

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

APPEAL NO. 02 OF 2019

IN THE MATTER OF:

Soil Conservation Division,
Directorate of Agriculture, Goa

...Appellant

Versus

Goa Coastal Zone Management
Authority & Ors.

...Respondents

COUNTER AFFIDAVIT OF EVA FERRAO

[RESPONDENT NO. 10]

ADVOCATE FOR THE RESPONDENT NO.10 :

SIVAGNANAM KARTHIKEYAN & OM D'COSTA

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[RESPONDENT NO. 10]

I, **Eva Ferrão**, resident of Santo Estevam, No. BairroForo, Ilhas, Goa 403106, the **Respondent No. 10** herein, do hereby solemnly affirm and declare as under:-

1. That I am fully conversant with the facts and records of the present case and am authorised and competent to affirm this affidavit on behalf of myself (Respondent No.10).
2. I have read a copy of the captioned Appeal filed by the Soil Conservation Division, Directorate of Agriculture, Goa and am making this Affidavit in reply to oppose admission of the Appeal. I crave leave to file a further affidavit if we are so advised or as the circumstances may require.
3. Unless specifically admitted by me hereinafter, all statements and contentions contained in the Appeal should be deemed to have been denied by this Respondent as if they were set out herein and traversed seriatim.

Eva Ferrao



4. The Answering Respondent No. 10, [hereinafter referred to as the “Complainant”] is a resident of Santo Estevam island who has been adversely affected by the impugned construction activity carried out by the Appellant-Department resulting in proven ecological damage. The Complainant is a recognised tenant (under the Goa Agricultural Tenancy Act, 1964) who cultivates the Khazan Lands in the same area (which are protected as eco-sensitive areas and No-Development Zones under the CRZ Notification, 2011).
5. The ‘Palni Bund’ in Santo Estevam is declared to be a ‘Protective Bund’ vide Notification No. RD/TNC/BND/280/67-LXXIV dated 13.07.1976. The said Bund Palni is protecting about 46 hectares of paddy fields from the saline water of River Mandovi, and was originally 2.5 meters wide with mangrove cover on both sides. The Appellant-Department, under the guise of repairing the Bund, proceeded to carry out illegal widening of the said Bund by increasing the width to around 7 meters of width causing severe ecological damage to the surrounding Khazan Lands and the mangrove ecosystem. In the 1.5 kilometre long stretch along 500 section of mangroves have been destroyed threatening the ecology and bio-diversity of the Island of Jua. Aggrieved by the said action, the Complainants had filed the Original Application No.123 of 2015 before the Hon’ble NGT challenging the impugned activity and seeking directions for restoration of the Bund to its original condition.
6. Pursuant to site inspections and expert reports indisputably proving ecological damage caused in the area, the Hon’ble NGT, vide order dated 17.03.2017, directed the Goa Coastal Zone Management

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Authority ["GCZMA"] to pass directions for remediation measures after hearing the parties – resulting in the GCZMA Order dated 25.09.2018 which is now sought to be challenged by the Appellant-Department (to the limited extent of the direction to maintain a width of 3.5meters by removing excess red earth from the field) before the Hon'ble NGT.

7. It is respectfully submitted that the Appellant-Department, despite accepting all the other directions on remediation of the Band in the GCZMA's Order dated 25.09.2018 (except the direction with regard to maintaining width of 3.5meters), has not complied with the said other directions till date, despite the passage of 6 years since the said GCZMA Order.
8. Importantly, the multiple Expert Reports of the GCZMA which are based on physical survey of the Band categorically show that the Appellant-Department has illegally widened the Band to over 7 meters and caused immense damage to the mangroves and ecological balance of the area. Therefore, there is absolutely no justification for the Appellant-Department to now contend that it ought not comply with the fair and balanced direction of the GCZMA to maintain a width of 3.5 meters.
9. The decision of the GCZMA to maintain a width of 3.5 meters itself is based on consultations from the Water Resources Department of the State of Goa, which is the concerned authority for technical planning and execution of the impugned works. Therefore, the Appellant-Department's current attempt to evade its duty of restoration of the Band, after causing substantial damage to the eco-sensitive area, is completely unjustified.

M. J. Ferraz



Brief Facts

10. Before responding to the legal issues that are sought to be raised in the Appeal, I wish to place the following crucial facts on record. It is respectfully submitted that these are indisputable facts, in view of which this Appeal ought to be dismissed.
11. Santo Estevam is a picturesque island-village located in the Mandovi River, near Panaji, Goa. People travel to and fro by canoes/ferry boats and by a bridge at Tonca. The island of Santo Estevam has a delicate ecological balance, being comprised of several parcels of land interspersed with water bodies, and linked to each other by an intricate system of bunds and sluice gates which protect the agricultural fields (Khazan Lands) from sea water intrusion.
12. Khazan Lands are a peculiarity of the Goan agricultural system, which allows cultivation of paddy and other crops even in lands influenced by tidal waters. It is the bunds and sluice gates which protect these Khazan / agricultural lands. The CRZ Notification makes special mention of the Khazan Lands and Mangroves in the special section on the 'CRZ of Goa' and has prohibited development activities in the Khazan areas. . The Notification also requires the Khazan lands to be mapped so that they can be effectively protected. The relevant portion of the CRZ Notification, 2011 is as follows:

"3. CRZ of Goa.-

In view of the peculiar circumstances of the State Goa including past history and other developments, the specific activities shall be regulated and various measures shall be undertaken as follows:-

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(iv) the eco sensitive low lying areas which are influenced by tidal action known as khazan lands shall be mapped;

(v) the mangroves along such as khazan land shall be protected and a management plan for the khazan land prepared and no developmental activities shall be permitted in the khazan land;"

13. The system of setting up bunds and sluice gates to protect the Khazan lands from intrusion of sea water dates back to ancient ancestral times when the "Gaunkari" social system existed in Goa (later termed as 'Comunidade' by the colonial power). The bunds were constructed using locally available mud/clay ('chicol') from the river and the fields adjacent to the bunds and kneading it along with wet straw, to create thereby a tough hardy material that could resist the pressures of the ocean. The mangroves around the bunds further slowed down the tidal waters and gave security to the agricultural fields.
14. The bunds in Santo Estevam are more than one thousand years old. Besides protecting the Khazans, the bunds also serve as a pathway for the villagers to cross the fields, without trespassing into the cultivated areas. As the soil in the Khazans is soft and yielding, vehicles do not traverse such bunds, which are reserved only for the use of people and their livestock.
15. Post-liberation, the Goa Government, vide Notification vide Notification No. RD/TNC/BND/280/67-LXXIV dated 13.07.1976. notified the Palni Bund as a protected Bund'.

Marcela



16. The Chairman of the Tenants Association of Palni Band had requested the Mamlatdar of Tiswadi Taluka to consider repairs of the Palni Bund which according to the Chairman had gone bad and were posing a threat to the khazan land.
17. The Mamlatdar of Tiswadi Taluka issued directions under the Agricultural Tenancy Act by Order No. 6/17/AK/T-A/bund/125/2205 dated 24/2/2011 to take up the work of the Bund under 90%-10% Scheme of the Government, hereby 100% initial cost would be borne by the Government and after completion 10% cost will be recovered from Tenants Association in 10 yearly equal instalments. Accordingly, Government of Goa through Executive Engineer, Spoil Conservation Division, Directorate of Agriculture made his Report dated 9/10/2012. In the said report, it was stated that the nature of work to be executed would be strengthening of Bund (Palni) at St. Estevam in Tiswadi Taluka and the estimated amount would be Rs.2,68,86,065/- (Rupees two crores sixty eight lakhs eighty six thousand sixty five).
18. In 2014, the Government of Goa issued a Tender for execution of the work and thus the work came to be successfully tendered.
19. The Complainants and the other villagers, under the reasonable presumption that the said works would be carried out with reasonable care and responsibility, were initially not opposed to the works being undertaken. However, over the course of the construction activity, to their shock and dismay, it was noticed by the Complainants that the Appellant was widening the Bund much beyond the approved width of 4 mts – to the extent of **7-8 mts**. It was further noticed that large scale felling of mangroves had also

M. J. Orseda



taken place and that, in the guise of repairing the Bund, the Appellant-Department had sought to convert the Bund into a motorable road, causing severe ecological damage to the protected Khazan area. There has also been illegal and fraudulent land filing and dumping of boulders in Lot Nos. 34 and 174 (Survey No. 165 of Jua Village) which are paddy fields.

20. In view of the said ecological destruction which threatens the very way of life of Santo Estevam, the Complainant and the other villagers, on 09.03.2015 wrote a complaints to the Chief Secretary etc. seeking immediate action to stop the impugned activity and restore the Bund to its original status to prevent further ecological destruction.
21. Pursuant to the complaints, the GCZMA officials headed by Dr. Antonio Mascarenhas (GCZMA Member) carried out a site inspection on 13.11.2015 and submitted a report.
22. Subsequently, the Complainant filed Original Application No.123 of 2015 before the Hon'ble NGT seeking directions for protection and restoration of the Palni Bund. A true copy of the Original Application No.123 of 2015 which was filed before the Hon'ble NGT is attached herewith as **Annexure R-1**.
23. The said Application No.123/2015 was taken up by the Hon'ble NGT on 08.02.2016 when, the following interim order was passed:
 - (i) *GCZMA to immediately furnish ecological and environmental assessment report to the damage caused on Palni bandh on the work executed by the State of Goa at the behest of Chairman, Palni Tenant Association.*

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(ii) *The State Authorities shall not carry out any widening of the bandh or civil work except the repair of Palni bandh.*

(iii) *The State Authorities are directed to stop immediately all civil work at the Palni bandh site pending the filing of the said report.*

24. Pursuant to the said order, another site inspection was carried out by the GCZMA officials headed by Dr. Antonio Mascarenhas (GCZMA Member) and a detailed report was submitted on 21.02.2016. The Answering Respondent is shocked and dismayed that this crucial report of the expert body, which forms the main basis for the final orders of the GCZMA and the Hon'ble NGT, has not been attached by the Appellant-Department in the Captioned Appeal and deliberately suppressed from this Hon'ble Tribunal. A true typed copy of the said report of Dr. Antonio Mascarenhas dated 21.02.2016 is annexed herewith as **Annexure R-2**. The relevant portions of the report are extracted as follows:

The report of 22 November 2015 had noted the following:

an intricate network of creeks, backwaters and marshy lagoons where mangroves are identified,

an ancient embankment, about 2 metres wide, that runs across this ecosystem,

the entire low-lying mangrove area is tidally influenced,

the area can be classified under the category of CRZ I,

the entire area is low-lying and was used for paddy cultivation in the past,

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the embankment is lined with fringing mangroves at several places.

