual position of land and demarcated new structures on survey plan and same been place before Authority.

That since scope of this Authority is very narrow, that respondents has not produced any documents which can prove that said new structures were constructed prior to 1991 and so also not produced any prior permission obtain by respondents for construction of said new structures reflecting on site plan prepared by DSLR, from there it very much clear that said all new structures are existing in Sy. Nos., 275/1, 275/1-A, 257/1-B and 275/1-C, 274/1 and 274/2 of village Morambi-O-Grande, Tiswadi are illegal/unauthorized.

And as far as jurisdiction of this Authority is concerned, Authority has superimposed the said DSLR plan on Draft CZMP 2011 and it concluded that said structures totally falls within Mangroves and 50 mts Mangroves buffer which attract the CRZ provision and in view of aforesaid said property entirely falls in CRZ hence this Authority have full jurisdiction over the said properties Sy. Nos., 275/1, 275/1-A, 257/1-B and 275/1-C, 274/1 and 274/2 of village Morambi-O-Grande, Tiswadi.

Authority took note of Landmark judgment and order passed by hobbles High Court of Bombay in PIL 87/2006 in "Bombay Environmental Action Group and another v/s The State of Maharashtra and others" for protection of mangroves area

The Authority also noted judgment and order passed by NGT principle Bench New Delhi in "Kachchh Camel Breeder Association v/s Union of India" original application No.111/2018, which speak of protection of mangroves areas.

**AND WHEREAS** in view of above Authority arrived at decision that all new structures shown by DSLR on survey plan after site inspection in Sy. Nos., 275/1, 275/1-A, 257/1-B and 275/1-C, 274/1 and 274/2 of village Morambi-O-Grande, Tiswadi, all are illegal/unauthorized structures, except Mundkarial dwelling house of respondent having ad-measuring an area of 134 sq.mts and all that illegal/unauthorized structures need to be demolished as same falls in mangroves and within 50 mts mangroves buffer.

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In view of the above observations, the Authority has now come to the conclusion that the Respondents have undertaken large scale illegal construction /extensions without any valid approvals or permission from the Appropriate Government Departments existing in property bearing Survey Nos. Sy. Nos., 275/1, 275/1-A, 257/1-B and 275/1-C, 274/1 and 274/2 of village Morambi-O-Grande, Tiswadi.

*The Respondents has miserably failed to produce the requisite documents including the Conversion Sand, the Construction License, the Approved Plan, permission from GCZMA and Town and Country Planning Department, License from the Village Panchayat*

**NOW THEREFORE**, the GCZMA in exercise of the powers conferred under Section 5 of the Environment (Protection) Act, 1986 (Central Act 29 of 1986) read with sub-rule (3) (a) of Rule 4 of the Environment (Protection) Rules 1986, and read with power vested with the GCZMA vide Order S.O. 3975 (E) dated 31/10/2019 issued by the Ministry of Environment & Forests, Government of India, hereby directs Mr. Johny Fernandes and Mr. Shane Fernandes to demolish all new structures shown by DSLR on survey plan in Sy. Nos., 275/1, 275/1-A, 257/1-B and 275/1-C, 274/1 and 274/2 of village Morambi-O-Grande, Tiswadi except **Mundkarial dwelling house of respondent** having admeasuring an area of **134 sq.mts** presently existing in survey No.275/1-C of village Morambi of Tiswadi Taluka and are hereby directed to restore the land to its original condition, within 30 days from the date of receipt of this order, failing which the concerned Deputy Collector/ S.D.O shall demolish all the structures to enable restoration of land to its original state within 15 days and recover the expenses incurred on demolition from Mr. Johny Fernandes and Mr. Shane Fernandes as the arrears of land revenue. Further, Dy. Collector & S.D.O of Bardez is required to submit a compliance report in respect of aforesaid directions to the GCZMA within 10 days upon expiry of the aforementioned 30 days time period. The proceedings are disposed off accordingly.

