

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

O.A. NO. 54 OF 2018 (WZ)

IN THE MATTER OF:

Kashinath Shetye & Ors.

...Applicant

Versus

Raul Silva Rodrigues & Ors.

...Respondents

N.D.O.H:-24.09.2020

INDEX

S. No.	Particulars	Page No.
1.	Objections to the Inspection Report filed by the Committee Constituted by this Hon'ble Tribunal Vide Order Dated 24.06.2020 alongwith affidavit	1-15
2.	ANNEXURE R-1 True copy of Form I and XIV issued by the Mamlatdar Salcete, Taluka Salcete, Village Cavelossim	16-18
3.	ANNEXURE R-2 True copy of Hotelier certificate of Respondent No. 2	19
3.	ANNEXURE R-3 True copy of Hon'ble Tribunal's in Order dated 07.09.2018 passed in Appeal No. 64 of 2018 (WZ)	20-23

4.	ANNEXURE R-4 True copy of application for transfer, letter of surrender and resolution	24-31
6.	Vakalatnama	32-33
7.	Proof Of Service	34

Through:

Apani

VSA LEGAL

Counsels for Respondent No. 1
32, Ground Floor, Uday Park,
South Extension Part - II
New Delhi - 110049
Email: office@vsalegal.in
Mob: +91-9953309080

Place: New Delhi
Dated: 22.09.2020

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

O.A. NO. 54 OF 2018 (WZ)

IN THE MATTER OF:

Kashinath Shetye & Ors.

...Applicant

Versus

Raul Silva Rodrigues & Ors.

...Respondents

**OBJECTIONS TO THE INSPECTION REPORT FILED BY
THE COMMITTEE CONSTITUTED BY THIS HON'BLE
TRIBUNAL VIDE ORDER DATED 24.06.2020**

MOST RESPECTFULLY SHOWETH:

1. The captioned matter is pending adjudication before this Hon'ble tribunal and is listed for hearing on 24.09.2020.

2. It is stated that this Hon'ble Tribunal has vide order dated 24.06.2020 has constituted a committee comprising of Goa Pollution Control Board, GCZMA and Goa Biodiversity Board (hereinafter referred to as the "**Committee**") and has categorically directed the said Committee to visit the place and submit a factual and action taken report.

2

3. Accordingly, the said Committee has submitted a report of the inspection carried out on 04.08.2020 (hereinafter referred to as the "Report"), after visiting the site of illegal construction on number 107/1 of Cavelossim village, Salcette Taluka South Goa. At the outset the Respondent No. 1 denies the contents of the report unless the same is specifically admitted.

4. It is submitted that the Report filed by the Committee is lacking in material particulars. It is further relevant to mention the site inspection on 04.08.2020 has been carried out in the absence of the rightful/legal land owner, i.e. Respondent No. 1 as well as the Complainants. It is further submitted that inspection was concluded without any documents being provided related to ownership. In short the authorities have spoken only with person responsible for the violations and fully accepted the remarks of the violator without giving the complainants an opportunity to be heard. The authorities seem to be hand-in-glove with the violators, as the report is nothing more than a reproduction

3

of Respondent No. 3's statements without verifying the same.

5. Furthermore rather than conducting their own independent report the Committee has accepted the contents of the site inspection report dated 17.10.2019 prepared by GCZMA. Further even that inspection was conducted in in the absence of the rightful land owner/Respondent No.1 - Raul Silva Rodrigues and the complainants Kashinath Shetye, Iris Passanha and Gerard Rodrigues.

6. It is submitted that the Inspection report contains the following lacuna:

6.1 The Committee has without considering the contentions in the Original Application, baselessly accepted the contention of Respondent No. 3 that he is the rightful owner of the said land and that all structures on the said land are legally permissible. Despite him having produced no documents to verify the same. It is submitted that the Respondent No. 1 is the rightful owner of the land, as evinced from Form I

4

and XIV issued by the Mamlatdar Salcete, Taluka Salcete, Village Cavelossim. True copy of Form I and XIV issued by the Mamlatdar Salcete, Taluka Salcete, Village Cavelossim is annexed herewith and marked as **ANNEXURE R-1**.

- 6.2** Furthermore the Committee failed to consider that not a single permission has been issued by any of the concerned authorities for any type of activities undertaken by Respondent No. 2 including construction of office, godowns, storage tanks, labour sheds prior to 30/11/2018.
- 6.3** The Committee has erred in not considering that Mr. U.M. Husain was never the owner of the property. was a businessman/ trader who occupied an area of 7,500 sqm against agreements of lease from 03.03.1978 through 02.03.1993. He occupied the land only in the capacity of lessee as the ownership of the land continued to remain with the family of Respondent No.1 - Raul Silva Rodrigues. Further submitted that subsequent to March 1993 the agreement of lease was

5

not renewed whereas Respondent No. 2 remains in illegal possession of the part of the property.

6.4 Miguel Rodrigues, Respondent No. 3 is not co-owner of the plot. He has resorted to under-hand tactics to forcibly occupy the property since 2015 in order to clandestinely utilize the premises for conducting the business of his own company Joecons Fisheries.