The modifications noted in the above report were the following:

there are strong evidences that mangroves have been cut; dead trunks and foliage was observed,

the embankment is widened to 3 – 5 metres; the existing scenario looks like a wide mud 'road' which is not in conformity with the erstwhile bundh network,

at two spots, road metal was seen dumped; about five truck loads of basaltic material was identified at two different places; basaltic material has no place in a paddy field,

the heritage sluice gate has been tampered with by placing two heavy ramps made of steel,

marks of tyres of heavy vehicles were noted along the widened bundh, transforming an ancient embankment into a sort of new 'road',

the embankment has been reclaimed over a continuous distance of about 1.3 kilometres; red lateritic soil (with silica and alumina) acts as a contaminant of...

the human activity along the levee started in or after November 2014.

.....

Restoration of the Palni embankment / bundh may be taken up as follows:

A. Red lateritic mud deposited all along the bundh needs to be scooped and removed manually by using hand tools generally used for earth works.

B. Heavy machinery / excavators should not be used under any circumstances.

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C. Dumped mud should be carefully removed in such a manner, and up to a level where the former / earlier surface of the bundh is exposed.

D. Greater care is needed along the sides of the embankment as the earlier existing bundh should not collapse further.

E. The original width of the bundh is to be maintained in consultation with and based on the official maps of the Land Survey Department.

F. Once the mud is removed, the borders of the embankment may be stabilized by planting appropriate bushes or shrubs, or even coconut trees. This aspect may be fine-tuned in collaboration with the agriculture department which routinely undertakes such work in paddy fields. The Goa State Biodiversity Board may also be consulted.

G. Any further repairs of the bundh may be done by using locally available clayey material; such work (bricks of clay) is routinely undertaken in the paddy fields of Indian coasts.

H. Such bundhs should be designated as pathways for the exclusive use of agriculture related activities only; these embankments should not / cannot be construed as roads.

I. Note: the laterite material that is removed may be stored temporarily at the main entry point to the bundh; this should not flow back into the adjacent paddy fields. The material removed may be used for road works / filling approved elsewhere.

.....

It may also be pertinent to note that the GCZMA has time and again been confronted with the issue of (re)building degraded river banks and embankments. The Water

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Resources Department (WRD) almost exclusively employs the use of concrete to erect / repair such walls. The adverse impacts of concrete sea walls are well established globally.

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In view of the above, it is also felt that:

A. The Water Resources Department (WRD) and the Agriculture Department urgently need to form a R&D cell which should take into account the latest research in coastal management, particularly with reference to the eventual (and known) problems arising out of "fixing" river banks or embankments or coasts.

B. The concerned authorities need to accept that coasts or river banks need to function naturally to maintain the sanctity of geomorphic features and to contribute towards eco-biological diversity; fixing of river boundaries with hard materials is no solution.

C. Eco-biological alternatives such as plantation of appropriate vegetation along banks or embankments of rivers, (and suitable dune vegetation along open sandy coasts) are imperative. The role and functions of vegetal species in trapping sediment and stabilising banks or coasts is well studied on a global scale.

D. Conservation and restoration thro' natural eco-friendly (and preferably) soft methods should be the endeavour of WRD.

In summary, mud / clay embankments along and across the low-lying paddy fields of Goa are prominent features of the ancient agro-industry of Goa. These man-made dykes were constructed using mud / clay available in-situ, and were maintained by using tools manually. These levees have withstood the test of time. In general, these bundhs are lined with coconut trees along the edges. Adequate



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passages for the flow of rain water were made and can still be found at present. Most of these settings are functional even today. Such was the environmental management system of yesteryears. Therefore, it is strongly suggested and recommended that the ancient / traditional agrarian systems be maintained for posterity."



The Complainants' Application No.35/2016 was thereafter again taken up by the Hon'ble NGT on 17.03.2017 when the following order [Exhibit-B of the Appeal] was passed:

1. *"The parties shall appear before GCZMA on 5.4.2017 at about 11.00 P.M. at Parvorim, Goa. Service of Notice is waived.*
2. *GCZMA shall hear the parties on remediation measures as are disclosed in the Report dated 5.7.2016 referred as Ex 'E' in the affidavit of GCZMA dated 20th September 2016 and after hearing the parties pass an appropriate directions under Section 5 of the Environment (Protection) Act, 1986 within three (3) weeks after the appearance of parties."*

26. Pursuant to the said order of the Hon'ble NGT, the GCZMA carried out another site inspection and submitted a report 06.06.2017 and submitted a report. A true typed copy of the said report of the GCZMA dated 06.06.2017 is annexed herewith as **Annexure R-3**. The relevant portions of the report are extracted as follows:

" Conclusion and Recommendation

.....

Crores of public money has been spent by the Soil Conservation Division for repair of the bunds to protect

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the wet land / khazan land from spoiling by intrusion of salt water into it. The work undertaken is good and is permissible under the CRZ regulation, however, the Division failed to see that the red earth used is detrimental to the field, they should have used the organic rich soil.

So also, there is no record that the Soil Conservation Division has obtained the NOC from GCZMA for the said work in CRZ area. They should have obtained NOC from GCZMA before starting the work, which was not seen, attached to the file.

Due to objection from the Complainants and NGT direction, it was decided in the GCZMA meeting conducted on /5/2017 to remove the red earth filling done from the field side leaving aside the river side filling and to reduce the width of the bund to original for which a joint site inspection was planned to work out the restoration measures/modalities for removal.

Site inspection showed that at most of the places of the bund under repair, lot of compaction of red earth has taken place over the period of years. The process of removal of red earth will unavoidably affect the fields and lead to breach of bund at many places which would further lead to intrusion of salt water into the fields.

It will also involve spending again Crores of rupees for the removal of red earth to restore the bunds to 2.5m width which the Soil Conservation Division says would again collapse/breached and can destroy the fields by salt water intrusion.

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Thus, it appears that the Soil Conservation Division should be instructed to maintain the width of the said bund to 3.7m as per the PWD Road Standards by removing the excess red earth from the field side.”

27. It is in these circumstances that the GCZMA, after hearing all the concerned stakeholders and considering the factual and scientific reports of experts, passed its final order of 25.09.2018 wherein, the Appellant-Department was, *inter alia*, directed “1. To maintain the width to 3.5 mtrs for the bundh by removing the excess red earth from the field side”.

28. The Appellant-Department, while accepting all the other directions passed by the GCZMA wrt restoration of the Bund, decided to challenge only the abovesaid Direction No.1 (to maintain the width to 3.5 mtrs for the bundh by removing the excess red earth from the field side) before the Hon’ble NGT vide the captioned Appeal No.3 of 2019 (WZ).

Preliminary Submissions

29. At the outset, it is respectfully submitted that the Appellant-Department has concealed and suppressed vital facts in its Appeal before this Hon’ble Tribunal, including the crucial report dated 21.02.2016 of Dr. Antonio Mascarenhas which highlights the extent of environmental degradation that has taken place at the site. The said report has been concealed intentionally with malice in order to bury the findings about the destruction caused to the Khazan fields and mangroves due to tampering with the Bundh without relevant approvals. In *Oswal Fats & Oils Ltd. v. Commr. (Admn.)*, (2010) 4 SCC 728, it was held by the Apex court that:

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“20. It is settled law that a person who approaches the court for grant of relief, equitable or otherwise, is under a solemn obligation to candidly disclose all the material/important facts which have bearing on the adjudication of the issues raised in the case. In other words, he owes a duty to the court to bring out all the facts and refrain from concealing/suppressing any material fact within his knowledge or which he could have known by exercising diligence expected of a person of ordinary prudence. If he is found guilty of concealment of material facts or making an attempt to pollute the pure stream of justice, the court not only has the right but a duty to deny relief to such person.”

30. Therefore, at the outset, it is respectfully submitted that the Appellant-Department ought not be granted any relief in view of the concealment of material facts in the captioned Appeal. This submission is without prejudice to the following submission on the merits of the case.
31. It is respectfully submitted that the impugned GCZMA report ought not to be interfered with as it is premised on the following indisputable facts:
- The GCZMA (Respondent No.1) furnished an Ecological and Environmental Assessment Report dated 21.02.2016 wherein it has been conclusively found that severe damage has been caused to ecosystem surrounding the Palni Bundh consequent to work executed by Appellant-Department.
 - As per the said Expert Report dated 21.02.2016, it has been categorically found that the width of the Band has been **illegally increased to 6-7 meters**. It was categorically

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recommended that the Band must be restored to its original condition.



- The NGT vide order dt. 17.03.2017 after taking into account the Environmental Assessment Report dated 21.02.2016 (which has been suppressed by the appellant before this Hon'ble Tribunal), had directed GCZMA to hear the parties on remediation measures and pass final orders.
- The GCZMA, after hearing all the concerned stakeholders and carefully balancing the interests based on factual considerations, passed orders dt. 18.07.2018 and 25.09.2018 with regards to the Cauzo Cantra Bundh and the Palni Bundh respectively and, *inter alia*, directed the Appellant-Department to reduce the width to 3.5 metres for both the Bundhs in light of another report of the Expert Members of GCZMA dt. 06.06.2017.
- The Order dt. 17.03.2017 passed by the Hon'ble NGT attained finality as it had not been challenged. However, the Appellant challenged the direction of the GCZMA to reduce the width of the concerned bundhs to 3.5 metres.

