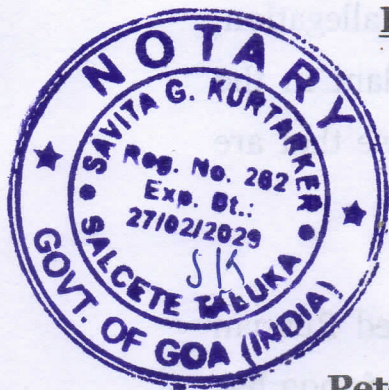


BEFORE THE NATIONAL GREEN TRIBUNAL 353
WESTERN ZONE BENCH AT PUNE



Appeal No. 18/2023

Peter Coutinho ... Appellant

Versus

The Goa Coastal Zone Management

Authority and Anr. ... Respondents

COMPOSITE AFFIDAVIT OF THE RESPONDENT

NO.2

I, Mrs Judith Almeida, aged 69 years, daughter of late Joseph Henry Baptiste, R/o. H. No. 257/1, Bagdem, Ward 3, Colva, Salcete, Goa, President of the Colva Civic and Consumer Forum (the respondent no.2), do hereby solemnly state on oath and affirm as under:

1. I am filing an affidavit in rejoinder to the Appellants interlocutory application 292/2024 dt. 20th June, 2024, which were served to me via whatsapp on 18.11.2024 at 9.30pm and sur-rejoinder to the Respondent no.1's reply affidavit dated 18th November 2024 served on me on 18.11.2024 at 8.28 pm via email.

Rejoinder to the Appellant's I.A. 292/2024

SK

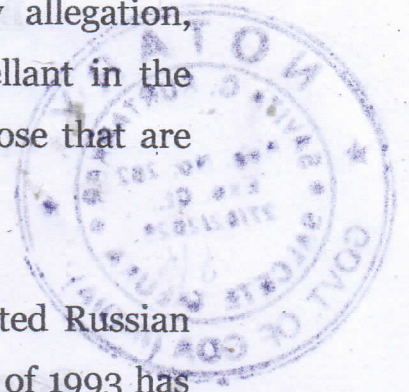
2. At the outset, I deny each and every allegation, contention, and averment made by the Appellant in the Interlocutory Application 292/2024 except those that are specifically admitted herein.

3. It is humbly submitted that the purported Russian MIR Imagery of 1991 and Airforce Aerial Data of 1993 has no Geo-referencing and therefore the location cannot be established.

4. The owners of the satellite imagery in question are two distinct organizations, and the alleged satellite report prepared by RSI Softech is a third party that lacks the authority to authenticate the source of the imagery data, as the same is not available in the public domain. Furthermore, the alleged satellite imagery has been tampered with by the addition of survey number boundary lines and profiles of purported existing structures. Such alterations render the imagery unauthentic and unreliable, creating serious doubt as to its credibility and evidentiary value. Hence, it is respectfully submitted that the said imagery cannot be considered as admissible or credible evidence before this Hon'ble Tribunal.

5. It is respectfully submitted that RSI Softech India Pvt. Ltd. must be directed to produce a certificate or authorization issued by the owners of the Russian MIR imagery and the Indian Air Force aerial data, verifying their permission to utilize such data as a source for preparing reports concerning coastal areas. Even if the

AA



Russian MIR and Airforce Imagery is considered, both do not show any structure marked in plots of the appellant pre-1991. Annexed as **'Exhibit A' Colly** (page Nos 370-371) is the Satellite imagery superimposed on the survey plan of the DSLR (refer to Survey plan dt. 12.12.1996 on page 205 of the Appeal Memo), the Appellants structures are not seen in the Bhunaksha document and the Regional plan 2021 of Govt. of Goa Annexed as **Exhibit B Colly** (page nos 372-373).

6. With regards to para 1 of the interlocutory application 292/2024, the Appellant has failed to produce a Conversion Sanad under the Land Revenue Code 1968, a single approval or permission from any statutory / competent authority to substantiate the legality of the structure constructed by him or his predecessors. The structure in question has been constructed in clear violation of applicable laws, without obtaining the requisite statutory permissions or clearances from any regulatory body, as mandated under the relevant legal framework.

7. The Appellant is completely silent and has failed to produce approvals of the audacious large extensions carried out between 2006 (as seen in green) and the 2022 (as seen in orange) both mappings done by DSLR under directions of the Hon'ble High Court of Bombay at Goa. Annexed as **Exhibit C** (page no 374).

8. This answering Resp 2 is producing the timeline series of the structures in Plot A1 and B1 whilst relying on the google Satellite images of 07.02. 2010 to compare the



JA

large extension with the image dt 04.03.2024 to show how the Appellant who has obtained and produced the Satellite images (*refer pages 353-354 of affidavit dt 19.06.2024*) in an attempt to mislead this Hon'ble Tribunal, has illegally extended the illegal structure constructed after 1996 from 406 sqm to 634 sqm without approvals. Annexed as **Exhibit D Colly** (page nos 375-378).