6.5 Respondent No. 3 has clandestinely taken possession of an area of 12,000 sqm in addition to the original lease area on 7,500 sqm and is now illegally in possession of a total area of 19,500 sqm being part of the 70,500 sqm property under survey no. 107/1 owned by Respondent No.1 - Raul Silva Rodrigues. It is further relevant to mention that Respondent No. 1 has preferred Second Appeal No. 69 of 2014 seeking an Injunction and Eviction of Respondent No. 2. The same is currently pending adjudication before the Hon'ble High Court. Further during the pendency of this case, Respondent No. 3 has entered the property

6

of Respondent no. 1 and is conducting the commercial operation of his own company Joecons Fisheries without any permission from the rightful owner, Respondent no. 1 or any of the authorities.

- 6.6** Respondent No. 3 is a Hotelier by profession and is the owner of a 118 air-conditioned rooms hotel, the Joecons Beach Resort and Spa located in Benaulim. In addition he is the owner of at least ten residential apartments in Benaulim, office spaces in Margao and plots of land in Cuncolim. Since 2014 he entered the fishing business and operates a fleet of 11 purse-seiners (deep-sea ocean going commercial vessels) with a combined tonnage exceeding 300 tons. A crew of thirty to thirty five men mans each commercial vessel. Hence Respondent No. 2 fits the definition of a big businessman and is certainly does not belong to coastal or local fisherman community. True copy of Hotelier certificate of Respondent No. 2 is annexed herewith and marked as **ANNEXURE R-2**.

7

6.7 Furthermore the inspection report fails to mention that entire property under survey no. 107/1 is located wholly/fully within No Development Zone of CRZ being bordered on the West by the Arabian Sea and on the East by the River Sal. The Committee has failed to consider that the CRZ notification 2011 is very specific with regard to the following:

6.7.1 No commercial activities are permissible within CRZ (even if operating prior to 1991).

6.7.2 Dwelling units of traditional coastal community may not be used for commercial activities.

The same has been held by this Hon'ble Tribunal in Order dated 07.09.2018 passed in Appeal No. 64 of 2018 (WZ). True copy of Hon'ble Tribunal's in Order dated 07.09.2018 passed in Appeal No. 64 of 2018 (WZ) is annexed herewith and marked as **ANNEXURE R-3.**

8

6.8 In the facts of the present case the issue of dwelling units does not arise as none of the structures are a dwelling unit, and Mr. U.M. Hussain was a fish trader, who does not belong to a traditional coastal community. Furthermore the entire property under survey no. 107/1 is located fully within No Development Zone of CRZ being bordered by the Arabian Sea on the West and on the East by the River Sal on the East.

6.9 Additionally the Committee has erred in not considering that the building erected on the South Side of the Plot and 36m away from the bank of the river is a Net Mending Shed cum Managing Office for Joecons Fisheries; the same was constructed only in February 2017, whereas the report incorrectly states that no structure has been constructed after 1991. The said structure along with the other five structures on the said land are completely illegal and unauthorized.

9

6.10 Furthermore the site inspection report without verification has accepted Respondent No. 3's claim that the house numbers 366, 367, 368 belong to Garth de Souza (Survey no. 109/1) while the structures remain in possession of Respondent No. 2. The said claim is patently false. The structures bearing house nos. 366, 367, 368 exist on a completely different property bearing survey no. 109/1 belonging to Garth de Souza. The structures bearing house nos. 366, 367, 368 were registered in the name of Respondent No. 2 when they operated their fish trading business on this other property bearing survey no. 109/1. These house numbers and structures were transferred in 1987 from Respondent No. 2 to Mr. Garth de Souza the owner of property bearing survey no. 109/1. True copy of application for transfer, letter of surrender and resolution are collectively annexed herewith and marked as **ANNEXURE R-4 (Colly)**.

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6.11 An inspection was conducted on Aug 2015 by the BDO and Village Panchayat again in the absence of the rightful land owner/Respondent No.1 - Raul Silva Rodrigues and/or the complainants. As per the site inspection diagram of BDO made during this inspection, Respondent No. 2 falsely claimed that house numbers 366, 367, 368 are also existing on survey no. 107/1. This is clearly again a false claim as the structures with house numbers 366, 367, 368 are under ownership of Mr. Garth de Souza - the owner of property bearing survey no. 109/1. Structures with house no. 384, 385, 386 are also owned by Mr. Garth de Souza hence existing in property bearing survey no. 109/1 and not on survey no. 107/1. Respondent No. 2 has blatantly lied and indulged in fraud in order to secure documents from authorities so as to facilitate his land grabbing ambitions.

6.12 Furthermore Respondent no.1 obtained records from Village Panchayat Cavelossim in response to the Right

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to Information Application preferred by him which clearly show that all six house numbers and structures belong to Mr. Garth de Souza who is the owner of property bearing survey no. 109/1. These house numbers have shrewdly been used by Respondent No. 3 to falsely portray the legality of the structures.

6.13 It is further pertinent to mention that the Village Panchayat body has in 2018 issued the NOC to Respondent No. 2's purported POA holder Respondent No. 3 without seeking permission of Respondent no.1 and despite receiving several complaints from Respondent no.1 since 2014 relating to the violations being carried on by Respondent No. 2 within the CRZ NDZ (No Development Zone).

