

**BEFORE THE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH AT PUNE**

**ORIGINAL APPLICATION NO. 70 OF 2022**

**IN THE MATTER OF:**

CHANDAN SURYAKANT  
KHORJUVEKAR

**... APPLICANT**

**VERSUS**

GOA COASTAL ZONE  
MANAGEMENT AUTHORITY & ORS.

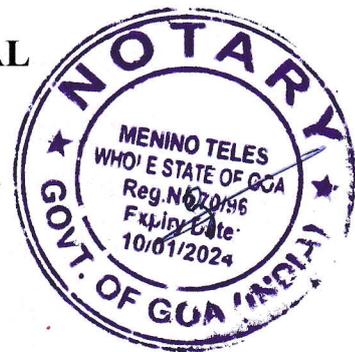
**...RESPONDENTS**

**COUNTER AFFIDAVIT**

**ON BEHALF OF RESPONDENT NO. 2**

BEFORE THE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH AT PUNE

ORIGINAL APPLICATION NO. 70 OF 2022



**IN THE MATTER OF:**

CHANDAN SURYAKANT  
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GOA COASTAL ZONE

MANAGEMENT AUTHORITY & ORS. ...RESPONDENTS

**COUNTER AFFIDAVIT ON BEHALF OF  
RESPONDENT NO. 2**

I, Naveen Kumar P, major in age, Deputy Conservator of Forests, Goa Forest Department, having my office at: Office of the Deputy Conservator of Forests, Wildlife & Eco-tourism Division (North), IV Floor, I Lift, Junta House, Panaji, Goa – 403001, do hereby solemnly affirm and state as under:

1. I am the Deputy Conservator of Forests representing the Respondent No. 2, Goa Forest Department and I am well-conversant with the facts and circumstances from which the present Application arises. As such I am capable of affirming the present Counter Affidavit. The present Counter Affidavit is filed to oppose any reliefs, interim or final, from being granted in favour of the Applicant. Nothing in the present Affidavit may be deemed to be an admission of any contents of the memorandum of the above-captioned Application, unless the same is categorically admitted herein. I have examined the relevant records in my office in relation to the projects in

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question, and I am filing the present Counter Affidavit on the basis on the said records.

2. I am filing the present Affidavit without adverting to a para-wise reply to the above-captioned Application. I crave the leave of this Hon'ble Tribunal to file a detailed/additional affidavit at a later date, if so directed or advised.
3. The present Application is filed by the Applicant *inter alia* challenging certain construction being carried out on Survey No. 211/2-A, Village – Mandrem, Taluka – Pernem, District – North Goa by the Respondents Nos. 4 to 8. Out of all the reliefs sought in the Application, the Applicant has only prayed for the following relief against the answering Respondent:

*“B. Direct the Goa Forest Department to submit a report (including detailed map) demarcating the NO-TAKE Zone of Mandrem Beach and providing the location of all the Survey Nos. (in particular Survey No. 211/2-A) of Village Mandrem, Pernem Taluk, North Goa District, Goa which are located in the NO-TAKE Zone of Mandrem Beach as recommended by the draft “Sea Turtle Nesting and Habitat Management Plan” (2020).”*

4. Since the Applicant has not sought any other relief and has not made any other submissions against the answering Respondent, the contents of the present Affidavit are restricted to the role of the answering Respondent in respect of the aforesaid prayer.
5. The answering Respondent is concerned with the regulation of Reserved Forests and Protected Forests under the Indian Forest Act, 1927 [*“Forest Act”*]. The answering Respondent also exercises powers under the Wild Life (Protection) Act, 1972 respectively [*“Wildlife Act”*]. Olive Ridley Turtle (*Lepidochelys Olivacea*) and Leather Back Turtle (*Dermodochelys coriacea*) are included in Part II of Schedule I to The Wildlife (Protection) Act, 1972 and as such is protected in terms of the said Act.

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6. The Applicant has relied upon the Report on Carrying Capacity of Beaches of Goa [***“Carrying Capacity Report”***] and the Draft Sea Turtle Nesting and Habitat Management Plan (2020) [***“Draft Turtle Nesting Plan”***] in the above-captioned Application. The aforesaid Draft Turtle Nesting Plan has been prepared by the Centre for Environment Education (CEE Goa State Office) for the Respondent No. 1 GCZMA *inter alia* for the securing the seascape, landscape and riverine areas/routes for safety and conservation of sea turtles arriving at the nesting grounds or using the nearshore waters of the beaches for feeding/foraging/congregation. The Plan is intended for the key institutions management (Department of Forest, Govt. of Goa) that is mandated and authorised for conservation management measures for sea turtles in Goa and has the scope for establishing and implementing Sea Turtle Nesting and Habitat Management Plan in Goa. The plan recommends general and beach-specific management measures to be implemented for protection and conservation of sea turtle nesting habitats in Goa, enabling sustainability practices and processes for development of beaches, and engaging various stakeholders to contribute such conservation measures.