9. The Appellant instead of producing valid approvals, has attempted to mislead this Hon'ble Tribunal by submitting irrelevant documents, including an excise license, which has no bearing on the legality of the construction. An excise license pertains solely to the regulation of excisable goods and does not, in any manner, constitute an approval or authorization for construction or land use. This deliberate omission of necessary permissions and the reliance on unrelated documentation indicates an attempt to misrepresent facts and obscure the illegal nature of the construction before this Hon'ble Tribunal. Such conduct on the part of the Appellant not only highlights the illegality of the structure but also demonstrates a lack of bona fide intention in complying with the law.

10. As regards paras 2 and 3 of the said interlocutory application, the Appellant has falsely claimed that he has produced all the relevant documents and approvals to show that a structure existed on the said property pre-1991, however, I humbly submit that there is no such approval in the name of the appellant or his predecessors and the only



approval was an excise permission for a **temporary stall** to be erected for a period of two months from 19.04.1988 to 31.05.1988 (refer page 185 of Appeal), which says nothing about the existence of a structure prior to 1991 nor does it mention a survey number.

11. In paras 4 to 7 of the Interlocutory Application 292/2024, the appellant refers to the Satellite imagery obtained by him from Resp. 1. In addition to the above made allegations on the validity of the Satellite imagery, I would humbly submit that the DSLR 1972 Survey records only show 4 Existing structures and all these four numbers are not in the location of plots A1 and B1. The sale deeds executed in favour of the Appellant on 01.10.1996 pertains to his undivided share in Survey No. 39/1, Colva village and there is no mention of Bar and Restaurant.

12. It is further submitted that the sketch plan annexed as **Exhibit E Colly**(page nos 379-380) of Plot A1 and Plot B1 attached to the Sale Deed, which are portions subdivided from Survey No. 39/1, are not reflected in the relevant govt. survey records. These records also depict the existing structures in other subdivided plots within the said survey number. However, no existing structure as shown in Plots A1 and B1, which are owned by the Appellant as per his Deeds of Sale dt 01.08.1996 and Rectification Deed dt 17.05.1999 are seen in the survey records, the said sale deed was mentioned by the Appellant in the Synopsis (page A) of his Appeal Memo dt 17.03.2023



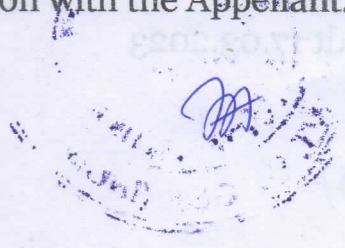
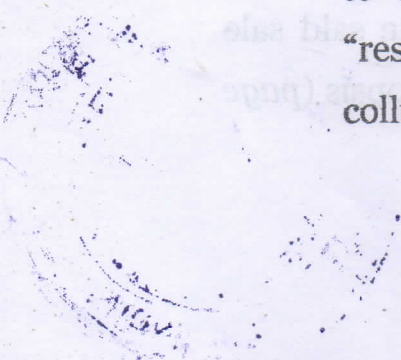
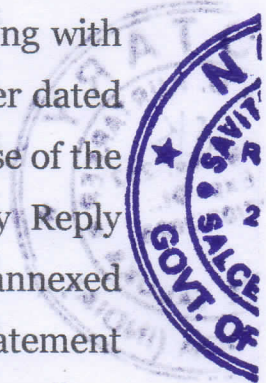
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13. The absence of any recorded structures in Plots A1 and B1 as per the survey documents indicates that no structure existed on the said plots at the time of their sale to the Appellant in 1996. This fact further establishes that any construction on these plots has been undertaken subsequently, and the Appellant has failed to provide evidence of requisite permissions or approvals for the same.

Sur Rejoinder to Respondent No. 1

14. At the outset, I deny each and every allegation, contention, and averment made by the Respondent 1 in the reply affidavit except those that are specifically admitted herein.

15. In its reply affidavit dt. 18/11/2024, Respondent No. 1, in paragraph 4, has misled this Hon'ble Tribunal with a false and concealed motive, supporting and colluding with the Appellant that the Respondent 1 had in its order dated 05.12.2018, directed the Appellant to "restore the use of the structure to residential." However, I have, in my Reply dated 31.10.2023 (*refer page 290, paragraph 18*), annexed the said order dated 05.12.2018. The concluding statement of the order on (*page 320*) explicitly directs the Appellant to restore the land to its "original state" and not to "residential use." This clearly exposes Respondent 1's collusion with the Appellant.



16. Another instance of collusion between the Appellant and Respondent 1 is shown in para 28 of Respondent 1's reply affidavit. The appellant applied to Respondent 1 to obtain the satellite data of the property bearing survey 39/1 of village Colva. Respondent 1 wrote to RSI Softech India Pvt. Ltd. (Remote Sensing Instruments) to provide such imagery to show that the RSI is said to have relied on Russian MIR imagery of 1991 and Indian Airforce Aerial Data of the year 1993.

