



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

Original Application No. 42/2023 (WZ)

MR. OSWALD FERNANDES & Anr. ...Applicants

V/s.

THE GOA COASTAL ZONE

MANAGEMENT AUTHORITY & Ors. ...Respondents

**AFFIDAVIT IN SUR-REJOINER ON BEHALF
OF RESPONDENT NO. 5 TO THE REJOINER
DATED 08.02.2025 FILED BY THE APPLICANTS.**

MAY IT PLEASE THIS HON'BLE TRIBUNAL:

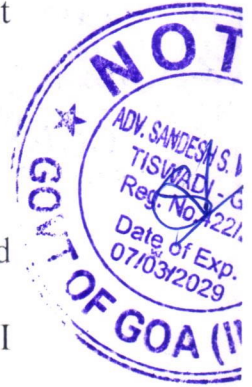
I, **MR. CRUZ VICTORINO CARDOZO**, son of Late Mr. Issac Cardozo, about 58 years in age, Indian National, married, resident of H. No. 320/A, Tibet, Cavelossim, Salcete, South Goa, Goa, the Power of Attorney Holder of Respondent No. 5 herein, on solemn affirmation, state and submit as follows:

1. I say that I have been served with a copy of the Rejoinder dated 08.02.2025 filed by the Applicants in the present proceedings. I have perused the contents of the said

Cardozo

Rejoinder and, in response thereto, am filing the present Affidavit in Sur-Rejoinder.

2. I say that have already filed my Preliminary Reply dated 07.11.2024 in the present matter, and to avoid repetition, I crave leave to refer to and rely upon the contents thereof, as if the same were reproduced herein verbatim and incorporated mutatis mutandis.
3. I reiterate that the present proceedings instituted by the Applicants are not maintainable and in fact amount to an abuse of the process of law. I say that pursuant to the liberty granted to me by this Hon'ble Tribunal vide Order dated 02.09.2024, I have already raised preliminary objections to the maintainability of the application in my Preliminary Reply dated 07.11.2024. Notably, the Applicants, despite filing a Rejoinder, have failed to deal with or respond to the said objections. It is evident that through the institution of the present proceedings, the Applicants are, in effect, seeking to challenge an order/approval contemplated under



the provisions of the NGT Act, which is impermissible in the manner sought.

4. Be that as it may, the tenor of the Rejoinder clearly indicates that the Applicants do not dispute the factual averments made in my Reply regarding the existence of structures and the nature of user of the land prior to 1991. On this ground alone, the Original Application deserves to be dismissed in limine.

5. At the very outset, I say that the present Sur-Rejoinder is being filed strictly within the limited scope of responding to the averments made by the Applicants in the Rejoinder dated 08.02.2025 and to specifically refute and expose the falsity of the claims made therein. I further say that save and except what is specifically admitted herein, no part of the Original Application, the Rejoinder dated 08.02.2025, or any other document filed on record shall be deemed to have been admitted for want of specific denial.



6. I say that the Rejoinder dated 08.02.2025 is nothing but an attempt to introduce extraneous and irrelevant material on record, serving no discernible purpose other than to unduly increase the bulk of the file. Such conduct amounts to a clear abuse of the process of this Hon'ble Tribunal and is a glaring attempt at deflecting scrutiny through obfuscation and calculated design.
7. I say that by way of the Rejoinder dated 08.02.2025, the Applicants have sought to place on record several documents and/or photographs. A bare perusal of the copies served upon me reveals that many of the pages are illegible and/or comprise handwritten extracts from registers, which appear to be incomplete and selectively produced, without any corresponding typed copies for reference.
8. Without prejudice to my contentions regarding the impropriety of such tactics, I say that none of the additional documents sought to be introduced bear any relevance or provide any material support to the Applicants' case. I



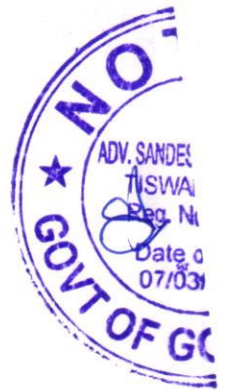
further say that no reliance ought to be placed on these documents, particularly in the absence of any explanation from the Applicants for their delayed production.