7. As far as Mandrem is concerned, a stretch of 2.5 kms of a beach has sporadic nesting. The Goa Forest Department which has volunteers based in Morjim, who patrols the beach during the nesting season. Till the year 2010, the nests were guarded where it was laid and protected till they are hatched. The Goa Forest Department has adapted a strategy of shifting of the nest to Morjim (Tembvaddo stretch) for a better and coordinated conservation effort. Yearly nesting also has been observed on a small stretch of beach adjoining it is a private property. The owners of the said private land also assist Goa Forest Department in guarding such nests. The Department volunteers keep track of such nests and ensure that the hatchlings are released in a safe manner.

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The aforesaid has been recorded in the Draft Turtle Nesting Plan itself vide Chapter 5 titled "Turtle Nesting Observation Records in Morjim".

A true copy of the Chapter 5 titled "Turtle Nesting Observation Records in Morjim" is annexed and is marked as **ANNEXURE – A**



8. Chapter 6 of the aforesaid Draft Plan is titled "Turtle Nesting Observation Records in Mandrem". The said chapter has the basic record of turtle nesting as maintained by the Goa Forest Department in Mandrem/Ashvem from 2011-12 to 2019-20. The short term trends (year 2011 to 2020) observed as under:

- On an average around 2 nests are observed per season along the Mandrem beach.
- On an average around 118 eggs are laid per nest/clutch.
- On an average around 143 hatchlings are released per season from Mandrem beach.
- On an average around 60% is the survival rate of eggs laid per season at Mandrem beach.
- Total nests per season ranges from 4 to 1.
- Total eggs laid per season ranges from 484 to 102.
- Eggs laid per nest (clutch size) ranges from 132 to 102.
- Hatchling survival rates per season ranges from 90% to 33%.

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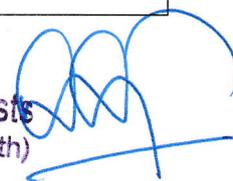
The Mandrem Turtle nesting are also recorded on the image in the said chapter.

A true copy of Chapter 6 titled “Turtle Nesting Observation Records in Mandrem” is annexed and is marked as **ANNEXURE – B**

9. Chapter 10 of the Draft Turtle Nesting Plan is titled “Sea Turtle Nesting Habitat Management Plan”. Clause 10.2 thereof *inter alia* provides that the aim of the plan is to protect, conserve the turtles and their habitat while enabling sustainable development in and around the turtle nesting beaches of Morjim, Mandrem, Agonda and Galgibag. It therefore, proposes that each of the beaches shall have clear demarcation of the extent and boundary of the geographical/spatial space where the management plan shall apply such as NO TAKE Zone etc. Clause 10.4A provides for Onshore Beach Habitat Management (terrestrial). It refers to the CRZ 2011 recognizing the beach stretch of Mandrem as the turtle nesting site. It further reads as under:

<b>10.4A</b>	<b>Onshore Beach Habitat Management (terrestrial)</b>
<b>1</b>	<p><b>Nesting space/habitat protection and conservation</b></p> <p>...</p> <p>Based on historical nesting data and trend, identify extent of sea turtle nesting area along the length and width of the beaches. Consider trends of false nesting,</p>

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analysis of lifecycle and behavioural aspects of the particular turtle species arriving for nesting on the beach. Demarcate the nesting habitat and buffer area required for effecting nesting space requirement and habitat management.

The Olive ridley is considered to be the most abundant sea turtle in the world. Among the five species which occur in India, only olive ridley is found to be nesting along the Mandrem, Morjim, Agonda and Galgibaga coastline. These turtles typically nest on ocean beaches near the river mouth, above the high tide line and the front of the primary dune.

The Apex Nodal Authority (The Goa Forest Department) must earmark and communicate the above boundary and sensitive nesting areas through maps and display boards so that beach visitors and users are aware about the importance of the specific beach and are encouraged to adopt sustainability and safe code of conduct on the beach, overall strengthening turtle nesting habitat management and conservation.



Further, clause 5 provides for “Beach space and Shack Management” and provides that the Respondent No. 1 GCZMA has been assigned the task of evolving a management plan. The GCZMA in association with the Goa Forest Department, local stakeholders and other line departments is to

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identify beach spares and divide them into go and no go areas. Current practice at Morjim beach is that a 600 meter stretch near the river mouth in Tembvaddo area is exclusively earmarked as No-Take Area (Turtle Conservation Reserve). Thus, earmarking/demarcating an area as a No-Take Area is the responsibility of the Respondent No. 1 GCZMA in association with the answering Respondent, local stakeholders and other line departments. As such, the relief sought against the answering Respondent is unsustainable.

10. The answering Respondent *inter alia* undertakes the following activities aimed at nurturing sea turtle nesting sites and protecting sea turtles across the State of Goa:
- (a) Appointing officials and local volunteers to protect turtle nests till the eggs hatch;
  - (b) Continuously monitoring the nesting sites and maintaining a database of nesting activities;
  - (c) Appointing officials and local volunteers to patrol the beaches during the turtle nesting season;
  - (d) Cordoning off nesting sites using barricades and other security apparatus to protect turtle nests;
  - (e) Running and maintaining a dedicated facility for enabling hatching of turtle eggs;
  - (f) Enabling the release of turtles into the sea after they hatch from their eggs;

  
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- (g) Ensuring that turtle nesting sites are protected and maintained under conducive environments to ensure the safety and well-being of the eggs;
- (h) Taking appropriate legal action against persons who violate the applicable laws pertaining to sea turtles and nesting sites;
- (i) Coordinating with the local population in sensitizing them about the importance of protecting turtle nesting sites;
- (j) Conducting awareness programmes to sensitize people, government functionaries, and all concerned stakeholders about turtle nesting activities;
- (k) Coordinating with other government bodies and statutory authorities, including the Respondent No. 1 Goa Coastal Zone Management Authority, the police machinery, local administration, etc.