6.14 Additionally the NOC dated 30.11.2018 issued by V. P. Cavellossim is the very first permit ever issued to Respondent No. 2 by any authority since they occupied the property of Respondent no.1 in 1978. Clearly then, for the previous forty years Respondent

12

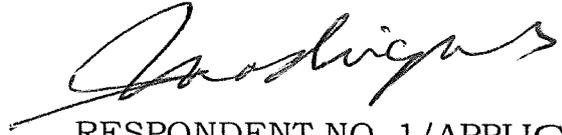
No. 2 conducted their business illegally, without any permissions whatsoever from any authority – Panchayat / GCZMA / Department of Health / GSPCB / Capt of Ports etc. and built 14 structures without any permits/authorization.

6.15 It is further submitted that all the structures have been erected after 1991 and are illegal as is correctly documented in the inspection report of BDO dated 23.08.2014 and evident from scrutiny of relevant reports as well as Google mapping.

7. In light of the aforementioned facts and submissions it is thus clear that there are glaring deficiencies in the report of the Committee, and thus the contents of the same ought not to be relied upon in determining the veracity of the allegations contained in the present O.A.
8. In light of abovementioned objections, it is humbly prayed that this Hon'ble Tribunal may be pleased to nullify and discard the Committee's for the purposes of adjudication of the present case; and

13

Pass any other order or direction as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.



RESPONDENT NO. 1/APPLICANT

Through



VSA LEGAL

COUNSELS FOR RESPONDENT NO. 1

32, GROUND FLOOR, UDAY PARK,

SOUTH EXTENSION PART - II

NEW DELHI - 110049

Email: office@vsalegal.in

Mob: 9953309080

DATE: 18.9.2020

14

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

ORIGINAL APPLICATION NO. 54 OF 2018

IN THE MATTER OF:

Kashinath Shetye & Ors.

...Applicant

VERSUS

Raul Silva Rodrigues & Ors.

...Respondents

AFFIDAVIT

I, Raul Silva Rodrigues, S/o Late Sh. Ricardo Rodrigues, aged about 86 years, R/o House No. 245 Cavelossim, Salcete, Goa, do hereby solemnly affirm as under:-

1. That I am the Respondent No. 1 in the above mentioned case and I am conversant with the facts and circumstances of the case and competent to swear this affidavit on the basis of documents and records.
2. That the accompanying Objections to the Compliance report has been drafted by my counsel as per my instructions and the contents of the same may be read as part and parcel of the present Affidavit as the same are not being repeated herein for the sake of brevity.

15

3. That I have perused the contents of the accompanying objection and the contents of the same are true and correct to the best of my knowledge.

4. That all annexures are true copies of their respective originals.

Rodriguez
DEPONENT

VERIFICATION

I, the above named deponent, do hereby solemnly affirm and verify that the facts stated in the above affidavit are true to my knowledge and belief, no part of the same is false and nothing material has been concealed therefrom.

Verified at _____ on this the ____ day of _____, 2020.

Rodriguez
DEPONENT

16

Annexure R-1

100000024149



FORM I & XIV

नमुना नं १ व १४

Date: 25/10/2017

Page 1 of 1

Taluka SALCETE
 Taluka
 Village Cavolossim
 गांव
 Name of the Field Mobar 3rd Lote
 शेताचें नांव

Survey No. 107
 सर्वे नंबर
 Sub Div. No. 1
 हिसा नंबर
 Tenure
 माला प्रकार

Cultivable Area (Ha.Ars.Sq.Mtrs) लागण क्षेत्र (हे. आर. चौ. मी.)

Dry Crop जिरायत	Garden बागायत	Rice तरी	Khajan खाजन	Ker केर	Morad मोरद	Total Cultivable Area एकूण लागण क्षेत्र
0000.00.00	0003.53.25	0003.38.00	0000.00.00	0000.00.00	0000.00.00	0006.91.25

Un-cultivable Area (Ha.Ars.Sq.Mtrs) नाणिक क्षेत्र (हे. आर. चौ. मी.)

Class (a) वर्ग (अ)	Class (b) वर्ग (ब)	Total Un-Cultivable Area एकूण नाणिक जमीन	Grand Total एकूण	Remarks क्षेत्र
0000.03.00	0000.01.75	0000.04.75	0006.96.00	

Assessment : आकार	Rs. 0.00	Foro फोर	Rs. 0.00	Predial प्रेदियाल	Rs. 0.00	Rent रेंट	Rs. 0.00
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S.No.	Name of the Occupant कळेंदाराचे नांव	Khata No. खाते नंबर	Mutation No. फेरफार नं	Remarks क्षेत्र
1	Ricardo Rodrigues			

S.No.	Name of the Tenant कुळाचे नांव	Khata No. खाते नंबर	Mutation No. फेरफार नं	Remarks क्षेत्र
1	Nil			

