

**BEFORE THE NATIONAL GREEN TRIBUNAL,**

**PRINCIPAL BENCH, NEW DELHI**

**APPEAL NO. 16 OF 2022**

**[EARLIER APPEAL NO. 09 OF 2022(WZ)]**

Agnelo Fernandes & Anr.

... Appellant

Versus.

GCZMA & Ors.

... Respondents

**REPLY ON BEHALF OF THE RESPONDENT NO. 2**

**PAPER BOOK**

**(FOR INDEX KINDLY SEE INSIDE)**

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**INDEX**

<b>S. No.</b>	<b>PARTICULARS</b>	<b>PAGES</b>
1.	Reply on behalf of the Respondent No. 2 along with Affidavit in support.	137-161
2.	<b>ANNEXURE R-1:</b> A copy of the inspection report dated 14.10.2020 conducted by the Respondent No.1 and the Goa Pollution Control Board.	162-164
3.	<b>ANNEXURE R-2:</b> A copy of the Site Inspection Report dated 14.12.2020 as prepared by the Directorate of Settlement and Land Records, Panaji Goa along with the Site Plan	165-166
4.	<b>ANNEXURE R-3:</b> A copy of the Site Inspection Report dated 26.03.2021 as prepared by the Directorate of Settlement and Land Records, Panaji Goa along with the Revised Site Plan.	167-168

5.	<b>ANNEXURE R-4:</b> A copy of the list of the Sarpanch and Deputy Sarpanch of the Village Panchayat of Calangute.	169-171
6.	<b>PROOF OF SERVICE</b>	172

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**REPLY ON BEHALF OF THE RESPONDENT NO. 2**

IT IS MOST RESPECTFULLY SUBMITTED THAT:

1. The Appellants herein vide the present Appeal have challenged the Demolition Order dated 11.02.2022 passed by the Respondent No. 1 i.e the Goa Coastal Zone Management Authority, whereby the Respondent No. 1 has directed to demolish all the structures located at Survey No. 243/13A and Survey No. 243/4 comprising of a Ground + 2 Structure with 32 rooms and a swimming pool at Saunta Vaddo, Calangute, Bardez- Goa constructed post 1991 (hereinafter referred to as the "*Impugned Structures*"), within the 'No Development Zone' of 200 meters from the High Tide Line in terms of the Coastal Regulation Zone Notification, 1991 and the Coastal Regulation Zone Notification, 2011.
2. That all the contentions raised by the Appellant in the present Appeal, at the outset are denied, unless specifically admitted and nothing thereof shall be deemed to have been admitted for the reason of non-traverse.
3. It is further submitted that the Appellant in the present Appeal has suppressed material facts and documents from this Hon'ble Tribunal with an

intention to deceive this Hon'ble Tribunal, to seek favorable orders from this Hon'ble Tribunal. Vide the present Reply, the Respondent No. 2 is bringing on record material facts and circumstances, which have been intentionally suppressed by the Appellant, and are necessary for the adjudication of the present Appeal.

4. The respondent No. 2 further seeks the leave of this Hon'ble Tribunal to file a further and a more detailed reply at a subsequent stage in the present proceedings as may be advised.
5. It is submitted that the Respondent No. 2 herein is the Original Complainant who had challenged the illegal construction undertaken by the Appellants of Zinhos Beach Resort, Zinhos (L) Beach Resort, and Zinhos I Beach Resort (hereinafter referred as "Zinhos Beach Resort") located at Survey No. 243/13A and Survey No. 243/4 comprising of a Ground + 2 Structure with 32 rooms and a swimming pool at Saunta Vaddo, Calangute, Bardez- Goa undertaken post 1991, within the 'No Development Zone' of 200 meters from the High Tide Line in terms of the Coastal Regulation Zone Notification, 1991 and the Coastal Regulation Zone Notification, 2011.
6. On 07.03.2020, the Respondent No. 2 had filed an Original Application No. 18/2020 before the Western Bench of this Hon'ble Tribunal, Western Bench, Pune challenging the illegal construction of the Violators at the Zinhos Beach Resort. Vide order dated 24.08.2020, this Hon'ble Tribunal found that the impugned construction of Zinhos Beach Resort at Survey No. 243/13A and 243/4 comprising of G+2 structure fell within 200 meters of the High Tide Line i.e, within the No Development Zone in terms of the CRZ Notification and had come up only after 1991 and therefore was pleased to constitute a Committee consisting of the Respondent No.1 and the Goa Pollution Control Board and directed to submit a factual action taken report with regard to the allegations made in OA No. 18/2020.