32. It is respectfully submitted that the Appellant-Department, despite accepting all the other directions on remediation of the Band in the GCZMA's Order dated 25.09.2018 (except the direction wrt maintaining width of 3.5meters), has not complied with the said other directions till date, despite the passage of 6 years since the said GCZMA Order.

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33. The multiple Expert Reports of the GCZMA which are based on physical survey of the Band categorically show that the Appellant-Department, in complete violation of its own sanctioned plan, has illegally widened the Band to over 7 meters throughout. Therefore, there is absolutely no justification for the Appellant-Department to now contend that it ought not comply with the fair and balanced direction of the GCZMA to maintain a width of 3.5 meters by removing the excess red earth from the field.
34. The decision of the GCZMA to maintain a width of 3.5 meters itself is based on consultations from the Water Resources Department of the State of Goa, which is the concerned authority for technical planning and execution of the impugned works. Therefore, the Appellant-Department's current attempt to evade its duty of restoration of the Band, after causing substantial damage to the eco-sensitive area, is completely unjustified.

Para-Wise Reply to the Appeal

35. That the contents of Paras 1 to 7 are and matters of record and therefore, warrant no response. However, the Answering Respondent respectfully submits that However, it is respectfully submitted that the Appellant-Department has deliberately concealed and suppressed vital facts in its Appeal before this Hon'ble Tribunal, including the crucial report dated 21.02.2016 of Dr. Antonio Mascarenhas which highlights the extent of environmental degradation that has taken place at the site. The said report has been concealed intentionally with malice in order to bury the findings about the destruction caused to the Khazan fields and mangroves due to tampering with the Bundh without relevant

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approvals. Therefore, the Appellant-Department is not entitled to any relief in view of this Hon'ble Court's ruling in *Oswal Fats & Oils Ltd. v. Commr. (Admn.)*, (2010) 4 SCC 728.



36. The statement made in **Para 8** of the Appeal that the “*current width of the bund is 4.5 meters*” is emphatically denied as factually incorrect and contrary to the record. The experts of the GCZMA who have physically inspected the site and submitted three reports dated 22.11.2015, 25.09.2018 and 06.06.2017 have all, in unison, found that the Bund has been widened to an illegal and unsanctioned width of over **6-7 meters** from its original width of 2.5 meters. Therefore, the illegal increase in width has been correctly ordered by the GCZMA to be remedied by restricting the width to a balanced 3.5 meters.

37. That in response to **Para 9-11** and the **Grounds** including clauses a) to f) of the Appeal, it is submitted as follows:

37.1. That the multiple Report of the Expert Members of GCZMA have conclusively held, based on physical inspections of the site, that that the impugned activity of the Appellant Department has caused severe damage to the fragile Khazan Ecosystem of the area. It is in view of this that the GCZMA, in order to balance the interests, has ordered that the Bund width ought to be maintained at 3.5 meters by removing the excess red earth at the site.

37.2. It is now conclusively found that the red earth used it detrimental to the field and organic rich soil should have been used. The Experts' recommendations on ecological remediation measures

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ought not to be second guessed by the Appellant-Department before this Hon'ble Tribunal.



37.3. The financial implications involved in the process of remediating the ecological damage caused by the Appellant-Department's own actions cannot be cited as a reason for evading its duty to restore and maintain the Natural Environment.

38. In view of the above, the answering Respondent respectfully submits that the Appellant-Department is not entitled to any relief from this Hon'ble Tribunal and that the present Appeal may be dismissed as meritless.

VERIFICATION

I, Eva Ferrao , aged 70 , the deponent above-named do solemnly affirm that all that is stated in this affidavit is true to the best of my knowledge and belief, which is based on the records available in respect of the issue involved in the above-captioned Appeal. Nothing false has been stated herein.

Solemnly affirmed on this 04th of June, 2025

Eva Ferrao

DEPONENT

SOLEMNLY AFFIRMED AND VERIFIED
BEFORE ME BY Eva Ferrao

WHO IS IDENTIFIED BEFORE ME BY

Andhra ceed

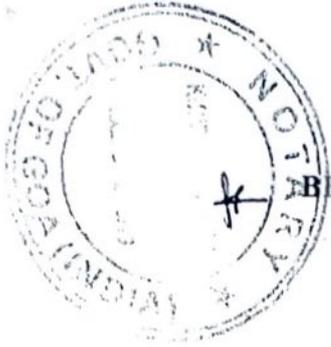
WHOM I KNOW.

SERIAL NO. 2361 DATE: 06/06/2025

Kishore L. Bhagat

KISHORE L. BHAGAT
NOTARY AT MARCELA, PONDA
STATE OF GOA - INDIA



ANNEXURE R-1

BEFORE THE NATIONAL GREEN TRIBUNAL WEST

ZONE, PUNE

PETITION NO. /2015

SHRI BISMARQUE DIAS, son of
Manuel F. Dias, of major age,
Indian National, resident of
House No. 561, Jua, Tiswadi,
Goa and five others.

..... APPLICANTS.

VERSUS

STATE OF GOA, through
its Chief Secretary, having
office at Secretariat,
Porvorim, Bardez-Goa and
two others.

..... RESPONDENTS.

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Place:-PUNE.

Dated:- /6/2015.

[Signature]
Advocate for the Applicants.



BEFORE THE NATIONAL GREEN TRIBUNAL WEST

ZONE, PUNE

PETITION NO. /2015

SHRI BISMARQUE DIAS, son of
Manuel F. Dias, of major age,
Indian National, resident of
House No. 561, Jua, Tiswadi,
Goa and five others.

..... APPLICANTS.

VERSUS

STATE OF GOA, through
its Chief Secretary, having
office at Secretariat,
Porvorim, Bardez-Goa and
two others.

..... RESPONDENTS.

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3. Copy of Corrigendum dated 24/3/2011.
4. Copy of Communication dated 22.2.2011 along with Resolution of General Body Meeting held on 28/12/2010.
5. Copy of Notification dated 13/7/1976.
6. Copy of Inspection Report dated 20/2/2015.

~~NDIA~~

7. Copy of Communication dated 28.1.2015
8. Copy of Evaluation Certificate dated 23/1/2015
9. Copy of Memorandum dated 29/1/2015
10. Copy of Public Notice dated 29/1/2015
11. Copy of Communication dated 23/03/2015
12. Copy of Notice dated 19/2/2015.
13. Copy of communication dated 24/03/2015
14. Copy of communication dated 24/3/2015.
15. Copy of Certificate dated 24/3/2015.
16. Copy of communication dated 2/3/2015
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18. Copy of Notice dated 19/2/2015.
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20. Copy of Communication dated 17/03/2011
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22. Copy of Communication dated 10/02/2011



23. Copies of Form I & XIV (Colly).
24. Copy of Memorandum dated 26/2/2015
25. Copy of communication dated 19/2/2015(colly).
26. Copy of Report dated 9/10/2012.
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30. Copy of Office Note dated 30/5/2014 from N/3 N/7.
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32. Copy of communication dated 17/11/2014.
33. Copy of NOC issued to Executive Engineer by Chairman of Palni Khazan for bund widening.
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40. Copy of newspaper cutting reported in "The Goan on Saturday" dated 21/2/2015 And 28 /2/2015.

41. PHOTOGRAPHS

Place:-PUNE.

x *[Signature]*

Dated:- /07/2015.

Advocate for the Applicants.

BEFORE THE NATIONAL GREEN TRIBUNAL WEST

ZONE, PUNE

APPLICATION NO. /2015

IN THE MATTER OF CRZ
REGULATIONS.

A N D

IN THE MATTER OF WIDE
SCALE DESTRUCTION OF
MANGROVES AND PADY FIELDS
AND KHAZAN LAND AND ECO-
SYSTEM

A N D

IN THE MATTER OF STATE
ACTION OF CARRYING OUT
'PALNI BUND' REPAIRS IN
EXCESS OF TENDER
REQUIREMENTS AND
DISTURBING THE MANGROVES
AND DESTROYING



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BIODIVERSITY, ECOLOGY AND
ENVIRONMENT.

1. SHRI BISMARQUE DIAS, son of
Manuel F. Dias, of major age,
Indian National, resident of
House No. 561, Jua, Tiswadi,
Goa. Ilhas-Goa-403 106
2. ANA MIRZA DIAS, of major
age, Indian National, resident of
House No. 42, St. Francis Vaddo,
St. Estevam, Ilhas-Goa-403 106.
3. MRS. SOCORRINA LAVITA
MENEZES, of major age,
Indian National, resident of
House No. 1407, Tolto,
Santo-Estevam, Ilhas-Goa- 403 106.
4. NATASHA LOBO, of major
age, Indian National, resident of
1244, Tolta, St. Estevam,
Ilhas-Goa-403 106.
5. MRS. BERNADETH LOBO,
of major age, Indian National,
resident of House No. 332,
Bairo Foro, St. Estevam,
Ilhas-Goa- 403 106.
6. EVA FERRAO, of major age,
Indian National, resident of
Santo Estevam, No Bairo Foro,
Ilhas-Goa- 403 106.
(REGISTERED ADDRESS).

..... APPLICANTS.

VERSUS

1. STATE OF GOA, through
its Chief Secretary, having
office at Secretariat,
Porvorim, Bardez-Goa.

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and Ferrao
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2. MAMLATDAR OF TISWADI
TALUKA, Government of Goa,
having office at Collectorate
Building, Panaji-Goa.
3. SOIL CONSERVATION DIVISION
DIRECTORATE OF AGRICULTURE
through Executive Engineer having office
at Krishi Bhavan, Caranzalem, Panaji, Goa.
4. THE PALNI KHAZAN
TENANTS ASSOCIATION,
through its Chairman, having
office at Palmar Cupa,
St. Estevam, Ilhas-Goa-403 106.
(REGISTERED ADDRESSES).
5. THE GOA BIO DIVERSITY BOARD
through its Member Secretary at Directorate,
Dept. of Science, Technologies & Environment
having office at Saligao, Bardez, Goa-403511
6. VILLAGE PANCHAYAT OF ST. ESTEVAM
through its Secretary having office at
Jua, Tiswadi, Goa-403 106.
7. GOA COASTAL ZONE MANAGEMENT
REGULATORY AUTHORITY
through its Member Secretary, having
office at Dempo Towers, Patto, Panaji, Goa.
8. GOA STATE POLLUTION CONTROL BOARD
through its Member Secretary, having
office at Dempo Towers, Patto, Panaji, Goa.
9. TOWN & COUNTRY PLANNING DEPT.
through the Chief Town Planner,
Dempo Tower, Patto, Panaji, Goa. RESPONDENTS.