Other Rights इतर हक्क	Mutation No. फेरफार नं	Remarks क्षेत्र
Name of Person holding rights and nature of rights: इतर हक्क धारण करणा-याचे नांव व हक्क प्रकार		
House Owned by Affin Joao		
House Owned by Anthony Minguel Fernandes		

Details of Cropped Area पिकाखालील क्षेत्राचा तापशील

Year वर्ष	Name of the Cultivator लागण करणा-याचे नांव	Mode रीत	Season मीसम	Name of Crop पिकाचे नांव	Irigated बागायत	Unirrigated जिरायत	Land not Available for cultivation अधिक जमीन		Source of irrigation सिंचनाचा सर्त	Remarks क्षेत्र
					Ha.Ars.Sq.Mts हे. आर. चौ. मी.	Ha.Ars.Sq.Mts हे. आर. चौ. मी.	Nature प्रकार	Area क्षेत्र Ha.Ars.Sq.Mts हे. आर. चौ. मी.		
	Nil									

End of Report

For any further inquires, please contact the Mamlatdar of the concerned Taluka.

Copy applied for as on 25/10/2017
 Copy Ready on 25/10/17. Delivered on 25/10/17
 Receipt No. 10620
 Fees received Rs. 167

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42

Mamlatdar Salcet

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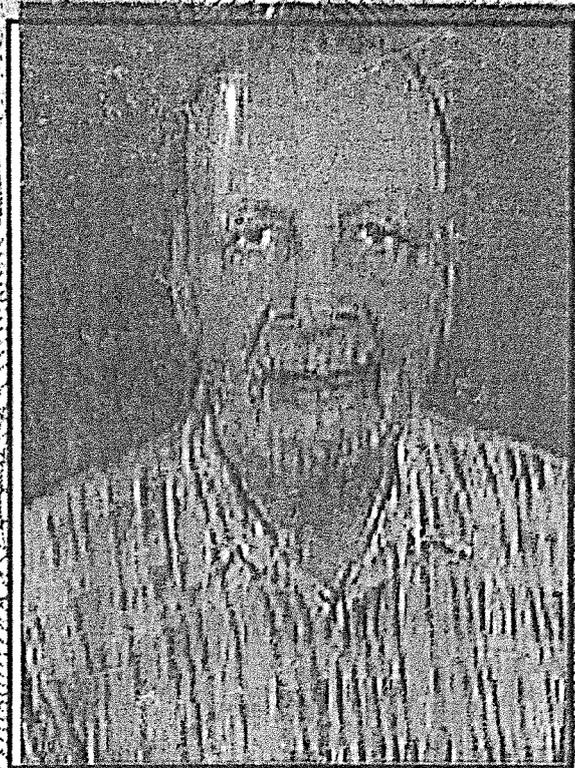


भारतीय वचणूक आयोग
ELECTION COMMISSION OF INDIA

मतदार फोटो वळखपत्र ELECTOR PHOTO IDENTITY CARD



SL10385383



नाव रवल दे मजे ओलिवेरा सिलव

NAME Raul De Menino Jesus Oliveira
Silva Rodrigues

बापायचे नाव रिकार्डो जुजे जेवियर
रोड्रिगीस

Father's Name: Ricardo Jose Xavier
Rodrigues

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62

18

लिंग / Sex : पुरुष / Male

जन्म दिनांक/पिराय : २६/१०/१९३२

Date of Birth / Age : 26/10/1932

पत्तो : २४५, कलवाडो, केळशी, सारटी, दक्षिण गोंय - ४०३७३१

Address: H No.: 245, Kalvaddo, Cavelossim, Salcete, South
Goa-403731



Date: 22/11/2018

मतदारसंघाच्या मतदार नोंदणी
अधिकाऱ्याची सय

Scanned Signature of
Electoral Registration Officer

विधानसभा मतदारसंघ क्र. आनी नांव: ३२ - बाणावली

Assembly Constituency No. & Name: 32 - Benaulim

भाग क्र. आनी नांव:

३४ - ग्रामपंचायत कार्यालय, केळशी

Part No. and Name: 34 - Village Panchayat Office, Cavelossim

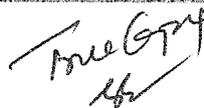
नोंट / Note:

1. हें कार्ड आसाच म्हणल्यार तुमी मतदार वळेरेंत मतदार आसात म्हणपाची हमी ना. दर वेचणुके आदीं तुमचे वळेरेंत तुमचें नांव तपासात.

Mere possession of this card is no guarantee that you are elector in the current electoral roll. Please check your name in the current electoral roll before every election.

2. कार्डचेर दिल्ली पिराय/जन्म दिनांक मतदार वळेरेंत सोडून हेर कसल्याच कारणाक पुसतो म्हणून मानचेनात.

Date of Birth mentioned in this card shall not be treated as a proof of age or date of birth for any purpose other than registration in electoral roll.



19
Annexure R-2

DEPARTMENT OF TOURISM
GOVERNMENT OF GOA
PANAJI-GOA

GOA

FORM V
(See Rule 3)

Certificate of Registration
"Hotel"

Certificate No: HOIS000141

A Category

This is to certify that Miguel Rodrigues resident of H No. 1795/H Calvaddo, Benaufim, Salcete, South Goa-403716 has been registered under the Goa Registration of Tourist Trade Act, 1982 to carry on the business of HOTEL under the name and style JOECONS BEACH RESORTS located at H.No-1795/H, Calvaddo, Benaufim, Salcete, South Goa-403716 having 101 No. of Rooms.