9. Without prejudice, I say that that a plain reading of the Rejoinder dated 08.02.2025 clearly reveals that it has been filed with the sole intent to mislead and/or to obscure the real controversy involved in the matter.
10. With reference to the contents of paragraph no. 1 of the Rejoinder, I deny and dispute the statements made therein, and the Applicants are put to strict proof thereof. I categorically deny the allegation that I was served with legible scanned copies of the annexures to the Original Application via email dated 11.11.2024. While it is true that an email dated 11.11.2024 was sent to my Advocate on record, the same enclosed only a single document titled "Compilation No. 2," which itself contained several pages that were illegible and unclear. I deny that I have made any attempt to delay the present proceedings.



11. With reference to the contents of paragraph no. 2 of the Rejoinder, I deny and dispute the statements made therein, and the Applicants are put to strict proof thereof. I categorically deny the claim that, prior to 1991, the said khazan land was entirely safe in the hands of the original owner and comprised only salt pans and low-lying paddy fields, as alleged. I further deny the assertion that the entire khazan land is a protected eco-sensitive site devoid of any development, and that the salt pans and fields were exclusively used for cultivation and fall within the jurisdiction of the CRZ, as alleged. I deny and dispute the authenticity and relevance of the purported Google images of 2003, 2014, 2016, and 2021 now placed on record by the Applicants. I say that the said images are neither credible nor reliable. These images are clearly manufactured to say the least. I state that no reliance whatsoever can be placed on such images, which appear to have been selectively presented and potentially manipulated to suit the Applicants'



(Signature)

narrative and do not accurately reflect the position on the ground.

12. With reference to the contents of paragraph no. 3 of the Rejoinder, I deny and dispute the statements made therein, and the Applicants are put to strict proof thereof. I specifically deny that the structure shown in the survey plan in property bearing Sy. No. 150/3 of Village Cavelossim is a hut, or that Sy. No. 150/4 of the said village is a salt pan, as alleged. I further deny and dispute the reliance placed on the joint site inspection report dated 18.02.2021 prepared by the Anti-Corruption Branch. In any case, I state that the Anti-Corruption Branch is neither the competent authority nor does it possess the requisite expertise or technical know-how necessary for the subject matter of the present proceedings. I also deny the reliance placed on the purported records of the Directorate of Land Survey, namely Form I and Form II, which have now been placed on record. Even otherwise, these documents are neither relevant nor material to the present case. Moreover, the copies served upon me appear



(Signature)

to consist of handwritten extracts from registers that are incomplete, selectively produced, and not accompanied by corresponding typed copies for ready reference. I say that these records produced in no manner impact and/or impugn the credibility of expert, comprehensive and/or scientific studies conducted prior to preparation, finalization and/or the notification of CZMP.

13. With reference to the contents of paragraph nos. 4 and 5 of the Rejoinder, I deny and dispute the statements made therein, and the Applicants are put to strict proof thereof. I specifically deny that the Applicants belong to the fishing community, as alleged. In any event, whether or not the Applicants belong to the said community is entirely irrelevant to the issues arising in the present proceedings. I further deny and dispute the authenticity and veracity of the certificate now placed on record by the Applicants. I categorically deny that the Government Survey Plan indicates that property bearing Sy. No. 150/4 of Village Cavelossim is a salt pan, as alleged. The reliance placed on



(Signature)

the said Survey Plan is denied and disputed, and I reserve the right to rely upon its true and correct interpretation.