11. Furthermore, the following measures are being adopted for management of turtle nesting sites recommended by the Government of Goa (Forest Department) *vide* Letter No. 1-312/WL&ET(N)/16-17/1841 dated 02.11.2016 and also as per the order of this Hon'ble Tribunal in O.A. No. 23/2014 (WZ) dated 02.11.2017:

- a. No beach beds to be set up in the intertidal zone;
- b. The beach shacks to desist from installing any outdoor illumination. The indoor lighting should also be muted and covered with opaque shields on sea facing side;

  
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- c. Playing of loud music by the shacks beyond 08:00 p.m. and holding of beach parties to be prohibited;
- d. Movement of any automobile on the beach to be prohibited;
- e. It should be made incumbent upon the shack licensees to play a proactive role in ensuring conducive conditions to the marine turtles besides information sharing with staff of Forest Department which monitors the entire coast.
- f. Deterrent Environmental Compensation of ₹ 1,00,000/- shall be imposed on the delinquents for each violation, who are found violating the recommendatory measures suggested by the Forest Department for protection of Turtle nesting sites and the same shall be recovered by the GCZMA. In case the amount of compensation is not paid by the delinquents/his/her/their case shall be referred to the Hon'ble National Green Tribunal for seeking necessary orders in this regard.
- g. The Goa Forest Department, Govt of Goa will keep a vigil along the said beaches and submit a weekly report of incidence of any violation of the said recommendation to the GCZMA for further action. GCZMA shall promptly act upon the report of the Forest Department, Govt of Goa in respect of violations of their recommendations.
- h. In case of habitual violators of this recommendation the GCZMA shall revoke the license granted to Shack owners/operators and remove/demolish shack/ structures in accordance with law.

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A true copy of the Letter No. 1-312/WL&ET(N)/16-17/1841 dated 02.11.2016 issued by the Forest Department is annexed and is marked as **ANNEXURE – C**

A true copy of the Order dated 02.11.2017 passed by the National Green Tribunal, Western Zone Bench, Pune in Application No. 23/2014 is annexed and is marked as **ANNEXURE – D**

12. The beach of Mandrem, and other beaches across Goa, have been designated as turtle nesting sites under the Coastal Zone Regulations, 2011 [hereinafter referred to as the **CRZ Regulations** for the sake of brevity and convenience]. Thus, the statutory authority empowered to enforce the CRZ Notification is the Respondent No. 1 GCZMA. Since the answering Respondent is also tasked with implementing the provisions of the Wildlife Act and the Forest Act, it routinely undertakes activities in coordination with the Respondent No. 1 GCZMA within the purview of its own powers under the aforesaid Acts.
13. Therefore, it is submitted that the appropriate authority to take action against illegal construction, if any, carried out in the No-Take Areas is the Respondent No. 1 GCZMA. Nevertheless, the answering Respondent has always been active in its pursuit of protecting sea turtles and their nesting sites by exercising its powers and jurisdiction under the Wild Life Act and the Forest Act.
14. Since no other substantial relief is prayed against the answering Respondent, no other submissions have been made in respect of the remaining contents of the present Application.

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In view of the aforesaid, it is humbly prayed that the present Application may kindly be dismissed.

*[Handwritten signature]*

DEPONENT

Dy. Conservator of Forests  
Wildlife & Eco-Tourism (North)  
Panaji - Goa

VERIFICATION

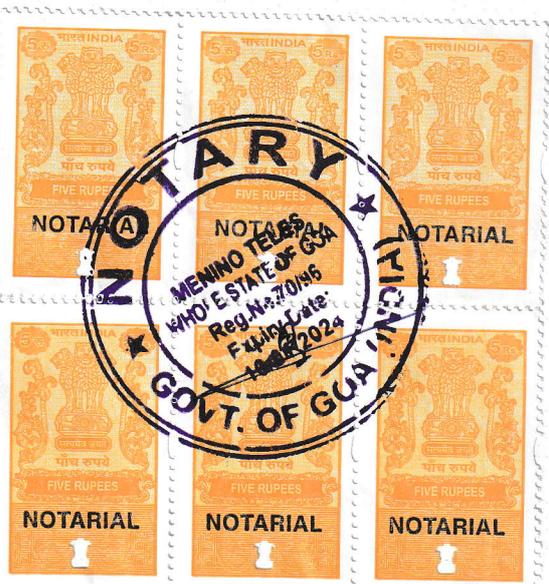
I, the abovenamed Deponent, do hereby state on solemn oath and affirmation that the facts stated hereinabove in this Counter Affidavit are true and correct to the best of knowledge, information and belief, and nothing has been concealed.

