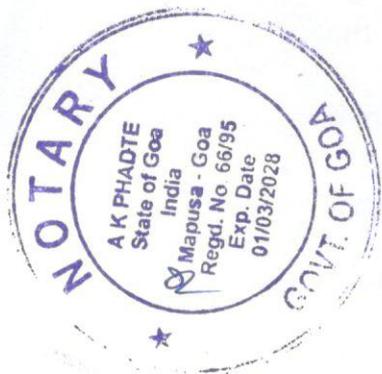


BEFORE THE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH, AT PUNE



Appeal No. 07/2024

Shri. Krishna Virnodkar ..... APPELLANT

v/s

Goa Coastal Zone Management Authority

& Ors. .... RESPONDENTS

**PRELIMINARY REPLY ON BEHALF OF RESPONDENTS**

**NO.3.**

**MAY IT PLEASE YOUR LORDSHIPS.**

1. I state that I am Respondent No.3 (“answering respondent”) and I have perused the contents of the captioned Appeal and understood the contents thereof and filling the present Affidavit-in-reply in response thereto. I say that I am the

श्री. कृष्णा विरनोदकर

original complainant and pursuant to my complaint the Respondent No. 1 was pleased to pass the impugned Demolition Order dated 11/12/2023 as such being conversant with the facts in the present matter the present reply is filed.

2. The answering Respondent denies all and singular the contents of the Appeal under reply and no part thereof be deemed admitted for the lack of a specific traverse.
  
3. At the outset, the Respondent No. 3 states that pursuant to complaint dated 15.02.2021 duly inwards before the Respondent No. 1 on 19.03.2021 interalia stating that the Appellant herein had illegally constructed a residential structure in the property identified by Survey No. 60/10 of village Arambol, Pernem – Goa. The said structure of the Appellant is constructed within the 500 mtrs. From the High tide line of the Arabian Sea and as such lies within the Coastal Regulation Zone and hence it was incumbent upon the Appellant to apply for appropriate permissions from the Respondent No. 1.

dh122h1      < 2100

4. It is stated that the Appellant are neither the owners of the said property bearing Survey No. 60/10 of village Arambol (hereinafter referred to as the Disputed Property) neither have the acquired any statutory rights under any beneficial legislations, which categorically places the Appellants as rank trespassers to the disputed property.



5. The answering Respondents has relied upon a report prepared by the office of Mamlatdar of Pernem Taluka, Pernem – Goa dated 12.06.2018 wherein it is recorded that the disputed property lies within 500 mtrs. From the high tide line from the Arabian Sea. The Panchanama carried out by the Talathi of Arambol Village has placed on record the location of illegal structure along with the extent of illegal construction carried out by the Appellants.

6. It is pertinent to state that the said illegal structure of the Appellants does not find its place also in the draft Coastal

०१२२१ २०१००

Management Map prepared by the Department of Environment, Government of Goa.

7. It is stated that the Appellant upon being served with the Show Cause Notice has filed her effective reply, however has failed to place on record any documentary evidence in the form of permissions, licenses and or approvals of any nature issued by the Respondent No. 1 for the structure standing in the disputed property and on this sole ground the Appeal needs to be disputed and the impugned Order of the Respondent No. 1 needs to be upheld.

8. The contents of Para 1 and 2 of the Appeal Memo are admitted as a matter of record.

9. The contents of Para 3 of the Appeal Memo are denied as false that the Appellant and his family members are local inhabitants of village Arambol and the said house is an ancestral home of the Appellants. It is stated that as pleaded by the Appellants that in the month of August 2017 due to

०१/२२/११ २०१७



monsoon a huge tree fell on the house of the Appellant thereby damaging a portion of the house which resulted in a collapse of roof and wall of the said house. On account of this calamity the Appellant admittedly reconstructed the damaged portion of the dwelling house without obtaining any permission and or approvals from the Respondent No. 1 and on account of this admission it is apparent that the said house is illegally constructed in CRZ by the Appellant.

JTE  
Goa  
Regd. No 66/95  
Exp. Date  
01/03/2028

10. The contents of Para 4 of the Appeal Memo are denied as false and it is further stated that the Appellant has failed even in the present appeal to place on record any document which authorized and or permitted the Appellant to construct the said house in the disputed property.

11. The contents of the Para 5 are denied as false and it is stated that the show cause notice dated 08.03.2021 has categorically indicated the violation of the Appellant in survey No. 65/10 of village Arambol, Pernem – Goa stating the type of

कारिश्ना इवाले

construction as illegal construction of the structure for residential purpose which lies within 500 mtrs. from the HTL.

12. The contents of Para 6 of the Appeal Memo is admitted as a matter of facts, however the contents of the said reply and the documents annexed with the reply are disputed in as much as the reply does not plead any facts wherein the violator/Appellant has obtained any permissions, approvals from the Respondent No. 1 for the said illegal structure. The Appellant has relied upon the house tax receipt issued by the Village Panchayat of Arambol, however the said receipts can be of no assistance to prove that the said house is illegal in as much as the said receipt stands in the name of one Sonu Vishnu Virnodkar and not the Appellant. Additionally the receipts does not reflect the Survey No. wherein the structure is situated for which the house tax receipts are issued.