17. Through this the R1 has acted as an agent/postman of the appellant and has in its role as a Government Authority functioned as a contracting agency procuring reports for the appellants from other private agencies such as RSI Softech India Pvt. Ltd.

I state that the contents of paragraphs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13,14,15,16 and 17 are true to my knowledge .

Solemnly affirmed at Margao on this day 29th November 2024



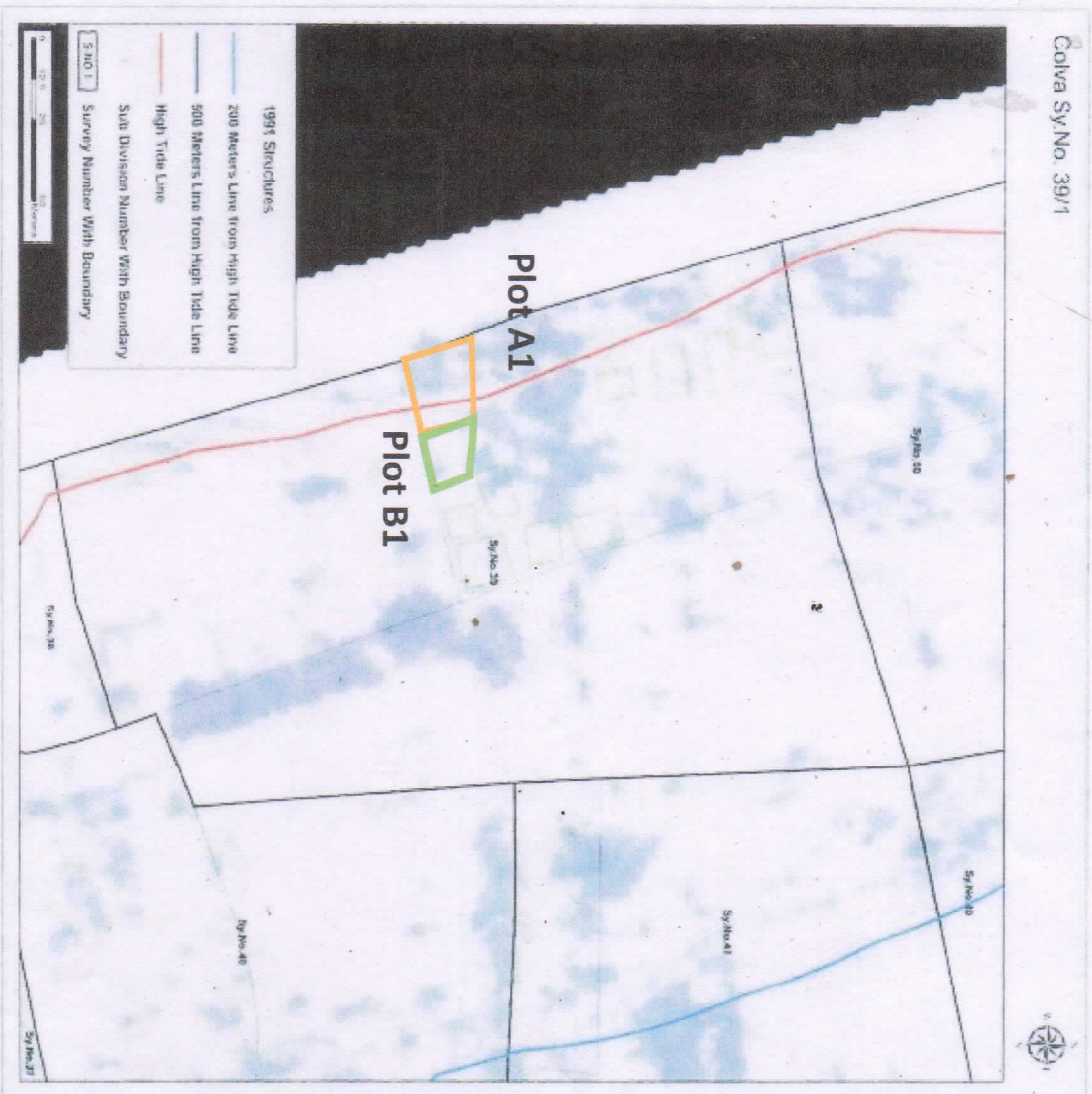
DEPONENT

Solemnly affirmed before me by
Judith Almeida
Who is identified to me by
Election No: KNX3050465
to whom I personally know on
this 29th day of NOV. 2024
Reg No 21622/2024

