

BEFORE THE NATIONAL GREEN TRIBUNAL

WESTERN ZONE BENCH AT PUNE

MEMORANDUM OF APPLICATION

*(Under Section 14 of the National Green Tribunal Act,  
2010)*

Original Application No. 72/2023

**BETWEEN:**

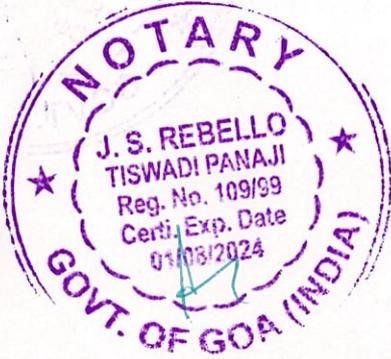
Mr. Swapnesh Sherlekar & anr                      ...Applicants

Versus

State of Goa and 7 Ors                                      ...Respondents

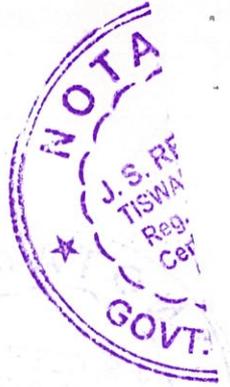
**AFFIDAVIT**

I, Shri. Swapnesh Sherlekar, S/o. Late. Shri. Bhanudas  
Anant Sherlekar, 40 years of age, R/o. H. No. 284,  
Shirodwadi, Mulgao, Bicholim-Goa, the Applicant



no.1 herein, do hereby state on oath and solemnly affirm as under:

- 1) I say that the process of identification of private forest in the State of Goa was started in the Year 1997, with constitution of S.M. Sawant Committee on 24.01.1997, pursuant to the Hon'ble Supreme Court's order dated 12.12.1996 in Writ Petition (Civil) No. 202/1995, T.N. Godavarman Thirumalpad Vs. Union of India and others.
- 2) I say that the Sawant Committee was formed to:
  - "i) Identify areas which are "forests", irrespective of whether they are so notified, recognised or classified under any law, and irrespective of the ownership of the land of such forest;
  - ii) Identify areas which were earlier forest but stand degraded, denuded or cleared;
  - and iii) Identify areas covered by plantation trees belonging to the Government and those belonging to private persons.



*[Handwritten signature]*



- 3) I say that the Sawant Committee submitted its final report on 10.12.1999, identifying 46.60 sq km area as private forest. However, the Committee itself clarified in its report that the report is an approximation and that before finalizing, the State Government would have to carry out actual ground verification to determine the extent of Private Forests existing. Also it was clarified that the area identified by them is not exhaustive and still more areas might have remained unidentified.
- 4) I say that upon examination of the Sawant Committee report, the State Government decided that the work is not complete and many more areas were yet to be identified. The State Government, therefore, decided to constitute another Committee vide order dated 04.09.2000 under the chairmanship of Dr. Hemant Karapurkar to demarcate and delimit all those private properties having natural forests standing thereon and to mutate all such



identified areas in the Land Records to show the classification as 'Forests'.

- 5) I say that a Public Interest Litigation was filed by Goa Foundation in Hon'ble Supreme Court in March 2001 alleging that Karapurkar Committee is carrying out the work in contrary to earlier Sawant Committee's Final Report. The State Government gave assurance to the Apex Court that Karapurkar Committee was working towards identification of the additional areas, so as to complete the task that remained uncompleted by Sawant Committee.
- 6) I say that the Karapurkar Committee submitted its report, identifying 20.52 sq. km of additional Private Forest areas in the State on 16.12.2002. Thus the total area of Private Forests identified by both the Committees was 67.12 sq km.
- 7) I say that the Hon'ble High Court of Bombay at Goa passed an Order dated 02.07.2003 in MCA No. 350/2003 in Writ Petition No. 286/2003 directing the State Government to demarcate the

*[Handwritten signature]*



non-Forest areas from Forest areas on the basis of Sawant and Karapurkar Committee reports.