This certificate is valid upto 31-Mar-2020

Place: Department Of Tourism, South Zone Office

Issue Date: 20-Sep-2019

Prescribed Authority
Rajesh A Kale
Deputy Director

ENDORSEMENT

Sr No	Date of Inspection	Name of Official	Signature of Official

* This certificate is valid upto the validity of the NOC of the Gram Panchayat/Municipal Council .

* This certificate provided by Department of tourism is merely to show that this activity is registered under Goa Registration of Tourist trade Act 1982, for the current activity financial year. This certificate should not be used as a legal document or as any ownership document to any court or department.

Public Information Officer (S)
Department of Tourism

True Gpep
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Annexure R-3

BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

20

Appeal No. 64 of 2018 (WZ)
(M.A. No. 126 of 2018)

IN THE MATTER OF:

Prasad Naik Vs. Goa Coastal Zone Management Authority & Ors.

CORAM :

HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER

Present:

Appellant:

Mr. Nigel Da Costa, Adv. and Mr.
Shivshankar Swaminathan, Advs.

Date and Remarks	Orders of the Tribunal
<p>Through Video Conferencing Item No. 01 September 07, 2018</p>	<p>Heard the Learned Counsel for the appellant. In this appeal the order dated 12-07-2018 passed by the GCZMA has been challenged whereby a complaint made by respondent no.2 on 27-07-2015 had been considered.</p> <p>After filing of the complaints, GCZMA issued a show cause notice on 04-08-2015 to the appellant which was replied by him on 28-08-2015. It would not be out of place to mention here that after filing of the aforesaid complaint when no action was taken, the complainant had approached the Tribunal by filing an application (no. 181 of 2016) which was decided on 27-01-2017 with the direction to GCZMA to take cognizance of the statements made on behalf of respondent nos. 1 and 2 and to dispose of complaints expeditiously in accordance with law. A copy of the application and annexures shall be furnished to the respondent no.6- GCZMA within a week.</p> <p>An inspection was conducted on 03-03-2017 through the expert members of the GCZMA. Thereafter matter was placed for personal hearing on 23-01-2018. However, the meeting was re-scheduled and ultimately</p>

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21

	<p>Through Video Conferencing Item No. 01</p> <p>September 07, 2018</p>	<p>matter was taken up on 22-06-2018. In the minutes of the meeting it had been observed inter-alia that matter in respect of survey no. 63/3 was decided with directions to the appellant to stop further commercial activity in violation of the CRZ Notification, 2011(as amended). Therefore, GCZMA in exercise of its power under Section 5 of the Environment (Protection) Act, 1986 read with sub-rule (3) (a) of the rule 4 of the Environment (Protection) Act, 1986, and therewith power vested with the GCZM, vide order dated 26-10-2016 issued by MoEF, directed the appellant to stop all commercial activities in survey no. 63/3 within 15 days from the date of receipt of the order. So far as the other survey nos. namely 63/1 and 63/2 were concerned, proceedings were dropped and accordingly the complaint was disposed of. The Deputy Commissioner and SDO were directed to ensure that the structure in survey no. 63/3 in Penha De Franca Bardez village are not used for commercial activities in violation of the CRZ Notification, 2011 (as amended)as per these directives. The primary submission raised by the Learned Counsel for the appellant in assailing the impugned order was that the structure in survey no. 63/3 was in existence prior to 1991 and since then the same was being used for commercial activities.</p> <p>A bare perusal of regulation (6) pertaining to enforcement of CRZ Notification, 2011 makes it very specific and it stipulates under clause (d) as under:</p> <p><i>“(d)the dwelling units of the traditional coastal communities, including fisherfolk, tribals, as were permissible under the CRZ Notification, 1991, but which have not obtained formal approval from concerned</i></p>
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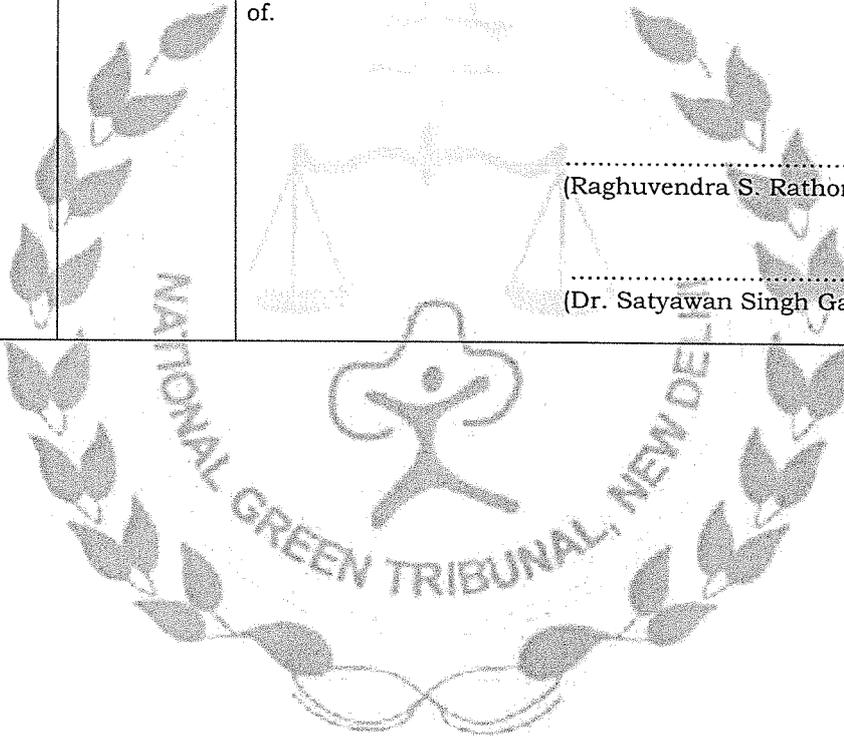
	<p>Through Video Conferencing Item No. 01</p> <p>September 07, 2018</p>	<p><i>authorities under the aforesaid notification shall be considered by the respective Union Territory CZMAs and the dwelling units shall be regularized subject to the following condition, namely:-</i></p> <p>(i) <i>These are not used for any commercial activities</i></p> <p>(ii) <i>These are not sold or transferred to non-traditional coastal community"</i></p> <p>In other words a dwelling unit of the traditional coastal community is permissible under CRZ Notification, 1991 which have been accorded formal approval by the concerned authority under the said notification and such dwelling units were to be regularized. However, such regularization was subjected to two conditions. Firstly that they are not be used for any commercial activities. Secondly, they are not to be sold or transferred to any non-traditional coastal community.</p> <p>In view of the aforesaid provisions under CRZ Notification (as amended) in the year 2011, it is clear that a structure which has been raised prior to 1991 is to be regularized subject to the condition that they are being used as dwelling houses and by traditional coastal community. In a situation where such structures have come into being after 1991, though may be used for dwelling purpose, are not to be regularized.</p> <p>Coming to the case of appellant, it is an admitted position that the structure in question is being used for commercial purpose. In light of the relevant provision of law, a structure being used for commercial purposes whether prior to 1991 or subsequent to it cannot be regularized or allowed to be continued to run.</p>
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Praveen
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23