7. In terms of the order dated 24.08.2020 passed by this Hon'ble Tribunal in OA No. 18/2020, the Committee comprising of the Respondent No. 1 and the Goa Pollution Control Board on 14.10.2020 conducted a Joint Site Inspection at the Zinhos Beach Resort. In the said Inspection Report, the Joint Committee found that as per GCZMA record, no CRZ permission was granted to Zinhos Beach Resort. Therefore, the Joint Committee recommended that the Land Survey Department be directed to demarcate the HTL Line of 100, 200 and 500 meters on the Survey Plan. Further the Land Survey Department was directed to demarcate any old structure on the plan as well as the existing building. The said Inspection report was filed by the Respondent No. 1 in O.A. No. 18/2020 before this Hon'ble Tribunal. A copy of the inspection report dated 14.10.2020 conducted by the Respondent No.1 and the Goa Pollution Control Board is enclosed herewith as **ANNEXURE R-1**.
8. Thereafter on 18.11.2020, the Respondent No.1 on the basis of the Joint Site Inspection report of the Respondent No.1 and the Goa Pollution Control Board held the Impugned construction of the Appellants falling within 200 meters from the High Tide Line and therefore in exercise of its powers u/s 5 of the Environment (Protection) Act, 1986 r/w Rule 4 of the Environment (Protection) Rules, 1986 issued a show cause notice to the Appellants to show cause as to why a direction to demolish the structures and to restore the land to its original condition should not be issued.
9. The Directorate of Settlement and Land Records, Panaji Goa in terms of the recommendations of the Respondent No.1 and the Goa Pollution Control Board in its inspection report dated 14.10.2020, on 14.12.2020 conducted a site inspection at the impugned site. In the said inspection the officers of the Directorate of Settlement and Land Records, Panaji Goa identified the impugned structure of G+2 along with a swimming pool. Along with the said site inspection, the officers of the Directorate of Settlement and Land

Records, Panaji Goa prepared a site plan of the impugned site. The Said Site Inspection Report was obtained by the Respondent No. 2 under the Right to Information Act, 2005 and was annexed by the Respondent No. 2 in the written submissions dated 13.12.2021 before the Respondent No.1. A copy of the Site Inspection Report dated 14.12.2020 as prepared by the Directorate of Settlement and Land Records, Panaji Goa along with the Site Plan is enclosed herewith as **ANNEXURE R-2**.

10. The proceedings before the Respondent No.1 pertaining to the show-cause notice dated 18.11.2020 were thereafter listed on 25.02.2021. As the Site Inspection Report dated 14.12.2020 as prepared by the Directorate of Settlement and Land Records, Panaji Goa did not show demarcation of the 200 meter line or the High Tide Line in terms of the CRZ Notification, the Counsel for the Respondent No.2 on 25.02.2021 raised the said issue before the Respondent No.1. Thus, the Respondent No.1 directed the Directorate of Settlement and Land Records, Panaji Goa to carry out the survey in respect of the structures at the impugned property to demarcate the HTL, 200 meter line and the offending structures of the site plan.
11. In terms of the directions of the Respondent No.1, the Directorate of Settlement and Land Records, Panaji Goa conducted an inspection on 18.03.2021 at the impugned site and prepared its Site Inspection Report dated 26.03.2021. Along with the said Report, the Directorate of Settlement and Land Records, Panaji Goa prepared a Revised Site Map, whereby the High Tide Line and the 200 meters CRZ Line have been demarcated. Further, in the said Revised Site Map, the impugned property is shown to be falling within 200 meters of the High Tide Line and only a small structure at the impugned property is shown to be existing prior to 1991. The Said Site Inspection Report was obtained by the Respondent No. 2 under the Right to Information Act, 2005 and was annexed by the Respondent No. 2 in the written submission dated 13.12.2021 before the Respondent No.1. A copy

of the Site Inspection Report dated 26.03.2021 as prepared by the Directorate of Settlement and Land Records, Panaji Goa along with the Revised Site Plan is enclosed herewith as **ANNEXURE R-3**.

12. The aforesaid documents, more so the Survey Plan as prepared by the DSLR clearly depict that the Impugned construction of the Appellants not only falls within the No Development Zone, but also has been constructed only after 1991. Although a small dotted structure is shown to be existing prior to 1991, however the Survey Map as prepared by DSLR clearly shows that the structure as it existed prior to 1991, had been demolished and reconstructed with both horizontal and vertical extensions. The said documents, completely demolish the case of the Appellants that the Impugned Structures as existing on the Impugned property existed prior to 1991. The Appellants have deliberately concealed the said Inspection Reports of the Respondent No. 1 from this Hon'ble Tribunal, in order to procure favorable orders from this Hon'ble Tribunal, and the present Appeal as filed by the Appellants ought to be dismissed on this ground alone. The Appellants in the present Appeal at Page 47 have only annexed the Survey map dated 26.03.2021 prepared by DSLR, in an isolated manner without the report of DSLR.