SAVITA G. KURTARKER
NOTARY
MARGAO-GOA



EXHIBIT 'A' COPY 370



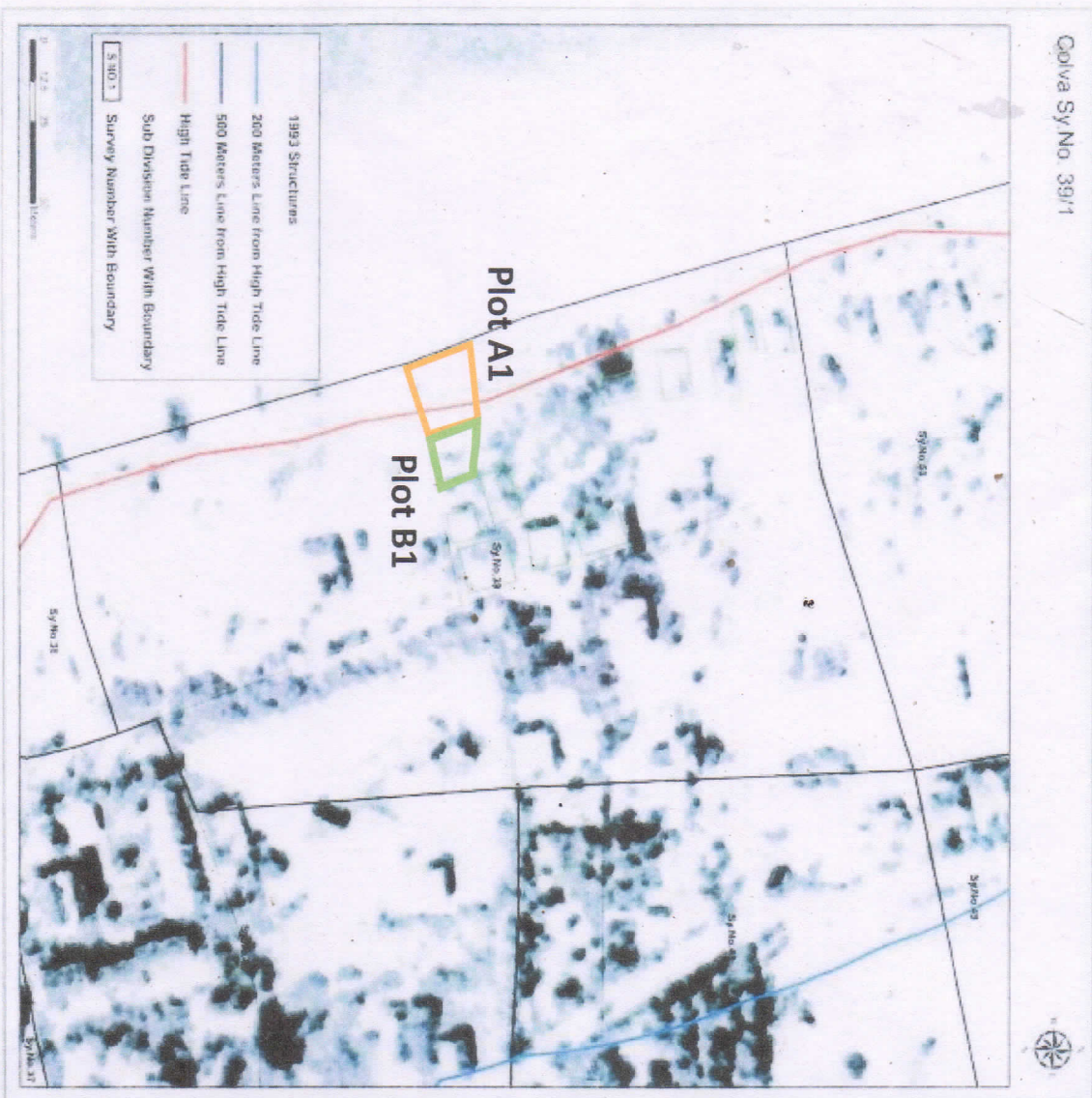
LEGEND

- Plot A1
- Plot B1

Extract of RSI Softech India Pvt. Ltd. Report allegedly of Russian MIR Imagery showing the Plots A1 and B1 in survey no. 39/1, Colva, seen with no structures in it in 1991

Source of the Imagery Data : Russian MIR Imagery
Year of Imagery Capture : 1991

Colva Sy.No. 39/1



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LEGEND

- Plot A1
- Plot B1

Extract of RSI Softech India Pvt. Ltd. Report allegedly of Indian Airforce Aerial Data Imagery showing the Plots A1 and B1 in survey no. 39/1, Colva, seen with no structures in it in 1993

Source of the Imagery Data : Indian Airforce Aerial Data
Year of Imagery Capture : 1993