	<p>Through Video Conferencing Item No. 01</p> <p>September 07, 2018</p>	<p>Therefore, in our considered opinion that there is no error in the order impugned passed by the respondent authority and the directions issued that structures in survey no/63/3 are not to be used for commercial activities in accordance with law.</p> <p>Consequently, Appeal No. 64 of 2018 stands disposed of, with no order as to cost.</p> <p><u>M. A. No. 126 of 2018</u></p> <p>This misc. application does not survive for consideration as the main appeal itself stands disposed of.</p> <p>.....,JM (Raghuvendra S. Rathore)</p> <p>.....,EM (Dr. Satyawan Singh Garbyal)</p>
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JG



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Annexure R-4 24

SUREKHA
Near T.V. Tower
Alindur, Pampin.
29.2.87.

The Panchayat
Sarpanch office.
Cavelossin.

Dear Sir,

I would be obliged if
you could transfer the three sheds
situated at Kandy beach, Cavelossin
Survey no. 109/1 into my name.

I am enclosing a deed
of surrender along with my application
presented between MR. Hussein and
myself sometime back.

Thanking you
Yours faithfully,

Gauth de Souza

Application considered
as per resolution no. 3(2)
dated 24.8.87 i.e. shed
transferred in the name
of Sri Gauth de Souza
in lieu of Sri Hussein.

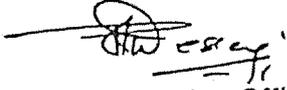
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From,
 U.M.Hussain,
 Mobrar Fisheries,
 Mobor - Cavelossim.
Salcete, Goa.

CERTIFIED COPY


 Public Information Officer
 Village Panchayat Cavelossim

To,
 The Sarpanch,
 Village Panchayath of Cavelossim,
Cavelossim, Salcete Goa.



Dear Sir,

I would be obliged if you could kindly transfer the three houses situated at sea side of khandy, № 11/A, 11/B, 11/C in survey № 109/1 to Mr. Garth de Souza of Panaji, as I no longer have possesssion of the houses.

THANKING YOU,

Yours Faithfully,


 (U.M.Hussain)

PLACE : Cavelossim.

DATE : 1.8.1987.

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[Handwritten Signature]

Public Information Officer
Village Panchayat Cavellossim

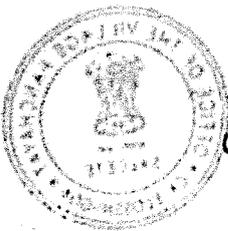
DEED OF SURRENDER

THIS DEED OF SURRENDER is made at MARGAO on this 13th day of OCTOBER,

1986, BETWEEN :

(1) Shri JOSE GARTH ELISEU LEONARDO DU ROSARIO E SOUSA alias GARTH

DE SOUSA, profession businessman, son of Jose Francisco Roque Sebastiao de Rosario e Sousa, 30 years of age, resident of Panaji, Goa, and his wife



(2) Smt. RITA DARNOS PEREIRA SOUSA, major of age, housewife, also residing at Panaji, Goa,

....2/-

[Handwritten Signature]

27

- 2 -

Hereinafter collectively called "the LANDLORDS" of the ONE PARTY.