Verified at Panaji on this 19<sup>th</sup> day of April, 2023

*[Handwritten signature]*

DEPONENT

Dy. Conservator of Forests  
Wildlife & Eco-Tourism (North)  
Panaji - Goa



Solemnly affirmed before me by  
Navreen Kumar P. Deputy Conservator of  
Forest, Forest Goa Forest Dept, having  
office at Junta House, Panaji - Goa  
who is identified before me by  
Govt of Goa Forest Dept Id card no  
who is known to me. PNJ/1901449/2022  
REG. No. 882/22 DATE 19/04/2023

MENINO TELES  
NOTARY  
(Entire State of Goa)  
PANAJI-GOA

## 5. Turtle Nesting Observation Records in Morjim

The Goa Forest Department has maintained the basic records of turtle nesting in Morjim since two decades.

Year	Total of nests	Total no. of eggs laid	Total no. of Hatchlings released	Unhatched Dead eggs / young ones	% Hatchling survived
1997-1998	5	628	456	172	72.61
1998-1999	8	783	262	520	33.46
1999-2000	14	1268	759	509	59.86
2000-2001	31	3568	2430	1138	68.11
2001-2002	19	2350	1547	803	65.83
2002-2003	6	643	532	111	82.74
2003-2004	9	904	662	242	73.23
2004-2005	4	449	360	89	80.18
2005-2006	6	737	554	183	75.17
2006-2007	5	530	250	280	47.17
2007-2008	6	741	454	287	61.27
2008-2009	3	388	228	160	58.76
2009-2010	5	640	512	128	80.00
2010-2011	3	342	145	197	42.40
2011-2012	12	1216	826	390	67.93
2012-2013	3	347	226	121	65.13
2013-2014	3	318	95	223	29.87
2014-2015	6	951	331	620	34.81
2015-2016	6	641	255	386	39.78
2016-2017	11	1206	417	789	34.58
2017-2018	12	1482	935	513	63.09
2018-2019	16	1897	1175	476	61.94
2019-2020	9	1159	809	231	69.80

### Long term trends (year 1997 to 2020 = 23 years approx for Morjim beach)

On an average around 9 nests are observed per season along the Morjim beach

On an average around 115 eggs are laid per nest / clutch

On an average around 618 hatchlings are released per season from Morjim beach

On an average around 60% is the survival rate of eggs laid per season at Morjim beach

Total nests per season ranges from 31 to 3

Total eggs laid per season ranges from 3568 to 318

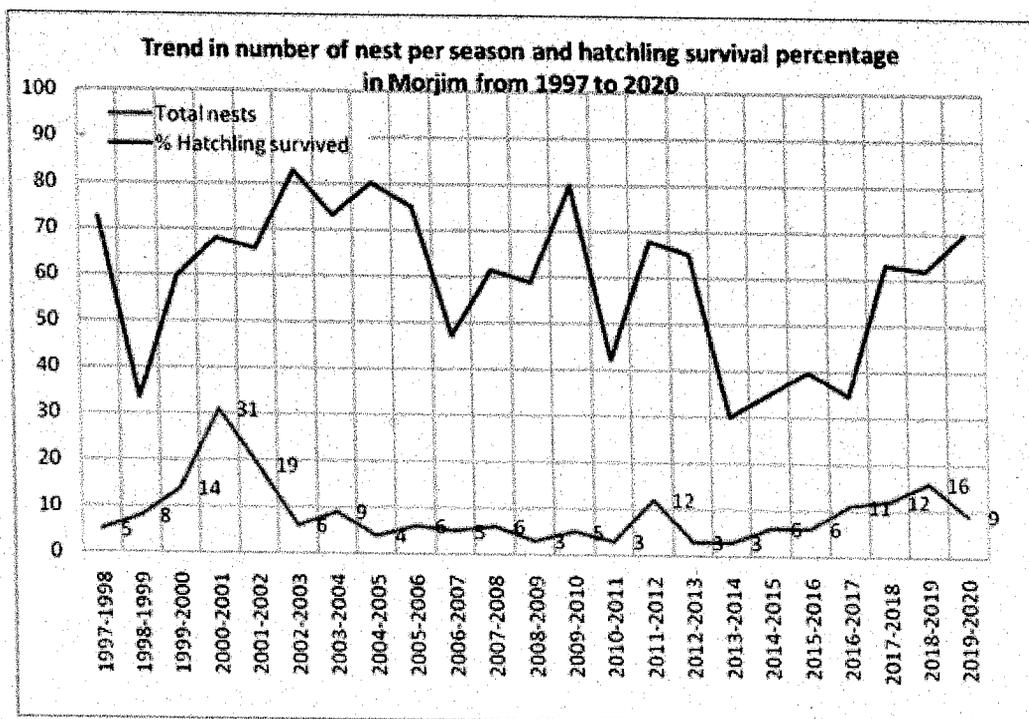
Eggs laid per nest (clutch size) ranges from 129 to 90

Hatchling survival rates per season ranges from 82% to 30%

survival % of hatchlings per season and presence of minimum number of nests during the season	
Survival %	Number of nests
> 50% survive	10
< 50% survive	6
>60% survive	10
>80% survive	5

While the average survival rate of hatchlings is around 60%, and average nests per season around 9; it is analysed that 80% and higher survival rates were achieved even when there were 5 nests in a season; 50% and above survival rates achieved usually whenever 10 nests were present. This may indicate that there is scope to achieve higher survival rates and also find out the reasons for such a high variation in survival rates.