TO

THE HON'BLE JUDGES OF

THIS HON'BLE TRIBUNAL.

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THIS HUMBLE PETITION OF THE
APPLICANTS ABOVE NAMED.

MOST RESPECTFULLY SHEWETH:

1. The addresses of the applicants are as given above for the service of notices of this application.
2. The addresses of the respondents are as given above for the service of notices of this application.
3. The applicants above named beg to present the memorandum of application on the grounds set out hereunder.

Facts in Brief:

4. The Applicants are all original residents of St. Estevam Village and reside at the address given in the Cause Title. The Applicants do not have any civil litigation having nexus with the subject matter of this Petition. Also the Applicants do not have any criminal records. The Applicants sole objective in filing the present Petition is to protect environment and ecology of Palni Khazan land.

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The Applicants state that St. Estevam is a beautiful Village. That is 21 Kilometers from Panaji and 11 Kilometers from Old Goa. The said Island is also known as 'Ilha verde' or 'sakecho zunvo' meaning 'VEGETABLE ISLAND' from ancient times; and is famous for a very beautiful scenic estuarine Island which is breathtakingly beautiful and remains a Green Island throughout the year. The said Island is divided into seven different small Islands and connected with bunds. The Village of Jua is also famous for 'high' breed lady fingers(okra) and varieties of vegetable. The picturesque Island known for its serenity and historical heritage is locked with Mandovi River from its sides and is connected to the main stream by construction of Bridge only in 1980's and before that people of Village used to cross the River using canoes and later on in motorized ferry boats.

6. The Applicants state that under the garb of strengthening the bund covering the khazan land, the Government of Goa issued a Tender stating the objective and the terms of the works to be executed. The State of Goa has exceeded the terms of the Tender and in the process destroyed existing bunds covering the khazan land and in the process destroyed the mangroves, the typical khazan and ecosystem.

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7. The Applicants state that the Bund namely Palni Bund situated at St. Estevam has been declared as 'protected bund' by vide Notification No. RD/TNC/BND/280/67-LXXIV dated 13/7/1976. The said Bund Palni is protecting about 46 hectares of paddy fields from the saline water of River Mandovi.
8. The Applicants state that the Chairman of Tenants Association of Palni Bund, Shri Cipriano Ribeiro had requested Mamlatdar of Tiswadi Taluka to consider repairs of Palni Bund and adjoining Bunds which according to the said Chairman was gone bad and was posing threat to khazan land. The Mamlatdar after following the procedure, the work was approved and the Director of Agriculture through its Soil Conservation Division awarded the said tender work for 1.5 Kilometer long Bund to M/s. Prakash G Kamat & Associates. The total cost was estimated to be Rs.3,00,00,000/- (Rupees three crores) which includes embankment work followed by laterite protection wall on both sides of 4.4 meter wide bund which was originally 2.5 meters wide. The work at Palni Bund commenced, but the State of Goa acting at the behest of Chairman of Tenants Association of Palni Bund and other vested interests such as builders have taken advantage of the

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same and have started construction of Mud Road with almost 7 meters of width.

9. The Applicants state that on the 1934 Comunidade Plan and the present Survey map, the Palni Bund was 2.5 meters wide and mangrove cover on both sides. In 2015 after widening of the bund the scenario is different. The Bund is now 7 meters wide and the mangrove cover is practically non-existent. There is hardly any sign of abundant mangrove cover and whatever was visible was dried up, cut apart or buried under the debris from the rebuilding of the Bund. The stretch of over 700 meters from the sluice gate to the T-Junction where the Bund bisects the Palni and Vanso khazan land is the same, the mangroves destroyed and buried. At some point along the way rubble was dumped into the fields.

At the T-Junction there was another access over the Bund. The destruction here is brutal. The stretch of land falls in private property which had fields on both sides. The fields were converted into areas for piciculture. Hence now become dumping grounds for huge amount of debris and huge bolders.

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The Bund is measured at various point and at no point it is less than 6 meters in width. In the 1.5 Kilometers long stretch around 500 section of mangroves have been destroyed threatening the ecology and bio-diversity of the Island of Jua and making way for projects on the periphery of the village. Around 2 meters or more all along Comunidade land/field is encroached upon without the knowledge of the Comunidade, to widen the Bund and the work is allowed to be completed. The originally existed Bund will be converted into full fledged road which will be able to bear heavy vehicles. The entire purpose of the work is to make access to khazan lands to connect to newly constructed Gaundolim Bridge and make it connect to periphery of village where several builders including the M.L.A. have purchased vast tracks of land. The said works had been undertaken on their behest, so that they can develop their private property.

Grounds :

10. The Applicants state that in spite of several representations to the Mamlatdar and the State Authorities, the Respondent State Authority has shown blind eye to the damage done to the Sluice Gate which is located at the starting point of Palni Bund. In the process of causing severe damage to the

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mangroves covered on site which was cut and dried up. The Mamlatdar and State Authorities on the said issue of mangroves being destroyed failed to take action on damaged ecology and encroachment on khazan land.

11. The Applicants state that the Mamlatdar inspite of visiting the site made an observation that there was extension of Bund in the fields owned by the Church and that the person executed the work on behalf of the State were instructed to remove the said illegality.
12. The Applicants state that a mere eye-wash inspection was carried out by the Mamlatdar of Tiswadi Mr. Madhu Narvenkar in the present of the Chairman of Tenants Association, Executive Engineer, J.E. Soil Conservation Division, the Contractor, Comunidade of Jua personnel and Fr. Domnic Siqueira, Assistant Parish Priest. The inspection was carried out at 4.45 p.m. on 20/2/2015, starting from the land behind Cemetery where land filling was done in paddy field of Gaonakrs and Church of St. Estevam. The Mamlatdar noted the land filling and irregularities in the field behind the Jua Cemetery, but failed to come to a decision to take action though he noted the irregularities. The Mamlatdar, Executive Engineer and the Contractor failed to

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identify the starting and end point of Palni Bund. The Mamlatdar was also clueless of the detailed layout plan of the Bund which requires to be strengthened.

13. The Applicants state that shocking aspect is that the Mamlatdar and Engineer admitted that the Tenants Association Chairman had requested illegal extension of the Bund in the paddy fields. The adjoining 'Vantso Bund' was measured by Joint Engineer and was found that it was more than 7 meters and was also noted by Mamlatdar. The Mamlatdar noted that the Palni Bund is not of uniform width and is more than six meters and whereas the Bund should not be more than 4.20 meters. At some point, the Mamlatdar noted that it was more than 7 meters. The Mamlatdar showed ignorance of Pisciculture in khazan land affecting the Palni Bund. The Applicants state that the Mamlatdar also failed to note that Bund between Palni and Vantso is more than 7 meters. The Mamlatdar refused to note this in his Inspection Minutes.

14. The Applicants state that at this time, the Mamlatdar was not ready to note the findings of newly illegal constructed Bund which is 7 meter between Panchlai and Vanso (Vansua) from the T Junction at the request of Chairman of Palni Tenant

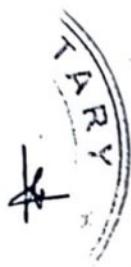
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Association and walked away saying that it is done privately and also saying that it does not requires the permission of the Mamlatdar .Whereas, access to the Bund is through Palni Bund. The villagers along with Petitioner pleaded with the Mamlatdar not to allow the conversion of the Bund to a Road and restore it to its original state and also land filling in Survey No. 165 be cleared of mud and massive boulders which are dumped in the field.

15. On the spacious plea that Bund admeasuring 1380 meters is in dilapidated condition and required heightening and widening of the embankment with good quality moorum and protecting the river side of the Bund with Retaining concrete Wall for protecting pisciculture, about 60 meters. The Mamlatdar of Tiswadi Taluka issued directions under the Agricultural tenancy Act by Order No. 6/17/AK/T-A/bund/125/2205 dated 24/2/2011 to take up the work of the Bund under 90%-10% Scheme of the Government, hereby 100% initial cost would be borne by the Government and after completion 10% cost will be recovered from Tenants Association in 10 yearly equal installment. Accordingly, Government of Goa through Executive Engineer, Spoil Conservation Division, Directorate of Agriculture made his Report bearing Ref. No. 3-Tech/F-

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4(TIC)/01/02/SCD/D.Agri/2012-13/601 dated 9/10/2012.

In the said report, it was stated that the nature of work to be executed would be strengthening of Bund (Palni) at St. Estevam in Tiswadi Taluka and the estimated amount would be Rs.2,68,86,065/- (Rupees two crores sixty eight lakhs eighty six thousand sixty five). It was further stated that work would consist of widening and heightening of the Bund with good quality moorum and protecting of embankment by constructing laterite boulder masonry wall on the River side. It was further stated that scope of work was to improve 1380 meters long Bund by widening and heightening the existing embankment by good quality moorum with field side slope of 1.5 : 1 and the Bund will be protected on the River side by constructing boulder laterite masonry wall in cement mortar of average wide 1.00 x 2 meters depth.

16. The Applicants state that he has obtained under the Right to Information Act the file noting of the of the Assistant Engineer, Soil Conservation, Directorate of Agriculture. The said file noting was made:-

"The concerned Technical Assistant attended the office on 14/08/13 morning. He is asked to get the following details:

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- 1) *Details of 1.60 meter with drawings.*
- 2) *The Design enclosed as per _____ . Base width which is incorrect.*
- 3) *Details of repairs to sluice gate”.*

17. The Applicants state that from the said file noting it can be seen that Assistant Engineer had called for detailed drawing and further stated that designs submitted regarding the base width was incorrect.