A N D

(3) Shri ULLAL MUKKACHERY HUSSAIN, son of U. M. Namabbo, 67 years of age, residing at Cavaloosim, Salcete, Goa, (hereinafter called "the TENANT") of the SECOND PARTY.

All the parties are Indian Nationals.

WHEREAS the LANDLORDS are owners and possessors of the property known as "CANDY or KANDY" or "MOOR 1st Lots", situated at Cavaloosim Village, Taluka and Sub-District of Salcete and District of Goa, within the limits of the Village Panchayat area of Cavaloosim, more particularly described in the SCHEDULE "A", hereunder.

CERTIFIED COPY

[Signature]
Public Information Officer
Village Panchayat Cavaloosim

AND WHEREAS the TENANT is statutory tenant in the property referred above belonging to the abovesaid LANDLORDS and occupying a portion of an area of 2 houses of 207 square metres, shown in the PLAN as 'A' and 'D', existing therein 2 houses belonging to the tenant.



...3/-

True Copy
[Signature]

AND WHEREAS the TENANT Mr. MUSSAIN has agreed with the LANDLORDS to surrender fully the above referred two houses shown in the PLAN as A and B admeasuring an area of 207 square metres being the area of house A 75 square metres and of House B 212 square metres, i.e. that the TENANT also further agreed that with this SURRENDER of rights to the houses A and B is without precondition so that his SURRENDER IS ABSOLUTE since the LANDLORDS have compensated him fully with 1003 square metres area of the said property by Deed of Sale dated today, the 13th day of October, 1906.

NOW THIS DEED WITNESSETH as under :

1. The TENANT does hereby surrender and re-convey UNTO the LANDLORDS his right of tenancy in the above mentioned houses occupied by him in the property of the LANDLORDS, situated in the above described property and does hereby hand over unto the LANDLORDS the possession of the said houses at the time of the execution of this Deed, so that the LANDLORDS shall hereinafter be absolute owner in the possession of the said property without any encumbrances of tenancy or otherwise without any litigation.

2. The portion surrendered by the TENANT with a house therein is bounded as follows : On the EAST, WEST, NORTH and SOUTH by the property of LANDLORDS.

CERTIFIED COPY

Public Information Officer,
Village Panchayat Cavellissim



In consideration of the surrender of tenancy hereby made by the tenant, the LANDLORD have agreed to give to the TENANT a separate plot by transferring in his name by Deed of Sale dated today, for Rs.40,000/- which consideration has been agreed upon by the TENANT.

4. It is hereby expressed that on account of the surrender hereby made, the TENANT shall cease to have any rights to the said portion with houses hereby surrendered or to the LANDLORDS or any part

.....4/-

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thereof in which the said premises is situated.

5. The value of the SURRENDER hereby made is of Rs.40,000/- (RUPEES FORTY EIGHT THOUSAND ONLY).

SCHEDULE OF THE PROPERTY

Loaded agricultural property consisting of coconut grove, cashew plantation and waste land known as "CANDY" or "KANDY" or "HOBOR 1st LOT" situated at the Village Cavelossim, Taluka Salcete, District of Goa, within the limits of Village Panchayat of Cavelossim and Registration Sub-District of Salcete and Registration District of Goa, registered in the Land Registration Office of Salcete under No. 12,360, New Series, enrolled in the Matrix of Village of Cavelossim under No.1770 and 1769 and bounded as per the records of the Land Registration Office (Conservatorio do Registo Predial) on the EAST : by the property called Afozamento de Borda de Bandy held by the heirs of Eusebio Rodrigues and by the property called Propriedade Praias held by the heirs of Emurciano Dias and also by the River Sal; on the WEST; by the Sea (Mar Alto); On the NORTH : by the property held by the heirs of Manuel Dias and on the SOUTH : by the property called Segundo Lote do Praias held by the heirs of Diogo D. Santana Apanca e Rodrigues, and presently bounded as follows: On the EAST : by the River Sal and by the properties held by Sebastiao Costa, Natista Caldeira and Cirilo Cardozo and also by the River Sal, on the WEST : by the Sea (Mar Alto) on the NORTH : by the property held by Evangulista Rodrigues and on the SOUTH : by river Sal and the properties held by Erolina Sousa and Sebastiao Costa.

CERTIFIED COPY

.....5/-

CERTIFIED COPY

[Signature]
Public Information Officer
Village Panchayat Cavelossim



True Copy
[Signature]

30

This property is surveyed in the Land Survey of Village Cavélossim under Survey No.109, Sub-Div. No.1 with the designation of "Mobar First Lots".

The area of the plan showing therein the two houses is attached to this deed.

IN WITNESS WHEREOF the LANDLORDS and the TENANT have set their respective hands hereunto on the day, month and the year first hereinabove mentioned in the presence of two attesting witnesses.

