

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE

Original Application No. 98/2022/WZ

The Goa Foundation

... APPLICANT

vs.

The State of Goa and Ors.

... RESPONDENTS

AFFIDAVIT IN SUR REJOINDER OF THE
DEFENDANT NO. 6 AND 7

I, John Alfred Nazareth, son of late Pedro Caitano Nazare, 78 years of Age, Indian National, Married, residing at H. No. 154, Bairro Alto, Assagao, Goa, the Respondent No. 6 herein and the Power of Attorney holder of the Respondent No. 7, herein do hereby on solemn affirmation beg to state and submit as under:

Nazareth

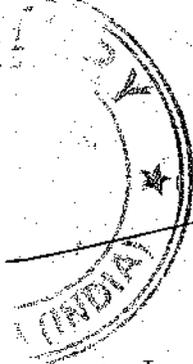
R/c
for Applicant
13/03/2023
[Signature]
@6:15 P.m.



1. I say that I have read the Affidavit in Rejoinder filed by Dr. Claude Alvares, Secretary, Goa Foundation dated 10-03-2023. I say that since certain new facts are being averred which require rebuttal, I am advised to file this Affidavit which is restricted to deal with the said new facts which require rebuttal. Suffice it to say that the facts which are not specifically admitted and which are inconsistent and contrary to what is stated in my reply dated 12-12-2022, may be taken as denied.

2. I deny that the objection of jurisdiction raised by me in my Affidavit in Reply would not be open to be raised in view of the directions of the Hon'ble High Court regarding the maintainability of the proceedings. The objections raised by me are in fact not on the maintainability of the Petition on the grounds of res judicata but otherwise.

Razal



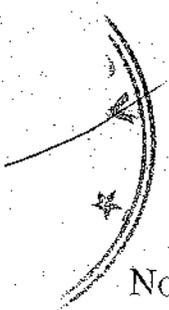
3. I say that Thomas Committee in fact whilst identifying or listing the properties in its provisional report did not follow any procedure and as such the properties identified by Thomas Committee were stated to be provisionally identified and as such they were subjected to review by the review committee who followed the procedure and accordingly opined on the properties in question.

4. It is denied that Survey Nos. 128, 129, 130, 132 and 133 of the Village of Assagao form one patch with a total plot area of about 69.59 hectares as alleged. I say that considering that Survey No. 128 was provisionally identified the same was subjected to review and after following the due procedure the same was identified as not fulfilling the criteria of a forest within the parameters framed by the State Government as submitted in Godavarman's case to qualify to be a forest.

Prasanna



5. I say and submit that the mere use of adjectives as set out in Paragraph 5, do not obliterate the fact that in so far as our property is concerned the same was deleted after the review committee on following the due process of law which was earlier followed by the Sharma Committee was followed in this case and the Review Committee had come to the conclusion that the same was not a forest within the meaning forest as set out in Godavarman's case. The averments in Para 5 to the effect that on ground the area is fully forest is denied.
6. With regards to contents of Para 6, I maintain that the exercise of identification of private forest has been completed with a Judgement and Order of this Tribunal in OA No. 478 of 2018. I say that as a fact the State Government has notified the areas adjudged to be forest in the Judgment of this Hon'ble Tribunal rendered in OA

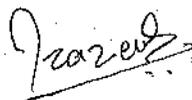


No. 478 of 2018. I say and submit that the execution Applications filed by the Applicant are not tenable as Execution Applications. As a fact the Applicant has rightly resorted to filing an OA in this case.

7. With regards to contents of Para 7 and 8, I deny that the Application has been filed within time, liberty granted by the Hon'ble High Court would not extend the period of limitation and would not do so. As a fact, the Petitioner has resorted to filing a Writ Petition before the Hon'ble High Court of Bombay at Goa beyond the period of limitation prescribed under the Act.

8. I deny each and every allegation of fact which is inconsistent and contrary to what is set out above.

I the Deponent above named do hereby on solemn affirmation beg to state and submit that whatever is stated in the foregoing



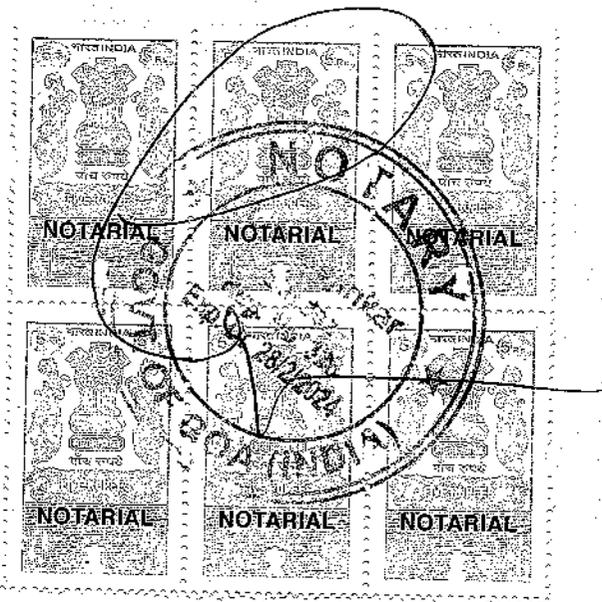
paras are facts true to my own knowledge and the legal submissions herein are based on legal advice which I believe to be true.

SOLEMNLY AFFIRMED AT PANAJI

ON THIS 13th OF MARCH 2023

DEPONENT

Identified by:-



BEFORE ME

hereby attest the signature (s)/LH^W of Executing Parties: Mr John Almed Maraveth who is /are identified by: Aadhaar NO, 9843 5016 7129 when I know personally. Serial No. 3403/2023 dated 13/03/2023

**L. M. GAJINKAR
NOTARY AT BARDEZ
STATE OF GOA-INDIA**