18. The Applicants state that on 4/4/2014 the Government of Goa by Ref. No. 3-TECH/F/4/Tis/1/2/SCD/D.Agr/2014/2015/221 made a request for administrative approval for work of strengthening of Palni Bund in Tiswadi Taluka. Accordingly, the Government of Goa issued a Tender for execution of the said work. The Applicants state that accordingly the work came to be successfully tendered.

19. The Applicants state that work executed at the site exceeds the scope of work in the Tender Document as a result the following illegalities have come to light:-

The bottom of the page contains several handwritten signatures and initials in black ink. From left to right, there is a signature that appears to be 'Rish', followed by 'Abhis', 'bbbc', 'mujerms', and a large, stylized signature that looks like 'MRS'.

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- (A) There has been illegal and fraudulent land filling and dumping of boulders in Lot Nos. 34 and 174 (Survey No. 165 of Jua Village) which are paddy fields, behind the Village Cemetery.
- (B) There has been extension of Palni Bund from Vantso Cross Bund to Survey No. 164 of Jua Village which is excess of scope of work to be undertaken in the tender.
- (C) The Palni and Vantso Bund have been connected into vehicular road which also exceed the scope of work under Tender Document.
- (D) Palni Bund which was required to be maintained uniformly prescribe 4.0 meters as per Government of Goa Circular has come to be widened to 7 meters width and therefore also exceeding the scope of work to be executed under Tender Document.
- (E) Land filling has been done in privately owned Vantso paddy field bearing Survey No. 167, which also falls beyond the scope of work of Tender Document.

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(F) Land filling has been done in privately owned fields between Panchlai and Vanso (Vansua) paddy fields. Which also falls beyond the scope of work of Tender Document.

20. The Applicants state that they have made representations/Memorandum dated 9/3/2015 bringing to the notice of Chief Secretary that there has been wide scale ecological vandalism in the fragile Island of St. Estevam and the same has taken place in khazan land which is known for vegetation in Goa. It is also brought to the notice of Chief Secretary that typical khazan eco-system is a highly fragile and sensitive eco-system and has a channel connecting with the Estuary and Inner channel drawing the agriculture field. The zone immediately upstream the Sluice Gate as a pit (Poiem) with a depth lower than low water level. Poiem acts as a reservoir not only for water, but also for the eggs and larvae of the aquatic fauna. During the High Tide anadromous fish, prawns and micro organism, etc. swing to the less saline water to spawn. The larvae grown on khazan land, which are rich in nutrients. Crops grown in khazan fields are mainly the unique Goan soil, tolerant variety of rice. In areas away from the salinity influenced winter vegetations are grown. The khazan land system of Goa is the oldest and unique 'community land' system in the World.

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21. The Applicants state that in the above said Memorandum/Representation dated 09/03/2015 it was brought to the notice of the Chief Secretary the following facts:-

“ The chairman of Palni Tenant Association requested the Soil conservation division for ‘STRENGTHENING’ the Palni bhund in 2011/13.

- Tender of Rs. Three crores strengthening of Palni Bhund tendered to M/s Paresh G. Kamat and Associates (No. 2-accts/F.83/Works/SCD/D-A/2014-15/777 dated 17/11/2014.

- The traditional sluice gate of Palni bhund collapsed due to heavy mud laden trucks on Nov. 2014 when one of these trucks destroyed the sluice gate by falling in the river.

- Shockingly just 150-200 mtrs away from the said gate along the Palni bhund it is noticed an illegal bhund (Panchlai and Vanso (Vansua) Bhund) is constructed on the Southern side of the Palni bhund to promote the pisciculture activity in paddy fields bearing survey

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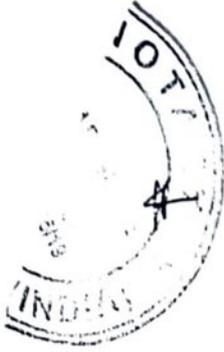
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Nos. 211 and 186 of Jua which is more than seven mtrs wide.

- *No permission is obtained by the chairman of Palni tenant Association and the tendering Authority from the Comunidade of Jua to undertake the said work thereby bypassing the AFFIDAVIT OF CHIEF SECRETARY SHRI SANJAY SRIVASTAVA, ON BEHALF OF STATE OF GOA, GOVERNMENT OF GOA, IN THE SUPREME COURT OF INDIA CIVIL APPELLATE JURISDICTION, CIVIL APPEAL NO.: (S) 1132 of 2011.*
- *Massive mangroves have been cut and destroyed and widespread denudation of plant life along the said bhund.*
- *More than two meters of Comunidade fields in Palni Khazan is encroached all through the Palni bhund for the construction of the said bhund, thereby widening the said bhund to almost seven to eight meters when the original bhund measured only 2.5 mtrs making it a vehicular road for the sole purpose of*

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benefiting vested interest of Real Estate builders and the illegal river sand mafia at Akhada and Tonca.

AT THE FORTNIGHT OF VILLAGE PANCHAYAT ST. ESTEVAM NEW ROADS ARE PROPOSED WITHOUT TAKING THE GAUNKARS/VILLAGERS IN CONFIDENCE THUS ABETING IN THE SAID ECOVANDLISM REAL ESTATE AND POLITICAL NEXUS.

ON 3RD JUNE 2012 RESOLUTION No: 9V STATES:

Sarpanch Nolasco C. Menezes proposes to widen the road from ferry point at Tolto to the Village cemetery; seconded by panch Rohidas Narvekar and unanimously resolved by the V.P members present.

At fortnight meeting of V.P. held on 24th June, 2012, resolution No. 6 sub No. 4: Panch Ramanand Chodankar proposes to construct a new road from Suresh Volvoikar house to Cupa Sluice gate through the fields; Seconded by Panch Erasma Mangalhaes and unanimously resolved by the V.P. members.

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At Fortnight meeting held on 9th aug. 2012, Resolution No:6 Panch Celesta Saldhana proposed to construct 3 roads in ward No: IV at Mangueiral waddo.

- Palni bhund which starts from the sluice gate from one end at Tolto, runs through the Palni khazan till it meets vanso cross bhund to the other end.

An additional illegal seven mtrs wide road is under construction by these authorities vfrom the vanso cross bhund till it touches the village cemetery thereby illegally and frdudulently land filling the fields in LOTE RESEVDAO No. 34 and Lote No. 174 presetnly shown as survey no:165 (one hundred and sixty five of Jua) which is a fertile cultivating land belonging to the Church of St. Estevam and Gaunkars and Comunidade of Jua.

THUS MORE THAN 15 - 16 METERS ROAD IS CONSTRUCTED ILLEGALLY AND FRAUDULENTLY BY THE CONCERNED AUTHORITIES, WHICH DOES NOT FIGURE IN THE WORK ORDER ISSUED BY THE SOIL CONSERVATION DIVISION.

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The Villagers are threatened by this disastrous plan of the builder - Politician nexus to destroy our ecologically fragile khazan island by creating a road of the existing bhund thereby giving an easy access to the builder - Politician lobby into our Village.

A 10 MTRS ROAD BISECTING THE VILLAGFE CHURCH YARD CUTTING THROUGH THE VILLAGE CHURCH THRESHOLD APPEARS ON THE REGIONAL PLAN 2021 RIGHT OPPOSITE THE VILLAGE CEMETERY, AND THIS IS TO BE CONNECTED TO THE ONGOING FRAUDULENTLY AND ILLEGALLY CONSTRUCTION BEHIND THE VILLAGE CEMETERY THROUGH THE GOVERNMENT OFFICES WHICH IN TURN EXTENDS TO THE VANTSO BHUND (which is already eight mtrs wide more than the permitted 4.20 mtrs of the Goa Government norms) THROUGH PALNI BHUND FURTHER ON TO BE CONNECTED TO NEWLY UNDER CONSTRUCTION CUMBHARJUA-GAUNDALIM BRIDGE FOR THE OBVIOUS INTEREST OF REAL ESTATE -

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POLITICIAN NEXUS AND THE ILLEGAL RIVER SAND MAFIAS".

22. The Applicants state that the Office of Mamlatdar has refused to take action in the matter and as a ceremonial exercise has issued notices of inspection with no intention to enforce the law.

23. The Applicants state that the present Petition is result of several applications under the Right to Information Act filed by the Petitioner No. 1 addressed to the Office of the Mamlatdar of Tiswadi Goa. The Applicants state that the Respondents State Authorities have refused to divulge information to the Petitioner No. 1 in respect of the work executed by the Respondents State Authorities at Palni Khazan land. The Applicants case is that under the garb of strengthening the Palni Bund the Respondents State Authorities have converted the Palni Bund which was originally 2.5 meters width which now have been converted to 7 meters and above width. In this respect, the Applicants have sought for documents such as Tender, Drawing, Site of Work Plan for constructing concrete wall on the river side of Palni Bund and the Applicants query under the Right to

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Information Act has been answered with the spacious plea that the records are unavailable.

24. The Applicants have also obtained information under the Right to Information Act that no NOC for excavation of mud from the Mine Department has been obtained by the contractor Mr. Paresh Kamat. Similarly, the Applicants have received information that no NOC is received from the Chief Conservator of Forests for cutting of trees.

The Applicants have also not received the Site Plan, detailed drawing showing the scope of work. The Applicants state that the said drawing have deliberately been refused by the State Authorities as the State Authorities have executed work in excess of the Tender Document. As a consequent result the Palni Bund is converted into road by destroying mangroves in Khazan land. The Applicants are annexing Photographs and News Papers showing the damage caused to ecology, biodiversity and environment in Palni Khazan land.

The Applicants are also enclosing the information received under the Right to Information Act vide reply dated 09/04/2015 given by office of the Mamlatdar of Tiswadi Taluka. The Applicants are enclosing copy of the Order

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dated 24/02/2011 passed by the Mamlatdar of Tiswadi. The Applicants are also enclosing Corrigendum dated 24/03/2011 issued by the Mamlatdar of Tiswadi. The Applicants are also enclosing a copy of the Resolution of General Body meeting of the Palni Tenants Association of Palni Bund held on 28/12/2010 consisting of signatures of eight members.