THE LANDLORDS : 1) _____

THE TENANT : 1) _____

WITNESSES :

1. _____

2. _____

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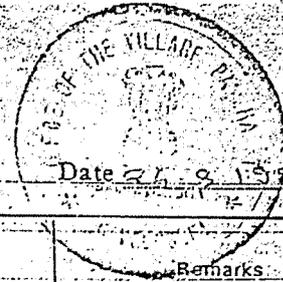
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Public Information Officer
Village Panchayat Cavélossim



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THE MEETING



Resolution

Remarks

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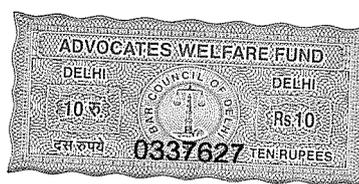
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3(2) The application dated 29.7.87 of Shri Garth de Souza, resident of Altimho Panaji regarding transfer of three sheds at Khandy placed in the meeting and the members resolved to transfer the said sheds in the name of Shri Garth de Souza in lieu of Shri Hubain as the said party produced N.O.C. from Shri Hubain as well as deed of surrender along with the application.

3(3) The application dated 8.8.87 of Shri Zepherino D'Souza, Z/O, Patricurtem, regarding income certificate placed in the meeting. The members after discussion resolved to get ^{same of} income declared by the applicant.

3(4) The application dated _____ of Shri Casimiro A. D'Costa, resident of Quepem, placed in the meeting and the members unanimously resolved to issue certificate as asked by the applicant.

3(5) The application dated 13.8.87 of Shri Bonifacio Nunes, resident of Isalludo placed in the meeting. The members after discussion on the said application unanimously resolved to inform the party to submit home plan, G.O.Ts. with provision for construction of road, clearance of existing foot-path and demolish the existing W.C.



32

**(VAKALATNAMA – POWER OF ATTORNEY)
BEFORE THE NATIONAL GREEN TRIBUNAL, WESTERN ZONE, AT
PUNE**

O.A. NO. 54 OF 2018

IN THE MATTER OF:-

KashinathShetye&Ors.

...Applicant

VERSUS

Raul Silva Rodrigues &Ors.

...Respondents

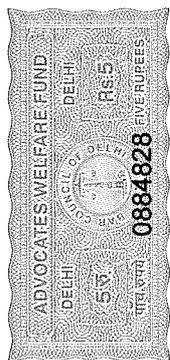
KNOW ALL TO WHOM THESE PRESENT SHALL COME that I, the President of the Petitioner Association in the above matter, hereby appoint VSA Legal (Mr. SumeerSodhi, Mr. AmanNandrajog, Mr. VarunTankha, Mr. Arjun Nanda, Mr. Amitabh Sinha, Mr. AshishTiwari, Ms. Shreya Nair, Ms. SimranAgarwal, Ms. AarzoAneja, Mr. SherickDhingra, Ms. SuditiBatra and Ms. RiddhimaJuneja), Advocates, having their office at 32, Ground Floor, Uday Park, South Extension Part – II, New Delhi – 110049 (Mob: 98993309080) (Mob: 9971704062)(Mob: 9899991976) (Mob: 9811558580) (Mob: 9811561263) (Mob: 8130418160), email id: office@vsalegal.in, to be my Advocates in above-mentioned cause and to do all the following acts, deeds and things or any of them, that is to say:

1. To act, appear and plead in the above mentioned cause in this Court, or any other Court in which the same may be tried or heard in the first instance or in Appeal or Letters Patent Appeal or review or Revision or Execution or at any other stage of its progress until its final decision.
2. To present Pleadings, Appeals, Letters Patent Appeals, Petitions for Appeal to Supreme Court, Cross-objections or Executions, Review, Revisions Withdrawal Compromise or other Petitions or Affidavits or other documents as shall be deemed necessary or advisable for the prosecution/defence of the said cause in all states.
3. To withdraw or compromise the said cause or submit to arbitration any difference or dispute that shall arise touching or in any manner relating to the said cause.
4. To receive moneys and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution/defence of the said cause.
5. To employ any other Legal Practitioner authorising him to exercise the powers and authorise hereby conferred on the Advocate, whenever he may think fit to do so.

AND, I hereby agree to ratify whatever the Advocate or his substitute shall do in the premises.

AND I hereby agree not to hold the advocate or his substitute for the result of the said cause in consequence of this absence from the Court when the said cause is called up for hearing.

AND I hereby agree that in the event of the whole or any part of the fee agreed by me to be paid to the Advocate remaining unpaid he shall be



33

entitled to withdraw from the prosecution the said cause until the same is paid.

IN WITNESS WHEREOF I here unto have set my hands to these presents the contents of which have been explained to and understood by me on this 18.... Day of 09, 2020

~~A / 79N~~
D/5042/18 Suresh Lodhi
ACCEPTED D/1547/09

Arav
D/113/14

Abd Sanjay
D/2458/16 MP/1041/12

Kishan Singh Judith Batra
D/443/19 D/2536/17

CLIENT
Arav

I identify Client
~~A / 79N~~
D/1547/09