- 8) I say that pursuant to the aforementioned order of Hon'ble High Court of Bombay at Goa, the Goa Forest Department carried out the exercise of demarcation of non-forest areas from forest areas after ground verification. This exercise took five years and the final report of demarcation was submitted to Hon'ble High Court on 30.06.2008. The said demarcation was challenged in High Court by Goa Foundation by way of a writ petition no. 673/2008.
- 9) I say that in the meanwhile on 03.02.2010 the Government appointed two committees, one for North Goa & one for South Goa. The Terms of Reference of these two committees, amongst others, were to identify the balance areas of private forests in the State that have not been covered by the Sawant Committee Report and Karapurkar Committee Report.
- 10) I say that both these committees did not give any recommendations within stipulated 2



years' time, therefore the State government constituted 2 fresh committees namely North Goa Forest Committee under the chairmanship of Shri V T Thomas and South Goa Forest Division Committee under the chairmanship of Shri F X Araujo on 27.11.2012.

11) I say that the Government of Goa on 23.04.2018 constituted a committee under DCF (Working Plan) (Sharma Committee) to review identified Forest areas by earlier all committees, simultaneously disbanding the two Forest Division Committees (Thomas & Araujo Committee).

12) I say that the Report of the Sharma committee was finalised on 20.06.2019 & submitted on 29.06.2019, reviewing all the areas identified by earlier Sawant & Karapurkar Committee only.

13) I say that the Report of the Sharma committee with respect to Sawant and Karapurkar Committee Report was finally accepted by this Hon'ble court vide its order

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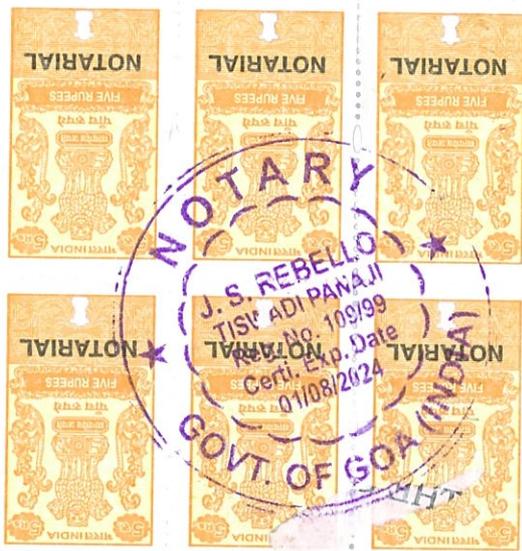
dated 18.08.2020 passed in the matter of **Goa Foundation v. State of Goa and Others** bearing Original Application No. 479/2018(Earlier O. A. No. 18/2013 (THC) (WZ)(I.A. No. 531/2019, I.A. No. 155/2019, I.A. No. 156/2019, I.A. No. 157/2019, I.A. No. 240/2020 & I.A. No. 254/2020) & as per the directions the Government of Goa Gazetted the same on 22.09.2022.

14) I say that the Government of Goa on 20.01.2020 constituted a Review Committee to review the provisionally identified Private Forest areas by Thomas & Araujo Committee under the chairmanship of Conservator of Forests. I say that the work of the review committee is still in progress and has published several interim reports, which are not yet finalised amongst which 3<sup>rd</sup> interim report is under challenge in the present application.

15) I say that the 3rd Interim Report published by the Review Committee in September 2021 is challenged in this Petition.

16) I do hereby solemnly state on oath that whatever has been stated above in the foregoing paragraphs 1-4, 5, 6, 8-12, 14, 15 are true and correct to my personal knowledge and the contents of the rest of the paragraphs are legal submissions which I believe to be true.

Solemnly affirmed on oath on this 8<sup>th</sup> day of July July of the year 2023 at Panjim Goa.



[Signature]  
Deponent

EXECUTED BEFORE ME  
WHICH I ATTEST  
REG. NO. 2021/28 DATED 8/7/2023.  
[Signature]  
J. S. REBELLO  
NOTARY  
PANAJI  
STATE OF GOA (INDIA)