The Applicants state that the same Palni Bund which the Government supposed to protect under sub-section (3) of Section 26 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964. The said bunds are now destroyed. The Applicants state that the subject matter of Palni Bund have shown in the Schedule prepared in terms of sub-section (3) of Section 26 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 under Column (6).

25. The Applicants state that a manipulated Site Inspection Report has been prepared by the Mamlatdar of Tiswadi dated 20/2/2015. The Applicants state that the said Report is patently illegal. The Applicants state that no minutes of inspection and Proceeding Sheet is maintained keeping a record of the said site inspection.

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26. The Applicants state that in a very casual manner the Respondents State Authorities cosmetically tried to give an impression that they were acting upon the representation of the Applicants. A Notice dated 19/2/2015 came to be issued by the Mamlatdar of Tiswadi, whereby he had noted that there has been work carried out by the State Authorities beyond the scope of Tender Document. Furthermore, the Mamlatdar sought to amicably settle the matter which is not authorized by law.

27. The Applicants state that the Office of Mamlatdar by letter dated 2/3/2015 bearing No. N-ASSO/1659/2015 has tried to minimize the actual damaged caused to ecology and biodiversity of Palni Khazan land. The Mamlatdar has also sought to suppress the fact that vast mangrove on the embankment on the original Palni Bund and the eco-system have come to be destroyed on account of the Respondents State Authorities acting in excess of Tender Document. The Applicants state that the Mamlatdar has tried to minimize the ecological damage stating that only 20 meters portion of the Bund have been illegally extended without obtaining approval from the Mamlatdar. The said statement of the Mamlatdar is clear admission that there has been illegality committed by the State Authorities under 90%/ 10 %Scheme. The Applicants

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state that the Office of the Mamlatdar has once again admitted the same in the letter dated 25/2/2015 bearing No. 6/AK/8/TEN-ASSO/1278/2015/431.

28. The Applicants state that several Notices dated 19/2/2015 and 17/2/2015 were issued by the Mamlatdar of Tiswadi purportedly calling upon interested stake holders to come to resolve the matter amicably. The said Notices are patently illegal and not authorized by law.

29. **Limitation :** The Cause of action to file this application first arose on ___/___/___ when the applicant No.1 received a reply dated 09/04/2015 from the office of the Mamlatdar of Tiswadi under The Right To Information Act 2005. The said reply and accompanied documents revealed that under the grab of strengthening the bund covering the khazan land, the Government of Goa issued a Tender stating the objective and the terms of the works to be executed. The State of Goa has exceeded the terms of the Tender and in the process destroyed existing bunds covering the khazan land and in the process destroyed the mangroves, the typical khazan and ecosystem.

30. The Applicants, under the circumstances, pray:-

Pray:-
Alias *Wages* *Shops* *maintained*

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PRAYERS

- (A) For an Order and/or direction directing the Goa Coastal Zone Management Authority to immediately furnish Ecological and Environmental Assessment Report of damage caused to mangrove and khazan lands on account of the work executed by the State of Goa at the behest of Chairman, Palni Tenant Association;
- (B) For an Order and/or direction directing the State Authorities to immediately stop all civil works undertaken by the State of Goa on behalf of Chairman, Palni Tenant Association in respect of subject matter of Petition, pending the Ecological and Environmental Assessment Report to be furnished by the Goa Coastal Zone Management Authority and Goa Biodiversity Board;
- (C) For an Order and/or direction directing the State Authorities to remove the dump boulders in Survey No. 165 of Jua Village behind the Jua Cemetery and scrapping of all Extension Plans of the Palni Bund from Vanso Cross Bund to Survey No. 164. Furthermore, to impose restriction on width of the

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Bund and direct the State Authorities to restore the Bund to its original state of 2.5 meters;

- (D) For an Order and/or direction prohibiting the State Authorities converting the Palni and Vanso Cross Bund into vehicular traffic. Furthermore, revoking all fishing licenses in the adjacent khazan land bearing Survey No 211 & 186 of Village Jua which causes ecological damage to the Palni Bund;
- (E) For an Order and/or direction directing the State Authorities to prohibit filling up of Vanso paddy fields and take action on the contractor for destroying the paddy fields behind Jua Cemetery;
- (F) For an Order and/or direction directing the State Authorities to Restore the Mangroves and further restore the Bund to Original width of 2.5 meters.
- (G) For an Order and/or direction directing the State Authorities to Restore the Mangroves and further remove the newly constructed illegal Bund between Panlai and Vantso which is constructed on the southern side of the Palni Bund and restore the bund to its original state.

Alias
Abbo
mejemo



(H) For such other and further reliefs that this Hon'ble
Court deems fit and proper;

(I) For costs.

Place:-PUNE.

Dated:- /07/2015.

+ *J. Dias*

Petitioner No. 1
(J. Bismarque D. Dias)

Alicia

Petitioner No. 2
(Ana Maria Dias)

Manezes

Petitioner No. 3
(Socorrina Lúcia Manezes)

Dobo

Petitioner No. 4
(Natasha dobo)

Bernadette

Petitioner No. 5
Bernadette Lobo

Mrs Ferrao

Petitioner No. 6
(Mrs Eva Ferrao)



Advocate for the Applicants.

VERIFICATION

I, Bismarque Dias, of major age, Indian National,
 the Petitioner No. 1 above named, resident of
Jua, do hereby solemnly state and verify that what
 is stated by me in Paragraphs _____
 of the above Petition is true to my own knowledge and belief and
 what is stated in the remaining Paragraphs, namely
 _____ are in the
 nature of legal submissions and/or inferences of facts, which I
 believe to be true.

Solemnly verified at Pune on this 22nd day of June,
 2015.

x

DEPONENT

Identified be me:

Advocate for the Petitioner.

SOLEMNLY AFFIRMED AND VERIFIED
 BEFORE ME BY Bismarque Dias
 WHO IS IDENTIFIED BEFORE ME
 at Pune on 22nd day of June 2015
 My Commission No. 9354F



KUNDA R. NAIK GA
 NOTARY AT PUNE



BEFORE THE NATIONAL GREEN TRIBUNAL WEST

ZONE, PUNE

PETITION NO. /2015

SHRI BISMARQUE DIAS, son of
Manuel F. Dias, of major age,
Indian National, resident of
House No. 561, Jua, Tiswadi,
Goa and five others.

..... APPLICANTS.

VERSUS

STATE OF GOA, through
its Chief Secretary, having
office at Secretariat,
Porvorim, Bardez-Goa and
two others.

..... RESPONDENTS.

AFFIDAVIT

I, Bismarque Dias, of major age, Indian National,
the Petitioner No. 1 above named, resident of
Jua, do on solemn affirmation state and submit as
under:-

- 1) I say that I along with others have filed a Petition before this
Hon'ble Tribunal.
- 2) I say that the Annexures to the Petition are the true copies of
its originals.



3) I say that what is stated by me in Paragraphs _____ of the above Petition is true to my own knowledge and belief and what is stated in the remaining Paragraphs, namely _____ are in the nature of legal submissions and/or inferences of facts, which I believe to be true.

4) I say that what is stated by me in Paragraphs 1, 2 and 3 above is true to my own knowledge.

Solemnly affirmed at panaji on this 23rd day of June, 2015.

DEPONENT

Identified by me:

Advocate for the Petitioner.

SOLEMNLY AFFIRMED AND VERIFIED BEFORE / ME BY B. S. M. D. S. WHO IS IDENTIFIED BEFORE / ME panaji DHVPP 9254F WHOM I KNOW SERIAL No. 89115 DATED 22/7/15



KUNDA R. NAIK GANTHE
NOTARY AT PANAJI
STATE OF GOA, INDIA

VAKALATNAMA

I/WE ARE NOT A MEMBER/MEMBERS
OF THE WELFARE FUND THEREFORE STAMP
OF RS.5/- IS AFFIXED HEREWITH

BEFORE THE NATIONAL GREE TRIBUNAL, (WZ), PUNE

PETITION NO. /2015

SHRI BISMARQUE DIAS AND
FIVE OTHERS.

..... PETITIONERS

VERSUS

STATE OF GOA AND OTHERS.

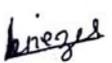
..... RESPONDENTS

I, SHRI BISMARQUE DIAS AND FIVE OTHERS inhabitant/s
of St. Ezstevam, Tiswadi Goa, in the above matter hereby appoint
Advocate Abhijit Hartalkar, Advocate, Rohit Bras de Sa, Advocate.
Priti S. Deshprabhu, Advocate, Jude Sequeira, Advocate, to appear
and act for us as our Advocate/s.

Witness my/our hand this _____ day of July, 2015.

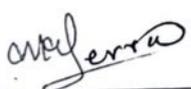
1. 
(BISMARQUE DIAS)

2. 
(ANA MIRZA DIAS)

3. 
(SOCORRINA LAVITA MENEZ)

4. 
(NATASHA LOBO)

5. 
(BERNADETH LOBO)

6.
Signed: 
EVA FERRAO

Witness: Accepted.

Signature of advocates: 

Filed in Court on _____

Chambers:-

G-1 Church View Building,
Father Agnelo Road, Altinho,
Panaji-Goa-403 001.

Residence:-

3/T-6, Kamat Classic,
Phase II, Kerant,
Caranzalem.

Mob.:9822585833/9822480004.

Office: 2426566.

BEFORE THE NATIONAL GREEN TRIBUNAL WEST

ZONE, PUNE

PETITION NO. /2015

SHRI BISMARQUE DIAS, son of
Manuel F. Dias, of major age,
Indian National, resident of
House No. 561, Jua, Tiswadi,
Goa and five others.

..... APPLICANTS.

VERSUS

STATE OF GOA, through
its Chief Secretary, having
office at Secretariat,
Porvorim, Bardez-Goa and
two others.

..... RESPONDENTS.