13. It is stated that respondents have erected the temporary structures only after obtaining permission/Approvals granted by the authority i.e Respondent No.1 herein and the temporary

on 12/11/2018



structures are in accordance with permissions. Further, allegations made in this application that these Respondents have constructed permanent multi storey structure of Ground plus One floor using RCC Concrete retaining wall, drainages, Staircase and construction of road in no development zone and within the CRZ are denied as baseless and without merit in as much as these Respondents have obtained all permissions as required and mandated under the law which are annexed to this reply.

14. The Answering Respondent further states that the Appellant has relied upon a certificate issued by the Village Panchayat of Arambol, Pernem, Taluka Goa dated 11/05/2018 which pertains to the structure of which the Appellant is neither the owner nor does the same mention any survey number in which the said Structure lies as such the same have been rightly being discarded by the Respondent No.1.

15. The Appellant has relied upon an Order passed by the Learned Deputy Collector and Sub- Divisional officer at

on 12/07/2018 at S. D. C. O.



Pernem-Goa with regards to the unauthorized Structure in the property bearing Survey No. 60/10 of village Arambol, Pernem-Goa. At the Outset the Learned Deputy Collector has no jurisdiction to Regularization of the illegal structure in the Disputed property in as much as the disputed property lies within the CRZ i.e. within 500 mts from the HTL. As such the Said Order is perverse and dehors the provisions of law. Therefore the said Order cannot be of any assistance.

16. The contents of para 7, and 8 are denied as false and Respondent no.3 further states that the Appellant has relied upon the site inspection report dated 16/03/2022 prepared by the Respondent No. 1 wherein there are following observations recorded:

- i. *“As per I & XIV form the owner of the Sy. No. 60/10 Arambol, Pernem Goa is Rajendra Deshprabhu.*
- ii. *The plot falls in CRZ III i.e. between (200-500) as per the draft CZMP 2011 approximately 393 mts. from HTL.*

महेश्वर सहाय

- iii. *The structure is not reflected on the Sy. Plan but the Respondent has provided certificate from the Village Panchayat Arambol stating recall of demand and collection registered from the year 1988.*
- iv. *Structure "A" is RCC frame structure with RCC slab and Structure "B" is masonry load bearing structure with mangalore tiles roofing.*
- v. *Structure "A" is newly constructed structure.*
- vi. *As per records, Structure "B" is stated as 35 sq. mts. but when GCZMA officials actually measured the structure on loco, the area of the structure comes to 61 sq. mts.*
- vii. *Detailed plan of existing Structure "A" and "B" is enclosed.*

### **Conclusion & Recommendation**

- I. *No prior permission had taken from GCZMA Authority to build the new Structure.*
- II. *Authority may deliberate and decide."*

महेश्वर शेट्टी



17. The Conclusion recorded by the Respondent No. 1 is unambiguously stating that the structure of the Appellant is newly constructed without any permissions from the GCZMA as such, there is no infirmity in the said conclusion on the basis of which the Respondent No. 1 has arrived at the Conclusion.

18. The Appellant having received the copy of the inspection report and plan has categorically admitted the entire report except clause (V) of the report, i.e. the Structure (A) is a new Structure. However, the Appellant has failed to place on record any document in the form of permission from Respondent No. 1 and/or any document to exhibit that the structure was prior to 1991.

19. The contents of para 9 are denied as false in as much as the Appellant has been duly represented in the said proceedings and has also filed her exhaustive response in the said proceedings before the Respondent No. 1. It is pertinent to state that the Respondent No. 1 had afforded a free / fair trial

मि. २१. २०१०



and opportunity to the Appellants before passing the Impugned Order.

20. The grounds raised in the Appeal are no grounds in the eyes of law and the same are denied singularly for the reasons stated in the foregoing paras of the response.

21. The contents of paras 11, 12, 13, 14 and 15 warrants no comments.

22. In the above conspectus, the Appellant having failed to make out any ground for setting aside the impugned order, the present Appeal needs to be dismissed.

Date: /03/2023

चलिरेशी ३०/०३

Place: Mapusa-Goa

Respondent No.3

Advocate for Respondent No. 3

चलिरेशी ३०/०३

VERIFICATION

I, Smt. Karishma Krishna Ingle, Major of age, Indian National, Resident of Girkarwada, Arambol, Pernem, Goa, hereby state that the contents of Para 1,3-6,9&10 in forgoing paragraphs of this reply are true to the knowledge and or based on records available with the answering Respondent and remaining Paras namely 2,7, 8, 10 -22 are as per legal advice, which I believe to be true.

Place: Panaji Goa

Date: 19/03/2024

कारिश्मा कृष्णा इंग्ले

DEPONENT

*[Handwritten signature]*

ADVOCATE FOR RESPONDENT NO. 3

Executed before me which I attestec

*[Handwritten signature]*  
**A. K. Phadte**  
Notary at Mapusa  
Office No. 17, First Floor, El-Capitan Center,  
Mapusa, Bardez, Goa.  
(State of Goa India)

19/03/2024  
143/2024