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Location

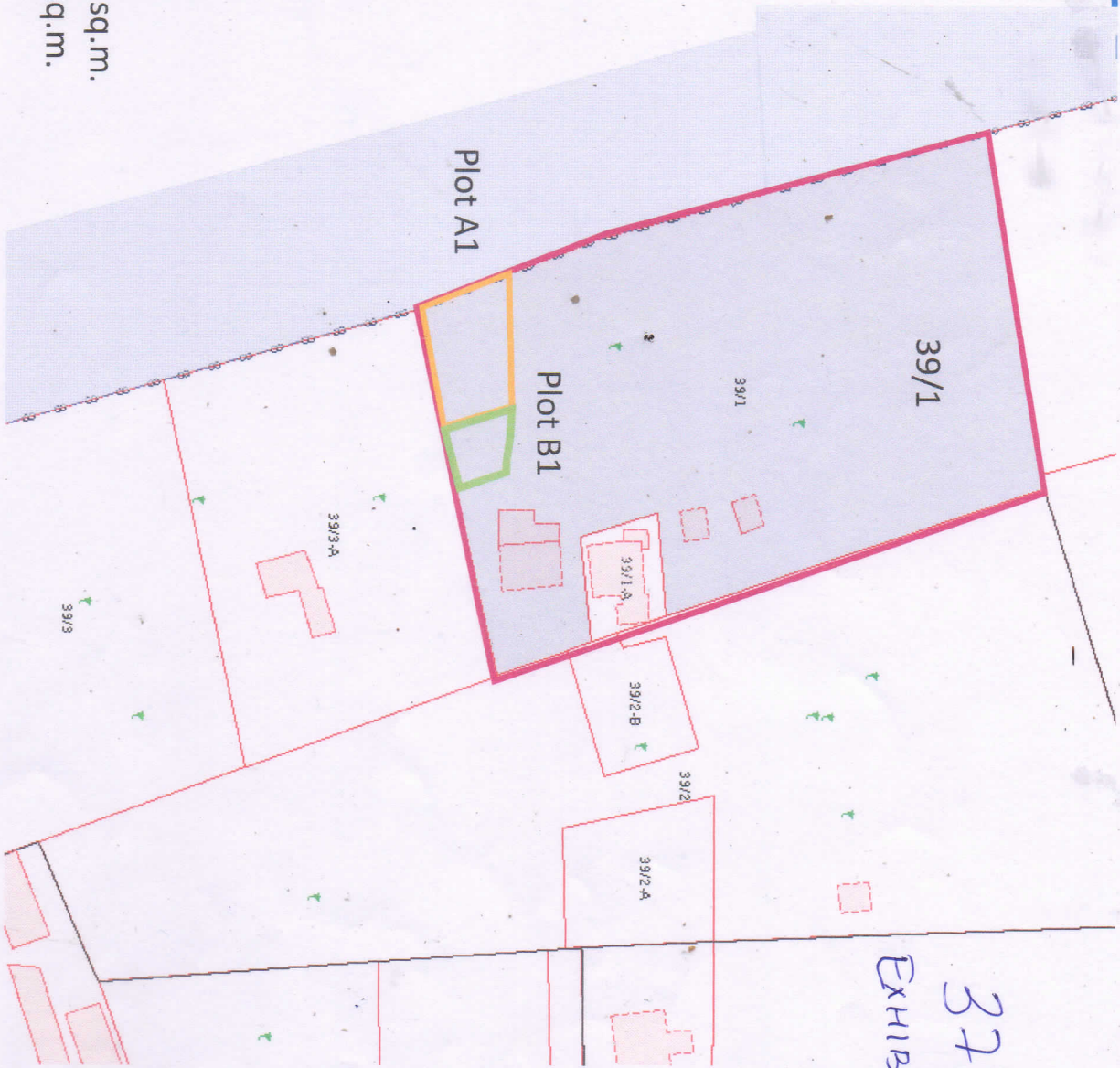
State: Goa
 District: 02 South Goa
 Taluka: 30020002 SALCETE
 Village: 00023700 Colva
 Sheet No.: 000VILLAGE

Plot Info

Taluka Name : SALCETE
 Village Name : Colva
 Subdiv No : 1

Occupants Names : 1). Government of Goa
 Directorate of Tourism 2). Maria Olinda Carmo
 Rodrigues 3). Ernestina Filomena Rosario
 Rodrigues e Godinho 4). Antonio Paulo
 Godinho 5). Jose Maria Maximo Rodrigues 6).
 Maria do Ceu Almeida e Rodrigues 7). Maninho
 Savio Alexandre Rodrigues 8). Leticia Barros
 e Rodrigues 9). Gloria Zita Benedita
 Rodrigues 10). Ivo Rodrigues 11). Vanda
 Lalita Perpetua Rodrigues 12). Vernon
 Rodrigues 13). Mr. William Zelferine
 Rodrigues 14). Mrs. Zenita Prudencia
 Rodrigues 15). Vidya Milind Vemkar 16).
 Pater Joseph Coutinho 17). Arvind Dias 18).
 Pedro Francisco Fernandes
 Total Area : 8646.00 sq.m.