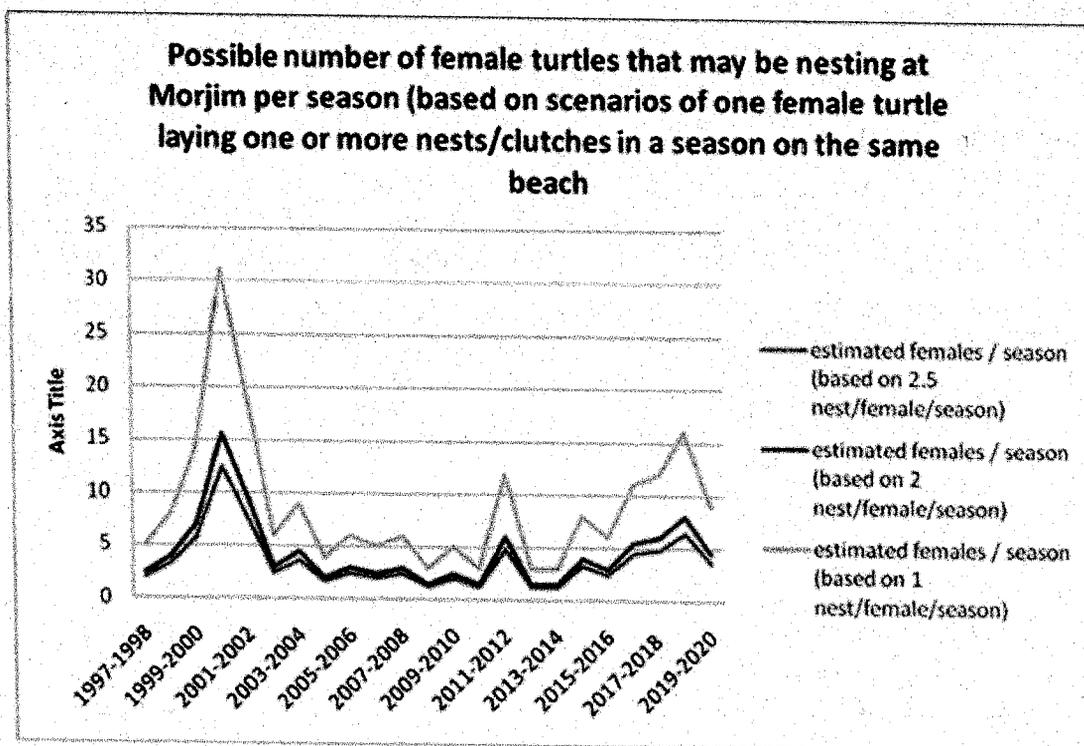
Further there have been high risk situations when the nests have dropped to total 3 per season, eggs laid in a season only upto 318 and hatchling survival dropped to 30%. The reasons for the same need to be further investigated.



The graph indicates that since 2002-2003 till around 2016-2017 the total number of nests per season has been generally below 10 (average value) and this could be perhaps due to changing landuse pattern post 2003, particularly after construction of the Soilim bridge and increased accessibility of Morjim area as well as presence of shacks in intertidal area. Compared to this the survival rate of hatchlings has been erratic (ranging from 82% to 30%) which may indicate that there are still unaddressed aspects related

to nest conservation and scope to improve egg recovery, rescue, rehabilitation and effective hatchery supported hatchling survival success rates.

Considering that there may be at least 60% hatchling survival rates in natural settings of Olive Ridley sporadic nesting cases, this level may be currently being achieved at Morjim due to the existing turtle and nest conservation activities and hatchery facility at Morjim. However, this also means that assisted turtle nesting could try to achieve a higher hatchling survival rate than in natural conditions. There is therefore scope to look at the natural and anthropogenic and hatchery related factors that currently pose a challenge in achieving consistent survival rates above 70% at Morjim. This could be taken as a management target.