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2. Copy of Order dated 24/2/2011.
3. Copy of Corrigendum dated 24/3/2011.
4. Copy of Communication dated 22.2.2011 along with Resolution of General Body Meeting held on 28/12/2010.
5. Copy of Notification dated 13/7/1976.
6. Copy of Inspection Report dated 20/2/2015.

7. Copy of Communication dated 28.1.2015
8. Copy of Evaluation Certificate 23/1/2015
9. Copy of Memorandum dated 29/1/2015
10. Copy of Public Notice dated 29/1/2015
11. Copy of Communication dated 23/03/2015
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23. Copies of Form I & XIV (Colly).
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25. Copy of communication dated 19/2/2015(colly).
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31. Copy of Abstract Sheet.
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35. Copy of communication dated 24/10/2011.
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Place:-PUNE.

Dated:- /07/2015.

Advocate for the Applicants.

St Estevam wetlands: Palni embankments, need for restoration

The Palni bundh site at St Estevam was inspected on 13 November 2015 and an inspection report was submitted to GCZMA on 22 November 2015.

It may also be noted that the other major 'khazan' at Cupã – Cavso Cantor was also inspected on 19 January 2016 and an inspection report was submitted to GCZMA on 20 January 2016.

This report is prepared following the orders of the Hon. NGT, Pune, Item 6, Order 5, dated 08 February 2016. In the order the Hon. NGT has noted that the Palni bundh needs to be repaired to protect agriculture and horticulture by eco-friendly traditional methods. The order also requested the GCZMA to immediately furnish ecological and environmental assessment report to the damage caused on Palni bundh.

The following may be noted:

As desired by the Hon. NGT, the ecological and environmental assessment report of the damage caused will need a detailed scientific data collection over time, and will have to be done by a reputed research organization. Such a study may not be required at this stage and for this site, as the impacts noted and the damage caused is not alarming.

The report of 22 November 2015 had noted the following :

1. an intricate network of creeks, backwaters and marshy lagoons where mangroves are identified,
2. an ancient embankment, about 2 metres wide, that runs across this ecosystem,
3. the entire low-lying mangrove area is tidally influenced,
4. the area can be classified under the category of CRZ I,
5. the entire area is low-lying and was used for paddy cultivation in the past,
6. the embankment is lined with fringing mangroves at several places.

The modifications noted in the above report were the following:

- 1) there are strong evidences that mangroves have been cut; dead trunks and foliage was observed,
- 2) the embankment is widened to 3 – 5 metres; the existing scenario looks like a wide mud 'road' which is not in conformity with the erstwhile bundh network,
- 3) at two spots, road metal was seen dumped; about five truck loads of basaltic material was identified at two different places; basaltic material has no place in a paddy field,
- 4) the heritage sluice gate has been tampered with by placing two heavy ramps made of steel,
- 5) marks of tyres of heavy vehicles were noted along the widened bundh, transforming an ancient embankment into a sort of new 'road',
- 6) the embankment has been reclaimed over a continuous distance of about 1.3 kilometres; red lateritic soil (with silica and alumina) acts as a contaminant of

- any paddy field which is essentially composed of black / dark grey organic sediment; the top soil is rich in nutrients,
- 7) the human activity along the levee started in or after November 2014.

As noted above, the report of 22 November 2015 by the undersigned has listed the damage as observed in the field. However, by and large, all these impacts are reversible, as the erstwhile environmental status of Palni bundh can be restored over a period of time.

Restoration of the Palni embankment / bundh may be taken up as follows:

- A. Red lateritic mud deposited all along the bundh needs to be scooped and removed manually by using hand tools generally used for earth works.
- B. Heavy machinery / excavators should not be used under any circumstances.
- C. Dumped mud should be carefully removed in such a manner, and up to a level where the former / earlier surface of the bundh is exposed.
- D. Greater care is needed along the sides of the embankment as the earlier existing bundh should not collapse further.
- E. The original width of the bundh is to be maintained in consultation with and based on the official maps of the Land Survey Department.
- F. Once the mud is removed, the borders of the embankment may be stabilized by planting appropriate bushes or shrubs, or even coconut trees. This aspect may be fine-tuned in collaboration with the agriculture department which routinely undertakes such work in paddy fields. The Goa State Biodiversity Board may also be consulted.
- G. Any further repairs of the bundh may be done by using locally available clayey material; such work (bricks of clay) is routinely undertaken in the paddy fields of Indian coasts.
- H. Such bundhs should be designated as pathways for the exclusive use of agriculture related activities only; these embankments should not / cannot be construed as roads.
- i. Note: the laterite material that is removed may be stored temporarily at the main entry point to the bundh; this should not flow back into the adjacent paddy fields. The material removed may be used for road works / filling approved elsewhere.

It may also be pertinent to note that the GCZMA has time and again been confronted with the issue of (re)building degraded river banks and embankments. The Water Resources Department (WRD) almost exclusively employs the use of concrete to erect / repair such walls. The adverse impacts of concrete sea walls are well established globally.

St Estevam, Palni embankment restoration, Mascarenhas, 2016

In view of the above, the Member Secretary, GCZMA, requested the undersigned to prepare a report on the pros and cons of concrete sea walls. The report was subsequently forwarded to WRD.

The report concluded that the ideal eco-friendly procedure to repair or restore river embankments or bundhs within / along paddy fields would be to:

- a) Use natural laterite boulders or dressed stones,
- b) Traditionally, locally made dry clay blocks were routinely used, and can also be attempted,
- c) A 20 cm thick concrete base can be laid at low tide level only,
- d) A stone wall of 30- 60 cm width can be built with cement mortar,
- e) The wall should not rise more than 30 cm above the highest tide level,
- f) Adequate passages / gaps are to be provided within / along the wall to facilitate passage / flow of ground water,
- g) Gaps / crevices within individual stones are needed to entertain marine fauna and encourage riparian zone biodiversity,
- h) A slight tilt will ensure the stability of the stone wall,
- i) A revetment with 45 degrees slope would be ideally suited,
- j) A stone wall has a greater capacity to nullify wave attack in high energy settings,
- k) If the river is dredged, part of the original sediment is to be re-dumped along the bank,
- l) Plantation of fringing mangroves (along river banks) or appropriate trees (along paddy fields) is to be pursued aggressively.

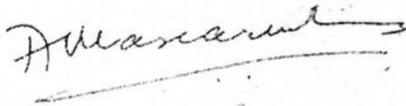
In view of the above, it is also felt that:

- A. The Water Resources Department (WRD) and the Agriculture Department urgently needs to form a R&D cell which should take into account the latest research in coastal management, particularly with reference to the eventual (and known) problems arising out of "fixing" river banks or embankments or coasts.
- B. The concerned authorities need to accept that coasts or river banks need to function naturally to maintain the sanctity of geomorphic features and to contribute towards eco-biological diversity; fixing of river boundaries with hard materials is no solution.

St Estevam, Palni embankment restoration, Mascarenhas, 2016

- C. Eco-biological alternatives such as plantation of appropriate vegetation along banks or embankments of rivers, (and suitable dune vegetation along open sandy coasts) are imperative. The role and functions of vegetal species in trapping sediment and stabilising banks or coasts is well studied on a global scale.
- D. Conservation and restoration thro' natural eco-friendly (and preferably) soft methods should be the endeavour of WRD.

In summary, mud / clay embankments along and across the low-lying paddy fields of Goa are prominent features of the ancient agro-industry of Goa. These man made dykes were constructed using mud / clay available in-situ, and were maintained by using tools manually. These levees have withstood the test of time. In general, these bundhs are lined with coconut trees along the edges. Adequate passages for the flow of rain water were made and can still be found at present. Most of these settings are functional even today. Such was the environmental management system of yesteryears. Therefore, it is strongly suggested and recommended that the ancient / traditional agrarian systems be maintained for posterity.



(Dr Antonio Mascarenhas, Member GCZMA)
21 February 2016

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ANNEXURE R-3

ANNEXURE **66**
By Email SSK/est

Annexure A/3

Member Secretary

819/L
Date 06/06/17

part of the
meeting on 15/6

Report of Joint Site Inspection for Working out Restoration Measures for
Bunds of Khazan Lands at St. Estevam, Goa as per NGT Order
(Application No. 135/2016).

Background

The Soil Conservation Division of the Department of Agriculture took up the work of repair of Bunds - Palni Bund, Causo-Cantro Bund, etc of the Wet lands/Khazan lands at St. Estevam, Tiswadi, Goa. In the process of repair of bunds, the Soil Conservation Division widened the bunds by red earth/murram and also put the retaining wall/s to considerable portions of the said bunds. Hon'le NGT while disposing the application No. 135/2016, instructed the GCZMA to take necessary steps to order restoration of bunds. In the last GCZMA meeting dt. /5/2017, a joint site inspection was planned and fixed for 17/5/2017 to work out modalities/restoration measures for bunds by removing the excess red earth/murram from the field side.

Inspection and Observation

As per the instruction of Member Secretary, the site inspection was carried out by the Expert Members Dr. Prabhakar Shirodkar and Eng. Audhoot Bhonsule along with Mr. Fletcher Fernandes, Technical Officer of the GCZMA. From the Complainant's side the members present were the applicant Mr. Mathew Saldhana, Mr. Cipriano Ribeiro- Chairman of Palni Tenants Association, Fr. Lecitiao Monteiro-Communnidade President, Mr. Iver Ferreira - Comunidade Attorney General, Fr. Domnic Sequeira and Mrs. Otilia Silveira. From the respondent's side, the members present were Mr. Rajesh Kenaudekar and Mr. Rajendra Verlecar, both Assistant Engineers from the Soil Conservation Division of the Department of Agriculture. Mr. Prabhu, Superintending Engineer and Mr. Kamkar, Executive Engineer, both from WRD were also present at the site. The Director of Agriculture Mr. Kakode also accompanied the joint inspection. The observations are as follows;

- i) Instead of working out restoration measures/modalities to remove excess red earth dumped for restoration of bunds as planned in the Authority meeting in the presence of the complainants and the respondents, the complainants went on to show the bund areas accusing the Soil Conservation Division of destruction caused by red earth dumping. They only suggested that the bund should be restored to its original.
- ii) In all, 4 sites were shown by the complainants, which were inspected and their details are as follows:

1st Site: Palni Bund

- iii) The Complainants first took the Expert Members to the Palni bund site behind the St. Estevam Cemetery.
- iv) Lot of laterite boulders and red earth is seen dumped on the Palni bund behind the cemetery.
- v) The complainants told that in the name of repair of the bund, the Soil Conservation Division has widened the bund with red earth which is not the native soil of the area and has destroyed the field and ecology of the area.
- vi) They demanded that the red earth and the boulders dumped at Palni bund behind the Cemetery should be ordered to be removed as early as possible.