Total Area of Plot 39/1, Colva is 8646 sq.m.
 Plot A1= 517 sq.m. and Plot B1=271 sq.m.
 Total A1 + B1 = 788 sq.m.



372
 EXHIBIT 'B' COPY

LEGEND

- Plot A1
- Plot B1
- 39/1

Extract of Bhunaksha Map showing the Plots A1 and B1 in survey no. 39/1, Colva, with no structures mapped in it in 1971

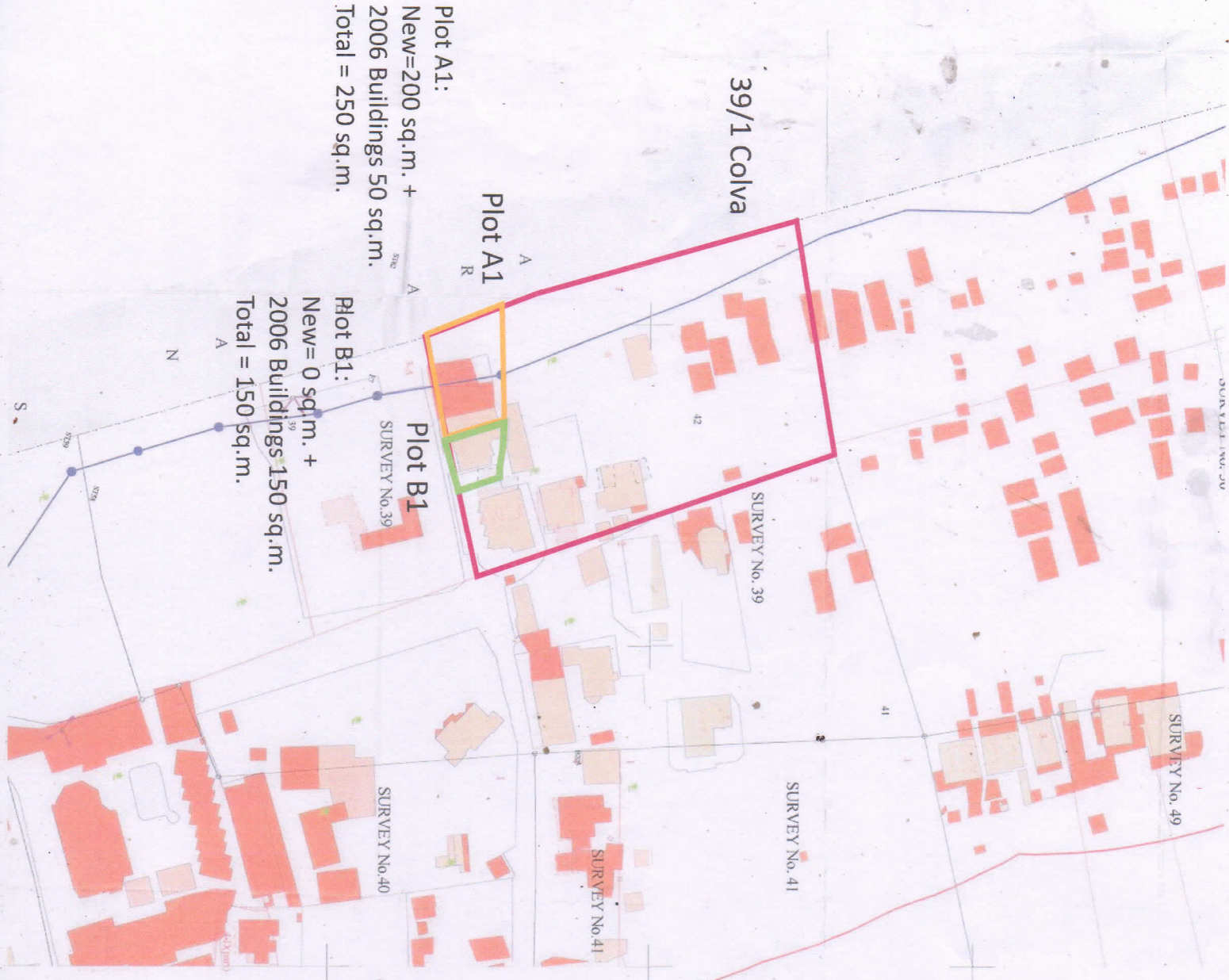


- LEGEND**
- 39/1
 - Plot A1
 - Plot B1

Extract of Regional Plan 2021 Map showing the Plots A1 and B1 in survey no. 39/1, Colva, and its orchard zone status

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[PART COPY OF ORIGINAL] 999
FROM WEBSITE



Plot A1:
 New=200 sq.m. +
 2006 Buildings 50 sq.m.
 Total = 250 sq.m.

Plot B1:
 New= 0 sq.m. +
 2006 Buildings 150 sq.m.
 Total = 150 sq.m.