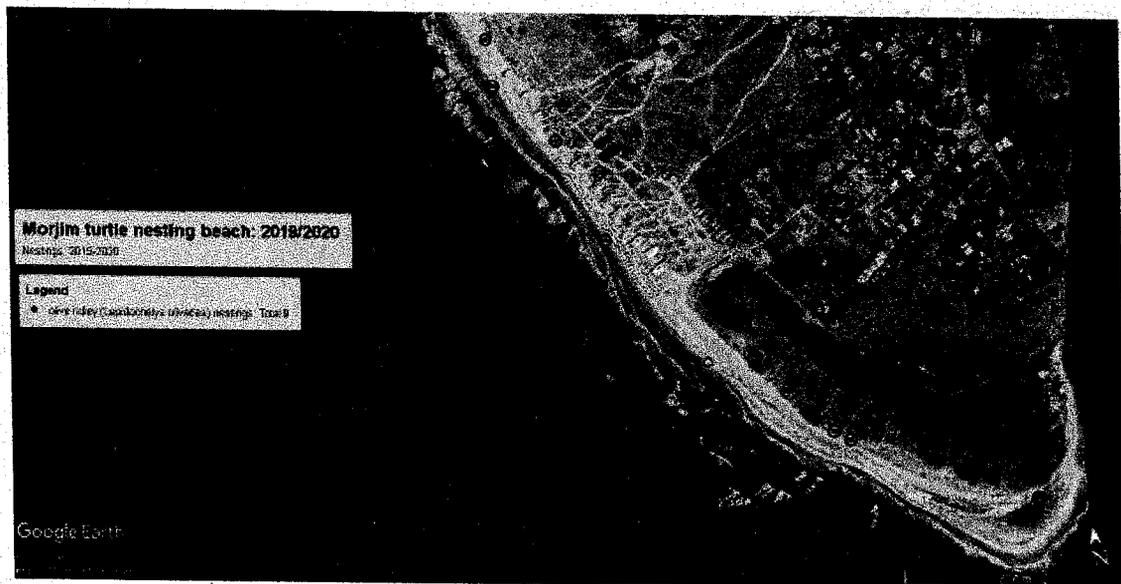


The graph indicates approximation of the number of female turtles that may be nesting at Morjim per season. The scenarios are for cases ranging from a single female turtle laying 2.5 nests, 2 nests and 1 nest per season at Morjim beach.

Thus, overall it appears that there may be consistently around 4 to 9 female turtles that may be depending on Morjim beach for nesting needs.

This scenario reveals a very high vulnerability since any disturbance, harm or hindrance to these relatively less number of female turtles arriving along Morjim beach and its nearshore waters can significantly reduce number of nests, increase incidences of false nesting and risk of egg damage.

There is therefore a scope to conduct a research study to understand the migration, congregation, foraging areas of this set of turtles dependent on Morjim and surrounding area. This will very much contribute to reducing seaward side risks and enabling appropriate nearshore/ offshore management plans / activities so as to protect this small female turtle group/set arriving every season at Morjim beach.



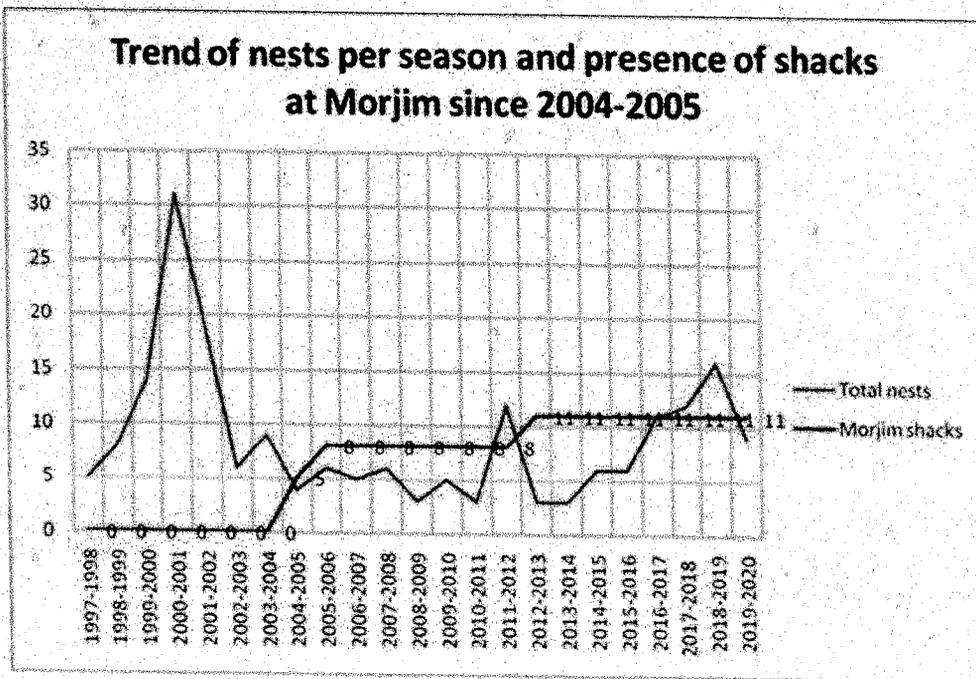
As seen in above geo referenced location markings of nests laid by Olive Ridley turtles at Morjim beach during 2019-2020; around 3 nests are seen on the designated 'turtle nesting demarcated area' (which also houses the hatchery). This is the "No Take" area for tourists and earmarked exclusively for nest conservation. The nests can be observed laid close to the sand dune berm, higher up on the shore. One nest is very close to the mouth of the river.

Towards the north can be seen 6 nests and these are on the shack zone area "go area". As can be seen one of the nest has been laid high up on the shore, possibly on the toe of the foredune. This indicates that the turtle was able to move unhindered between the shack zone / two shack properties and lay the eggs. However, it would be interesting to note the survival rates of eggs from these nest as it can reveal if natural factors like impact of roots from vegetation on the shore; compaction of sand; rain; lighting etc. have caused any damage or lowered the survival rates of eggs and hatchlings from such nests.

Almost three of the nest are laid on the high tide area and even one of it is in intertidal area, which indicates that the nesting effort has seriously been threatened or there might have been disturbances on the shore, which may have caused it to abandon its nesting / lead to false nesting or laying the eggs in high tide area. Such nests have been rescued and eggs shifted from this area to the hatchery area.

Geo-referencing nest location and recording reasons for false nesting or nesting failure need to be noted to analyse nesting patterns, threats and trend. Overall, it seems that the extent of turtle nesting in Morjim is right from the river mouth area and extending northward where the resorts and shacks have come up.