  
10/10/2022

(Dasharath M. Redkar)

Member Secretary (GCZMA)

olc

To,

1. *Johny Fernandes resident of behind Shantaban Housing Complex, Kumbharwada, Vaddy, Mercas, Goa.*

2. *Shane Fernandes both resident of behind Shantaban Housing Complex, Kumbharwada, Vaddy, Mercas, Goa.*

**Copy to,**

1. *The Sarpanch/Secretary, village Panchayat of Mercas, Mercas, Tiswadi, Goa.*

2. *Mr. Jose Oliveira, representative on behalf of residents of Kumbharwada, r/o H. No. 232., Firguem bhat, vaddy, Mercas-Goa.*

3. *Sudesh Kalangutkar, (President, Mercas Manch welfare Association, Near Mercas, Club, Mercas, Goa.*

4. *Mr. Umesh Kudnekar & residents of Kumbharwada vaddy, Mercas, Goa*

5. **The Collector & District Magistrate,(North)**, Office of the Collector (North), Collectorate building opp. Municipal Gardern panaji-Goa.... *for executing the order and ensure compliance of the order.*

6. **The Deputy Collector & S.D.O of Tiswadi**, Panaji-Goa ... *to assist the Collector for executing the order and compliance.*

# GOA COASTAL ZONE MANAGEMENT AUTHORITY

C/o Department of Environment (Govt. of Goa)

4<sup>th</sup> Floor, Dempo Tower, Patto,

Panaji- Goa 403 001

ANNEXURE B

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

Ref. No. GCZMA/N/ILL-Comp/16/17/07/2022

Date: 3/01/2024

To  
The Dy. Collector & SDO  
And incharge of Demolition  
Tiswadi, Panaji Goa

Sub: - Execution of Order demolition passed by GCZMA in case No. GCZMA/N/ILL-COMPL/16/17/07/2188 dated 07/03/2022 read with Corrigendums dated 22/03/2022, 19/06/2023 and 27/06/2023.

Sir

Vide order referred to hereinabove read with corrigendum's the Authority had ordered for demolition of offending structures in the property bearing survey No.275/1A,275/1B and 275/1C of village Morambi-O-Grande of Tiswadi Taluka. This order is assailed by Hon'ble N.G.T. Western Zone Pune as well by Hon'ble Supreme Court of India.

The Owner of the offending structure filed review application before this Authority which was rejected and the Hon'ble High Court of Bombay at Goa has also dismissed the Writ Petition filed by the owners. On the contrary the Hon'ble High Court of Bombay at Goa vide its order dated 22/12/2023 has called upon this Authority to implement and execute its decision.

In view of the above it is requested to kindly provide the services of the demolition squad preferably within a period of 15 days to ensure compliance to the order passed by us which by application of this Doctrine of Merger has resulted in finality to the litigation.

Yours Faithfully

(Shri. Johnson Fernandes)

Member Secretary (GCZMA)

## Enclosed herewith

1. Copy of Order demolition passed by GCZMA in case No. GCZMA/N/ILL-COMPL/16/17/07/2188 dated 07/03/2022 read with Corrigendum dated 22/03/2022, 19/06/2023 and 27/06/2023
2. Order dated 06/09/2022 passed by Hon'ble NGT Pune
3. Order date 07/11/2022 issued by Hon'ble Supreme court of India
3. Order dated 22/12/2023 passed by Hon'ble High Court of Bombay at Goa

## Copy to

1. *Johny Fernandes resident of behind Shantaban Housing Complex, Kumbharwada, Vaddy, Mercas, Goa.*
2. *Shane Fernandes both resident of behind Shantaban Housing Complex, Kumbharwada, Vaddy, Mercas, Goa.*
3. *The Sarpanch/Secretary, village Panchayat of Mercas, Mercas, Tiswadi, Goa.*
4. *Mr. Jose Oliveira, representative on behalf of residents of Kumbharwada, r/o H. No. 232., Firguem bhat, vaddy, Mercas-Goa.*
5. *Sudesh Kalangutkar, (President, Mercas Manch welfare Association, Near Mercas , Club, Mercas, Goa.*
6. *Mr. Umesh Kudnekar & residents of Kunbharwada vaddy, Mercas, Goa*

Dt. 12/02/2024

In Pursuance to the order No. DEMO-SQUAD/341/2023/251 Dt: 15/01/2024 Issued by the Deputy Collector and S.D.M. and In charge of the Demolition Squad. North Goa District Panjim Goa For the Demolition of the Illegal - Construction. (Pucca structure) at Village Morombi - O - Grande. Tiswadi - Goa, Carried out by Mr. Johnny Fernandes and Mr. Shane Fernandes Both R/O. of Behind. Shantabhai Housing Complex, Kumbharwadda Vaddy. Merces Tiswadi Goa

Upon receiving the said order the Entire Machinery. proceeded to the said site. However it was found that the main gate of the premises was locked. The Exercise of the demolition was delayed as the police personnel reached on the site late. Appx. 12:30pm due to mis-communication.