EXHIBIT 'C' 374

LEGEND

FOR NEWLY SURVEYED FEATURES EXISTING ON THE GROUND DURING CRZ SURVEY

NEW COMPOUND	[Red outline]
NEW BUILDINGS	[Red fill]
PLINTH	[Light red fill]
HIGH TIDE LINE	[Blue line]
200MTS. NDZ LINE	[Dashed blue line]
CRZ RESURVEY BUILDINGS 2006	[Light orange fill]

LEGEND

- [Red line] 39/1
- [Orange line] Plot A1
- [Green line] Plot B1

Extract of DSLR CRZ Resurvey
 Maps showing the Plots A1 and B1 in survey no. 39/1, Colva, and the structures which were mapped in it

[PART COPY OF ORIGINAL]

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EXHIBIT 'D' COLLY

Time line series of Structures in Plot A1 and B1 of Survey No. 39/1, Colva Village, Salcete

YEAR	AREA IN SQ.M. OF STRUCTURES SEEN WITHIN PLOT A1 AND B1	Description of structure seen	Document in reference
1971	NIL	No structures seen in the South-West beach side Corner of the plot Survey No. 39/1, of the Survey Plan, where the Plot A1 and B1 came to be created	Survey Plan of DSLR
1991	Nil	No structures seen in the South-West beach side corner of the plot Survey No. 39/1 . (where the Plot A1 and B1 came to be created), on the Report of RSI Softech India Pvt. Ltd allegedly using the Russian MIR Imagery of 1991	RSI Softech India Pvt. Ltd. Report with alleged 1991 Russian MIR Imagery
1993	Nil	No structures seen in the South-West beach side corner of the plot Survey No. 39/1 . (where the Plot A1 and B1 came to be created), on the Report of RSI Softech India Pvt. Ltd. allegedly using the Indian Airforce Aerial Data-Imagery of 1993	RSI Softech India Pvt. Ltd. Report with alleged 1993 Indian Airforce Aerial Data Imagery
1994	NIL	Inventory Records to be verified	Inventory Records
1996	A1= NIL B1= 2 structures 5x3=15 sq.m. Hexagon= 23 sq.m.	As per the Sale deed cum Mortgage Deed 1/8/1996, the Plot A1 has no existing structures As per the Sale deed cum Mortgage Deed 1/8/1996, the Plot B1 has 2 structures together with an area of 38 sq.m.	Deed of Sale cum Mortgage on 1/8/1996 for Plot A1 and Plot B1

MA

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Time line series of Structures in Plot A1 and B1 of Survey No. 39/1, Colva Village, Salcete

YEAR	AREA IN SQ.M. OF STRUCTURES SEEN WITHIN PLOT A1 AND B1	Description of structure seen	Document in reference
2006	In Plot A1= 250 sq.m. (New Building 200 sq.m. + 2006 Building 50 sq.m.) In Plot B1= 150 sq.m. (New Building 0 sq.m. + 2006 Building 150 sq.m.)	Two different colour coded structures are seen, one in Grey as structures in 2006 and one in Orange as newly built structures as per the DSLR Resurvey Plan of the CRZ Areas for Survey No. 39/1, Colva village	DSLR Resurvey Plan Sheet No. 14 and 15, Colva village
2010	406 sq.m. as measured on the Google across Plot A1 and B1	Historical Imagery with marked profile of the Structure seen within Plot A1 and Plot B1, along with calculated area	Google Satellite historical Imagery of 7/2/2010
2024	634 sq.m. as measured on the Google across Plot A1 and B1 More than Ground floor structure	Latest Imagery with marked profile of the Structure seen within Plot A1 and Plot B1, along with calculated area	Google Satellite latest Imagery of 4/3/2024



Google Satellite Imagery of 7th February 2010 showing the Plots A1 and B1 in survey no. 39/1, Colva, its encroachment on the Beach and the structures in it measuring 406 sq.m.

377

LEGEND

- 39/1
- Plot A1
Plot A1
- Plot B1
- Encroachment of Plot A1 & B1
- 1996 Saledeed 2 Structures in Plot B1
- 2010 Existing Structure in A1 & B1