**Shacks and turtle nests in Morjim**



### 6. Turtle Nesting Observation Records in Mandrem

The Goa Forest Department has maintained the basic records of turtle nesting in Mandrem/\_Ashvem beach since 2011.

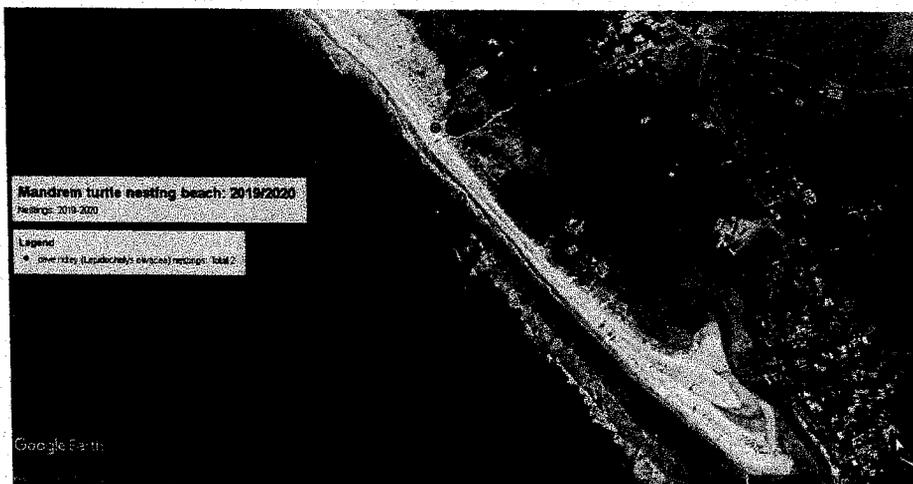
Year	Total of nests	Total no. of eggs laid	Total no. of Hatchlings released	Unhatched Dead eggs / young ones	Hatchling % survive	Eggs/ Nest
2011-12	2	273	219	54	80.22	136.5
2012-13	4	484	169	194	34.92	121
2013-14	1	123	67	56	54.47	123
2017-18 (in Morim)	1	102	34	59	33.33	102
2018-19	2	212	147	65	69.34	106
2019-20	2	249	224	25	89.96	124.5

Eggs from nests in Mandrem/\_Ashvem beaches since 2017-18 were transported to Morjim hatchery and hatchlings released at Morjim.

#### Results

#### Short term trends (year 2011 to 2020 = 5 years approx for Mandrem beach)

- On an average around 2 nests are observed per season along the Mandrem beach
- On an average around 118 eggs are laid per nest / clutch
- On an average around 143 hatchlings are released per season from Mandrem beach
- On an average around 60% is the survival rate of eggs laid per season at Mandrem beach
- Total nests per season ranges from 4 to 1
- Total eggs laid per season ranges from 484 to 102
- Eggs laid per nest (clutch size) ranges from 136 to 102
- Hatchling survival rates per season ranges from 90% to 33%





**BEFORE THE NATIONAL GREEN TRIBUNAL, WESTERN ZONE  
BENCH, PUNE**

Application 23/2014(WZ)  
M.A.235/2017

Goa Paryavaran Savrakshan Sangaharsh Samittee V/s The State of Goa & Ors

**CORAM: HON'BLE MR JUSTICE U.D.SALVI, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Present:	Applicant/Appellant	:	Mr. Walawaikar Adv
	Respondent No.1-13, 74-76	:	Ms. Fawia Mesquita, Adv
	Respondent No.17	:	Mr.Chaitaniya Padgaonkar Adv
	Respondent No.24	:	Mr. Jitendra P. Supekar Adv
	Respondent No.25	:	Mr. Vineet Jhansi Adv
		:	Mr. Shivshankar Swaminathan Adv
	Respondent No.32	:	Mr. Shivshankar Swaminathan Adv
	Respondent No.48,49,67	:	Mr. Saile Saudagar Adv
	Respondent No.71	:	Mr. J. Abreu Lobo Adv

Date and Remarks	Orders of the Tribunal
<p>Item No. 9 November 02, 2017 Order No.</p>	<p align="center">Heard. Perused Record.</p> <p>The present Application has been moved for removal of structures standing in No Development Zone (NDZ) area i.e. within the area of 200m from HTL on the landward side in case of seafront and 100m along the intertidal Zone, water bodies or width of the creek, whichever is less along the beaches of Morjem, Mandre, Galgibag and Agonda of Goa for the purposes of saving environment, particularly, Turtle Nesting sites at these beaches, and for compensation on account of damage caused to the said Turtle Nesting sites, and for directions to ensure implementation of measures to save the said Turtle Nesting sites.</p> <p>In course of the proceedings, we had impleaded the parties, who are the Shack business owners/licensees along the beaches of Morjem, Mandre, Galgibag and Agonda at the instance of Applicant, particularly, upon specific allegations that the said parties had erected Shacks/structures unlawfully in NDZ area along the protected Turtle Nesting sites of Morjem, Mandre, Galgibag and Agonda.</p> <p>Notices were issued to the parties and Respondent Nos. 24,32,48,49, 71 and 77 from amongst seventy seven (77) parties filed their replies. They have disputed the allegations that their structures have been unlawfully erected in NDZ area along the protected Turtle Nesting beaches at Morjem, Mandre, Galgibag and Agonda.</p> <p>Learned Counsel appearing on behalf of the Goa Coastal Zone Management Authority (GCZMA) submitted that GCZMA had taken action</p>