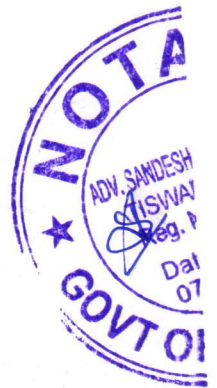
14. With reference to the contents of paragraph no. 6 of the Rejoinder, I deny and dispute the statements made therein, and the Applicants are put to strict proof thereof. I specifically deny that the properties bearing Sy. Nos. 150/1, 2, 3, 4 (part), 5, 6 (part), 7, 8 (part), and 9 (part) fall within the 100 mts. CRZ line from the river and backwater, as alleged. I further deny that Sy. Nos. 150/4 (part), 6 (part), 8 (part), and 9 (part) fall within CRZ-III (undeveloped/rural) as claimed. The reliance placed on the letter dated 29.12.2020 and the Show Cause Notice dated 22.02.2022 is categorically denied and disputed. Significantly, the said Show Cause Notice is presently under adjudication, and despite the completion of pleadings, the matter has been repeatedly adjourned at the present Applicants. Without prejudice, I reserve my right to rely upon the true and correct interpretation of the said documents as well as the relevant records in the connected proceedings.



[Handwritten signature]

15. With reference to the contents of paragraph no. 7 of the Rejoinder, I deny and dispute the statements made therein, and the Applicants are put to strict proof thereof. I specifically deny that property bearing Sy. No. 150/4 of Village Cavelossim is a salt pan, or that properties bearing Sy. Nos. 150/1, 150/3, 150/5, 150/4A, 150/6, 150/7, 150/8, 150/9, 3/1, 3/1A, 3/2, and 3/3 of Village Cavelossim are khazan lands, as alleged. I reserve my right to rely upon the true and correct interpretation of the Sale Deed dated 26.07.2012.

16. With reference to the contents of paragraph no. 8 of the Rejoinder, I deny and dispute the statements made therein, and the Applicants are put to strict proof thereof. I specifically deny the reliance sought to be placed on the judgment in Jose Fernandes and Anr. vs. Goa Coastal Zone Management Authority and Ors. (Appeal No. 42/2022 (WZ)), which has no application to the present proceedings. Without prejudice, I reserve my right to rely upon the true



[Handwritten signature]

and correct interpretation of the said judgment. I further deny that the subject properties referred to therein are situated upstream of my properties, as alleged. I say that the Judgement rendered by this Hon'ble Tribunal in case of Jose Fernandes (Supra) was passed under completely different circumstances. I say it was admitted by the parties concerned that some portion of the construction was within Khazan land and the controversy cropped owing to the fact that CZMP was neither finalized nor notified. I say that in such circumstance this Tribunal directed the authorities to act in accord with law with regards to the small portion of land which was admitted to be Khazan land.

17. In view of the above, I say that the contentions and documents introduced by the Applicants through the Rejoinder dated 08.02.2025 are devoid of merit, irrelevant to the issues at hand, and intended solely to distract from the real controversy.



18. I deny all allegations, averments, and insinuations made by the Applicants unless specifically admitted herein.
19. I reiterate that the Applicant has failed to establish any case for the reliefs sought in the Original Application, and therefore, the present proceedings deserve to be dismissed.
20. I say that the contents of the present Affidavit in Sur-Rejoinder at paragraph nos. 1 to 19 above are true and correct to my personal knowledge and belief and/or based on information derived from the records and/or inferences.

Solemnly affirmed at Panaji, Goa,
On this 07th day of July, 2025.

DEPONENT



SOLEMNLY AFFIRMED AND VERIFIED
BEFORE / ME BY Mr. Cruz Cardozo
WHO IS IDENTIFIED BEFORE/ME
BY Aadhar No. 602725256614
WHOM I KNOW
SERIAL NO. 1618 DATED 7/7/2025

SANDESH S. VOLVOIKAR
ADOCATE & NOTARY AT TISWADI TALUKA
AT PANAJI
STATE OF GOA (INDIA)