2nd Site: Pachlai Palni Bund

- vii) Thereafter the Complainants took the inspection team to the other site of the bund which is having a sluice gate with metallic sheets put over it. The entrance to this bund is from the main road and this is called the Pachlai Palni bund.
- viii) The complainants showed the widening of the bund done by red earth. At some places laterite boulders and basaltic material is stacked by the side of the bund for construction of retaining wall.
- ix) Intersecting this Palni Panchlai bund about 100m away from the sluice gate towards the field side is another bund called Pachlai Vatso bundh which is also seen widened up to 500m distance or more with filling done by red earth.
- x) The Soil Conservation Division says that they have not done that widening but indicated that the Contractor may have done it without their knowledge.
- xi) The complainants demanded that the red earth dumped at the said bund should be removed and its width should be maintained to original width of 2.5m.
- xii) They also told that the sluice gate which has been widened should be restored and its width is reduced to only 2.5m so that no trucks and other vehicles could pass over the bund.
- xiii) Interestingly, Mr. Cipriano Ribeiro who is the Chairman of Palni Tenants Association favoured the widening of the bund and told that it is a good work being done for protection of the wet land environment. He also told that earlier the bund often used to get breached at many places and the surrounding field areas used to get flooded with saline water. Nobody used to care for it and maintain the bund that time. Now at least the Government is doing a good thing and should complete their work as per the plan.
- xiv) However, the complainants demanded that the red earth filled should be removed and width of the bund be maintained to 2.5m.
- xv) They also told that Pisci culture which is done by some people in the Khazan land should be ordered to be stopped.

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56c3rd Site: Caujo-Cantro Bund

- xvi) Later on, the complainants took the inspection team to the third site, which is a Caujo - Cantro bund. To go to this bund there is a small bridge of laterite stones starting from the turn on the main road. Thereafter, there is a sluice gate and then the bund starts.
- xvii) As shown by the complainants, this bund is widened more than 4m with red earth up to 2.6 km distance. The bund is provided with a retaining wall towards the river side, and up to about 200m distance a toe wall has been constructed towards the field side on the edge of drainage canal.
- xviii) The complainants told that in the process of bund widening and by constructing a toe wall, the drainage canal is shifted towards the field side thereby reducing the field area.
- xix) Another interesting thing is that Mrs. Otilia Silveira, the former Chairperson of the Tenants Association also favoured the work done by the Department and told that by constructing the retaining wall and a toe wall, the Government has done a good job as it will stop the salt water intrusion into the field area. She said that earlier nobody used to do repair work of the said bunds, only she used to maintain the bund for the past 20 yrs. She said why the people are now stopping the work, it should continue.

4th Site: Last Leg of Caujo Cantro Bund

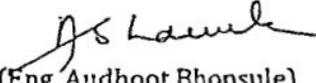
- xx) Lastly, the complainants took the inspection team to last leg of the Caujo-Cantro bund which has been filled with red earth and widened around 6m.
- xxi) Complainants told that GCZMA should order restoration of bunds by removing the red earth from the field side and reduce the width to 2.5m.
- xxii) To this Mrs. Otilia Silveira did not agree and said that if its width is maintained up to 2.5m, then it will again get damaged and salt water will enter the fields and spoil them. She recommended that at least 4 m width should be maintained.
- xxiii) One of the colleagues of the complainant (name not known) also told that if not 2.5m, the width of the bund should be restored to around 4m.
- xxiv) Complainants also told that the trenches towards the field side be restored for the excess water to get drained out.
- xxv) In the end, the Director of Agriculture as well as the Asst. Engineers of the Soil Conservation Division explained that reduction in the width of the bunds to original 2.5m will weaken the bunds, they will get breached again and the salt water intrusion will take place that will spoil the field and the surrounding environment.

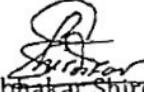
Conclusion and Recommendation

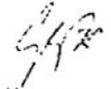
- i) Earlier in 2011, the Chairman of Palni Tenants Association Mr. Cipriano Ribeiro had submitted an application dated 10/2/2011 (Copy submitted to GCZMA) to the Mamlatdar of Tiswadi Taluka indicating that the Bund of Palni Khazan is in dilapidated condition and needs urgent repairs to avoid inundation of paddy fields with saline water.
- ii) With the said application dated 10/2/2011, the Palni Tenants Association requested the Mamlatdar of Tiswadi to issue directions under the Agricultural Tenancy Act to Soil Conservation Division of the Agricultural Department to take up the bund repair work.
- iii) Accordingly, the Soil Conservation Division of the Department of Agriculture started the work on widening of bunds at all the above mentioned 4 sites by red earth filling /murrum and boulders. It is seen that the widening of bunds on either side though is done with red earth, the original organic rich soil has not been disturbed and hence there is no possibility of bund getting breached with changing weather conditions.
- iv) They also constructed retaining walls towards river side as well as towards the field side at some places and also toe wall towards the drainage canal side.
- v) Crores of public money has been spent by the Soil Conservation Division for repair of the bunds to protect the wet land/khazan land from spoiling by intrusion of salt water into it. The work undertaken is good and is permissible under the CRZ regulation, however, the Division failed to see that the red earth used is detrimental to the field, they should have used the organic rich soil.
- vi) So also, there is no record that the Soil Conservation Division has obtained the NOC from GCZMA for the said work in CRZ area. They should have obtained NOC from GCZMA before starting the work, which was not seen, attached to the file.
- vii) Due to objection from the Complainants and NGT direction, it was decided in the GCZMA meeting conducted on /5/2017 to remove the red earth filling done from the field side leaving aside the river side filling and to reduce the width of the bund to original for which a joint site inspection was planned to work out the restoration measures/modalities for removal.
- viii) Site inspection showed that at most of the places of the bund under repair, lot of compaction of red earth has taken place over the period of years. The process of removal of red earth will unavoidably affect the fields and lead to breach of bund at many places which would further lead to intrusion of salt water into the fields.
- ix) It will also involve spending again Crores of rupees for the removal of red earth to restore the bunds to 2.5m width which the Soil Conservation Division says would again collapse/breached and can destroy the fields by salt water intrusion.

- x) However, the applicant Mr. Mathew Saldhana, Fr. Lecitiao Monteiro, Fr. Dominic Sequeira and Comunidade Attorney Mr. Iver Ferreira object to the said repair work of bunds and told to instruct the Soil Conservation Division to remove the red earth from the field side by keeping the filling done on the river side and the retaining wall that is constructed.
- xi) On the other side, Mr. Cipriano Ribeiro, Chairperson of Palni Tenants Association and Mrs. Otilia Silveira, both favoured the work done by the Department and indicated that the Government should complete the work.
- xii) So also, some of the members indicated that if 2.5m width cannot be maintained and the bund would breach anytime, its width should not be maintained more than 4m.
- xiii) The Director Mr. Kakode of the Department of Agriculture and their personnel told that by reducing the width of the bund to 2.5m, the bund will not be maintained but will get breached again during the monsoon at many locations. That will spoil the fields and the surrounding environment by inundation, so they suggested that the width should be at least 4m for a good stability to the bund.
- xiv) In a recent development, additional reply is filed by Palni Tenants Association under the Chairmanship of Mr. Cipriano Ribeiro before GCZMA on 19/5/2017 for restoration measures of Expert Members (Copy submitted to GCZMA).
- xv) In the additional reply, they indicated that there are many fields in and around the Palni bund which are still under cultivation. In the event of any work undertaken for replacing the murrum with clay, it would result in breaches of the bund that would result in inundation of paddy field with saline water.
- xvi) Besides this, due to ingress of saline water the ground water could get contaminated by salt water.
- xvii) Due to breaching of the bund, there is a possibility that the road linking to tolto ferry gets snapped off and the houses in the vicinity get submerged. Such things have happened earlier in the past.
- xviii) Forms I & XIV attached to the application submitted to GCZMA indicates that the land with Sy. Nos. 205/1, 205/2 and 205/4 belongs to Comunidade, with the names of many tenants, whereas the form with Sy. No. 205/3 shows the name of Mr. Cipriano Ribeiro and that with Sy. No. 205/5 shows the name of Basilio Monserate.
- xix) Thus, it appears that the Soil Conservation Division should be instructed to maintain the width of the said bund to 3.7m as per the PWD Road Standards by removing the excess red earth from the field side.
- xx) The original width of 2.5m was as per the standards to take the bullock carts over the bund for transporting paddy field material. However, with changing time, bullock carts are no more in operation instead small mechanized vehicles

- are used as a mode of transport. Hence, as per road standards, the width of 3.3m with 0.4m as side berm could be provided. A strict instruction should be imposed for not asphaltting the top of the bund at anytime in future.
- xxi) The Soil Conservation Division should be told to remove the retaining wall from the field side wherever it is constructed. After removing the said retaining wall, the trenches should be put as were existing earlier in the field area.
- xxii) By maintaining the retaining wall towards the river side, the wall constructed towards the field side be removed by providing a laterite boulder toe wall and the drainage canal for effective flow of excess water..
- xxiii) This will strengthen and provide stability to the bund/s and also protect the field and the surrounding environment.
- xxiv) Also, the sign boards should be put at the entrance to these bunds suggesting no trespass by vehicles. This way, the bunds and the environment can be well protected.
- xxv) If required both the parties may be called during the Authority meeting for their final say.
- xxvi) This may be deliberated in the Authority meeting for a decision.


(Eng. Audhoot Bhonsule)


(Dr. Prabhakar Shiroukar)


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