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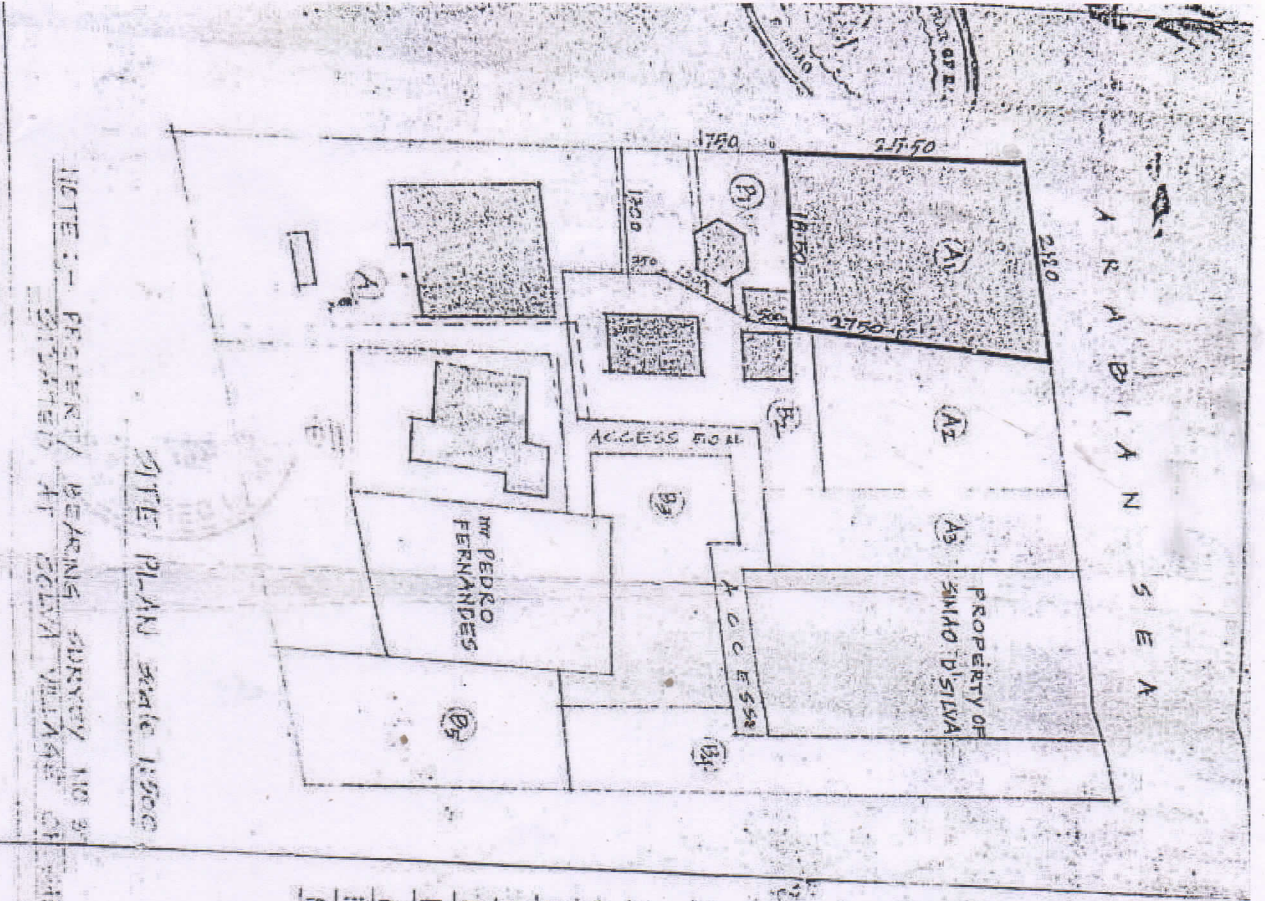
LEGEND

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- 39/1
- Plot A1
- Plot B1
- Encroachment of Plot A1 & B1
- 1996 Saledeed 2 Structures in Plot B1
- 2024 Existing Structure in A1 & B1

CPA

Google Satellite Imagery of 4th March 2024 showing the Plots A1 and B1 in survey no. 39/1, Colva, its encroachment on the Beach and the structures in it measuring 634 sq.m.



NOTE :- PROPERTY BEARING SURVEY NO 39/1
 DIVIDED AT COLVA VILLAGE OF

SITE PLAN Scale 1:500

AREA STATEMENT

TOTAL AREA OF PROPERTY = 4225.0M²

AREA OF ACCESS RESERVED = 273.0M²

EFFECTIVE AREA = 3942.0M²

AREA OF SUB DIVIDED PLOTS = 517

PLOT 'A' GIB RODRIGUES =	914.0M ²
PLOT 'A' JIMM RODRIGUES =	394.0M ²
PLOT 'A' MISA RODRIGUES =	394.0M ²
PLOT 'A' O. RODRIGUES =	270.0M ²
PLOT 'A' JIMM RODRIGUES =	394.0M ²
PLOT 'A' MISA RODRIGUES =	394.0M ²
PLOT 'A' VANDA =	394.0M ²
PLOT 'A' ZITA =	394.0M ²
PLOT 'A' CRISTINA =	394.0M ²



Nome do Cas Alameda e Pólya
 N.º 10994 Constante

Deed of Sale cum Mortgage dated 01/08/1996 showing the Plot A1 with its dimensions and area measuring 517 sq. m. divided from Survey No. 39/1, Colva village, clearly showing that no structure existed in it till that time

True copy
 [Signature]

379
 EXHIBIT
 'E' COPY