Item No. 9  
November 02,  
2017  
Order No.

against the offending structures and got some of these structures removed from the said areas. She further makes a statement that GCZMA would be taking action against all such structures falling in NDZ area along the beaches of Morjem, Mandre, Galgibag and Agonda, if they do not have any permission from GCZMA to erect such structures. She further makes a statement that any structure falling in intertidal zone i.e. beaches of Morjem, Mandre, Galgibag and Agonda as identified by the Department of Forest, Govt. of Goa and referred in the Report prepared by the National Centre for Sustainable Coastal Management (NCSCM) on carrying capacity of the beaches by providing Shacks and other temporary structures in the private areas as such Turtle Nesting sites identified by the Forest Department shall be removed in accordance of law. She invited our attention specifically to the affidavit of Deputy Conservator of Forest dated 8<sup>th</sup> July, 2016 filed in the present case in order to point out how the Forest Department in its Report on Turtle Nesting sites had evolved the Management techniques for conserving the Turtle Nesting sites.

Learned Counsel appearing on behalf of Respondent Nos.17, 24, 25, 32,48,49,67,71, 74 to 76 submit that none of their structures lie in the intertidal zone along the said beaches. However, they undertake to strictly abide by the recommendations of the Forest Department for conserving the Turtle Nesting sites along the said beaches. They further undertake that they would not have any structure of whatsoever nature in NDZ without any specific permission granted by GCZMA.

Learned Counsel appearing on behalf of the Applicant with reference to the Report of Forest Department annexed to the affidavit dated 8<sup>th</sup> July, 2016 submitted that there has been decline in nesting of Oil Ridley Turtles on Morjem beach and such further decline can even be observed in course of time, if the measures are not taken to protect the nesting sites. He therefore advocated strict compliance of the recommendations made by the Forest Department in that regard and to make the delinquents liable for deterrent compensation in case of any violation of such recommendations being detected.

Considering the menace of unregulated tourist activity along the beaches of Morjem, Mandre, Galgibag and Agonda, we and its parlous consequences on environment particularly, Turtle Nesting sites, it is necessary that deterrent environmental compensation is imposed on the delinquents, who are found violating the recommendatory measures suggested by the Forest Department for protection of Turtle Nesting sites.

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It is also necessary that no Shacks or temporary or any other structure is allowed to be raised in NDZ area without there being specific permission of GCZMA.

We, therefore, direct that:

- a) Respondent No.10 GCZMA shall take action against all such temporary structures or Shacks or any other structure found erected after 19.2.1991 in NDZ area along the beaches of Morjem, Mandre, Galgibag and Agonda without specific permission from GCZMA in accordance with law.
- b) The Applicant or any person will be at liberty to point out existence of any such unlawful structures in NDZ to GCZMA for action in accordance with law.
- c) Respondent No.10 GCZMA shall act expeditiously upon such complaint/s made by the Applicant or any person in respect of such unlawful structures/s.
- d) We further direct Respondent No.10 GCZMA to strictly enforce the recommendations made by the Forest Department for conservation of Turtle Nesting sites in the Report on carrying capacity of beaches, particularly, those suggested by the Forest Department as follows:
  - i) **No beach beds to be set up in the intertidal zone. The existing practice in Morjim is to lay the beach beds very close to the waterline leaving little scope for the turtles to move up;**
  - ii) **The beach shacks to desist from installing any outdoor illumination. The indoor lighting should also be muted and provided with opaque shields on sea facing side;**
  - iii) **Playing of loud music by the shacks beyond 6.00 PM and holding of beach parties to be prohibited.**
  - iv) **Movement of any automobile on the beach to be prohibited;**
  - v) **It should be made incumbent upon the shack licensees to play a proactive role in ensuring conducive condition to the mare turtles besides information sharing with staff of Forest department which monitors the entire coast.**

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- e) Anybody found violating these recommendations shall be liable to pay compensation of ₹1 Lakh for each violation and the compensation shall be recovered by GCZMA. In case, the amount of compensation is not paid by the delinquent/s his/their case shall be referred to the Tribunal for seeking necessary orders in that regard.
- f) We direct Respondent No.76 the Forest Department, Govt. of Goa to keep vigilance along the said beaches and report incidence of any violation of the said recommendations to GCZMA for further action.
- g) Respondent No.10 GCZMA shall promptly act upon the report made by Respondent No.76 Department of Forest, Govt. of Goa in respect of violations of their recommendations.
- h) In case of habitual violators of the said recommendations the GCZMA shall revoke the license granted to Shack owners/operators and remove/demolish shack/structure in accordance with law.
- i) Liberty granted to the Applicant to pursue specific complaints made against unlawful structures lying in NDZ area along the said beaches.

O.A.No.23 of 2014 along with M.A 235 of 2017 stand disposed off accordingly.

....., JM  
(Justice U.D.Salvi)

....., EM  
(Dr. Nagin Nanda)

hkk