When we tried <sup>517</sup> to contact the concerned owner of the premises Mr. Shane Fernandes who informed that he is attending the on-line/visual hearing before Mr. G.T. Noble Court.

The owner of the property Mr. Shane Fernandes pleaded for some time as the matter was before <sup>Noble</sup> Mr. G.T. Court today i.e. on 12/02/2024 and base on the decision of the Mr. G.T. Court. The further demolition may be effected.

According to the Humility Ground he was given time to conveyed the decision of the Noble Mr. G.T. Court upto 15:00 hrs (3:00 PM). <sup>since,</sup> The Direction / order with respect to the decision of the Noble Mr. G.T. Court has <sup>received</sup> come from the applicant side. The entire machinery proceeded to the site for effecting the said order.

It was observed **518** that the main gate of the said premises was closed with the lock and the dangerous wild breed dogs (ie, Pitbull, Rottweiler etc) were left open inside the gated said - property / Premises.

Further there was no sign of anyone inside the premises at that movement thereby making this Authority difficult to enter inside the said premises, so also the C.R.2 official to identify the said illegal structure.

The direction were issued by the - Executive Mag. Magistrate / Joint Mandaldar I Tiswadi Goa.

Further Junior Engineer attached to the Electricity dept Div-I Sub Div III - Bambolim, Shri Suraj Phadte to - disconnect the Electricity Connection

How ever it is observed that there are 02 separate Connection from the Electric pole. inside the gated

Premises / Property **519** and as such, the  
Junior Engineer was instructed to dis-  
connect the main supply towards the  
said pole. (L.T. Line)

Since the main gate of the property  
was locked the demolition Squad. could  
not carry out the demolition of the  
said illegal structure as per the  
afore mentioned order.

As such the demolition of the said  
premises. was/is postponed.

The following officials were present.

- 1) Teetendra V. Bonga Ex. Maj/Sr man I Inwd
- 2) Satish Kumar G Naik f/s o/o GCZMA
- 3) Dakeha-s. Prabhugaonkar Technical Assistant  
SDI WDII (Roads)  
PWD Panaji
- 4) Sunaj. Phadte Senior Engineer SDII Div I  
Electricity Department
- 5) Vinod B. Kerkar HC 7382 Goa Police  
Old Goa PS
- 6) HAJIAGI. B. MULLA Tablet of Mercedes.

12/02/24  
12/02/2024  
12/2/2024  
12/02/24  
12/02/24

12/02/2024

Dt: 04/03/2024

In pursuance to the order No. Demol  
Served /34/2023/717 Dt: 13/02/2024,

Issued by the Deputy Collector and  
S.D.M and Incharge of the Demolition  
Served North Goa District ~~Goa~~ Panjim  
Goa

For the Demolition of the Illegal  
Construction (Pucca Structure) bearing  
Property Sy. No. 275/1, 275/1-A, 275/1-B,  
275/1-C (Part) 274/1 (As Identified by the  
G.C.R.2 Authority. Shri. Satish Kumar  
at Village Moronbi - o - Grande Tiswadi  
Goa Carried out by the Mr. Johnny  
fernandes & Mr. Shaine fernandes. Both  
R/o. Behind Shantabhai Housing Complex  
Kumbharwaddo Vaddiy Mercas Tiswadi Goa

Upon receiving the said order  
the entire machinery proceeded to  
the said site however it was  
found that the main gate of the

premises. was **521** lled and nobody was  
 inside the premises and the wild dogs  
 (ie Pitbull, Rottweiler etc) Dogs were  
 left free in the said premises. Hence  
 Entire team went from the back side  
 to enter the said premises. from the  
 back side way from the M.R.F. site.  
 Upon reaching the said premises it  
 was noticed that the owner had blocked  
 the entry point with the big Eicher  
 truck.

We All the official reached at the  
 said site at 11:25 Am. but only the  
 police Authority had not come at the  
 said site hence the said Demolition  
 could not be carried in the absence  
 of the police force.

Percharans Closed at 11:50 Am

1. Rosario Carralho  
 H. Mamlatdars & Executive  
 Magistrate Panaji
2. Satish Kumar Nauts  
 IS O/GCZMA
3. Daksha Prabhugankar  
 Technical Assistant  
 SOI WDTI (Roads) PWD.  
 Panaji Goa

*[Signature]*  
 4/3/2024

*[Signature]*  
 4/3/2024

(5) HASIA...  
 Tablets...  
*[Signature]*