

BEFORE THE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE AT PUNE

1A No. 29/2022(WZ)

In

Appeal No.09/2022(WZ)

AGNELO FERNANDES & ANR

...APPELLANTS

VERSUS

GOA COASTAL ZONE
MANAGEMENT AUTHORITY & ...RESPONDENTS
OTHERS

AFFIDAVIT

I, MRS. CONCEICAO FERNANDES, wife of Agnelo Fernandes 75 years of age, Indian National, having residence at H.No. 7/3, Saunta Vaddo, Calangute, Bardez - Goa 403516, the Appellant No. 2 above named, do hereby on solemn affirmation state and submit as under:

1. I say that I have filed the captioned appeal and so also the accompanying Interlocutory Application No.

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29/2022(WZ) for early listing of Appeal No.09/2022(WZ) and had along with the captioned appeal filed Interlocutory Application No. 22/2022(WZ) seeking interim relief. I crave leave to refer to and rely upon the averments made therein as if the same is specifically averred herein for the sake of brevity.

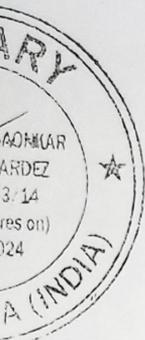
2. I say that on 26/03/2022, I got information that the Respondent No. 1 was in the process of getting the demolition order in question executed. On further inquiry, I was informed that a demolition squad was requisitioned by the Respondent No. 1 and that the demolition was scheduled to be conducted on 29/03/2022.
3. I say that accordingly on 28/03/2022 at 11:20am, I filed the Interlocutory Application No. 29/2022(WZ) for Early Listing of the main Appeal. However, my lawyer before the NGT was informed that the same was scheduled to be listed on 01/04/2022.

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4. I say that I am thereafter informed that on account of the Goa State Assembly being in session on 28/03/2022 and 29/03/2022, the said demolition did not take place on the 29/03/2022 as scheduled earlier.

5. I say that in view thereof, on 29/03/2022 I addressed a letter to the Mamlatdar and Dy. Collector informing them about the pendency of the Appeal before the Hon'ble NGT and its listing of on 11/04/2022; I requested the said authorities to desist from proceeding with execution of the said demolition order due to the pendency of the captioned Appeal. However the staff of the Mamlatdar as well as Dy. Collector refused to accept the said letter and orally informed me that the demolition was now scheduled for 31/03/2022 and that it would be proceeded with. It is only when my legal counsel approached the Mamlatdar's office that the inward of the letter was accepted. Annexed hereto and marked as Annexure A-1 is letter dated 30/03/2022.

C/-



6. I say that despite the knowledge of pendency of the Appeal and the Interlocutory Applications filed therein, the Respondent No. 2 requisitioned the Demolition Squad to carry out the demolition on 31/03/2022 to render the captioned Appeal infructuous. I say that the concerned officials of Respondent No. 1 reported at site. However, I was informed that on account of certain administrative impediments the said demolition was not carried out.

7. I say that in such circumstances I have apprehensions that there is imminent danger of the demolition order being executed by the Respondent No. 2 if the same is not stayed by this Hon'ble Tribunal.

8. I say that the contents of above paras are true to my own knowledge and/or based on information received from my legal counsels.

CF

Solemnly affirmed at Mapusa - Goa

On this 31st day of March 2022.

CF
DEPONENT



*Sole for Apollit
S. S.*

I, hereby attest the above signature of the executant's
Shri./Smt./Kum. Gajanan Korgaonkar
r/o Calangute Beach, Goa
who has signed before me and has been identified by
Whom I know personally Me

NOTARIAL NOTARIAL



[Signature]

GAJANAN K KORGAONKAR
NOTARY OF BARDEZ
REG NO. 353/14
SF No. 1109

On 31/03/2022

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ANNEXURE -#1

From:

1. AGNELO alias ALBERT FERNANDES

S/o Emiliano Fernandes,

2. CONCEICAO FERNANDES

w/o Agnelo Fernandes, National,

R/o H.No. 7/3-E, Saunta Vaddo,

Calangute Bardez - Goa 403516

Dated 28/03/2022

TO,

The Mamlatdar of Bardez

Govt. Office Complex

Morod, Mapusa-Goa

Sub: Notice of Appeal before NGT Pune.....

Sir,

The undersigned Appellant has preferred an Appeal against the Order bearing No. GCZMA/NGT Matter / O. Appl. No. 18/2020/2021/2 dated 11/02/2022 passed by the Goa Coastal Zone Management Authority, where in the undersigned are directed to demolish the structure situated in Survey No. 243/13A and 243/4 of village Calangute, Bardez - Goa.

The undersigned preferred an appeal on the above said Order passed by the Chairman of GCZMA before NGT West Bench at Pune and the same is registered under No. 9/2022. Accordingly, this Hon'ble Tribunal was pleased to issue Notices to all the Respondents vide order dated 09.03.2022, which has already been served upon the GCZMA, the complainant and Village Panchayat of Calangute and the matter is listed on 11.04.2022 for reply and interim relief.

20/03/2022

Should your office begin to execute the given orders i.e. with the demolition of the structures pending hearing in No. 117, great prejudice would be caused thereby frustrating the very cause of the undersigned.

In view of the above & peculiar circumstances the undersigned request your office not to execute the orders i.e. with the demolition till the finalization of the above said appeal.

Kindly Take note of the above.



CF

Memo of appeal is enclosed herewith.

7.C.
S.L.