13. Moreover, the Respondent No. 1 vide the Impugned Demolition Order has relied upon the Site Inspection Report and Survey Map dated 26.03.2021 prepared by DSLR, to hold that:

*“However the Authority noted that in place of the said old structure, the Respondents erected a G+2 RCC structure in place of the old structure and that too entirely within the NDZ and moreover, raised without any permission or approvals whatsoever thereby indulging in misadventure of raising a construction without securing permission from the competent authorities.”*

*“.....Once the pre-1991 structure was demolished and replaced with the G+2 structure, the original structure lost protection of the CRZ Notification 1991. The CRZ Notification protects or tolerates the development or structure, not the land on which it was once standing on”.*

In such circumstances, the DSLR Report dated 26.03.2021 clearly demonstrates that the small structure, which existed on the Impugned Property had been demolished and replaced with G+2 structure and therefore lost protection of the CRZ Notification, 1991.

14. The main thrust of the present Appeal filed by the Appellant is that the Impugned Order dated 11.02.2022 passed by the Respondent No. 1 was passed without considering the documents and other materials which were placed on record by the Appellant which established the existence of the structures prior to 19.02.1991. The said contention raised by the Appellant is not sustainable and totally baseless as the Documents relied by the Appellant were considered by the Respondent No. 1 and each document was rejected with reasoning by the Respondent No. 1 Authority, vide the Impugned Demolition Order. The Appellant relies upon the following documents to contend that the Impugned Structures were in existence much prior to the 19.02.1991:

- i. An application dated 17.01.1990, as well as the permission dated 31.03.1990 granted by the Village Panchayat for repair and renovation of structure (which was then identified as House No. 7/3);
- ii. The survey Plan for the Property bearing Survey No. 243, which was promulgated in the 1971-72, which establishes existence of the Said Structure in the subject property.
- iii. An application dated 21.06.1978 for registration as a Mundakar and an application dated 16.03.1990 for registration as a Mundakarship under the Goa Mundakars (Protection from Eviction) Act, 1975 Act, as well as the

subsequent grant of Mundakarship by an order dated 21.06.1978 passed by the Mamlatdar Bardez.

The above-mentioned Documents were relied by the Appellant before the Respondent No. 1 Authority which were considered by the Respondent No. 1 Authority, while passing the Impugned Demolition Order.

15. With regards to the Application dated 17.01.1990 as well as the permission dated 31.03.1990 granted by the Village Panchayat, the Respondent No. 1 Authority found that:

*“The Authority noted that the NOC granted by the Village Panchayat for repairs was for the structure situated in Sy No. 243/13 and the Respondents in reply have categorically stated that the structure is located in Sy No. 243/13A. Moreover, the plan drawn by the DSLR dated 26.03.2021 also clearly shows that the structure falls in Sy No. 243/13A. The Authority noted that there is no corroboration between the reply and the document produced and in view of the same, document cannot be considered as the respondents have failed to prove beyond reasonable doubt that the structure in question was standing prior to 1991.”*

Thus, the Respondent No. 1 clearly found that the NOC granted by the Village Panchayat for repairs was for the structure situated in Survey number 243/13 and the Appellants themselves in Reply before the Respondent No. 1 Authority have categorically stated that the structure is located in survey number 243/13 A. Moreso, the permission for the repairs dated 31.03.1990 did not mention an area of Plinth or the details of the structure that was to be repaired by the Appellant. Also, the Panchayat specifically stated that the repairs was to be made without extending Plinth area. Thus, the reliance on the Application dated 17.01.1990 as well as the permission dated 31.03.1990 granted by the Village Panchayat is of no use and in no way proves the contention that the Impugned Structure was in existence prior to 1991.

16. With regard to the Survey Plan for the property bearing no. 243, which promulgated in 1971-72, which allegedly establishes existence of the Impugned Structures, it is submitted that the Site Map prepared by Directorate of Settlement & Land Records (at page 47 of the present Appeal) itself shows that only 1 small structure existed as per the Survey Plan at the time of promulgation. In this regard, the Respondent No. 1 has found that:

*“The Authority noted that even though it shows that there existed a small structure on site at the time of promulgation of the survey records, no benefit can be given to the respondents as the old structures existing as shown in the survey plan are no longer in its original condition; as shown in the mapping carried out by the DSLR in 26.03.2021”.*

Thus, the Respondent No. 1 has found that once the pre-1991 structure was demolished and replaced with the G+2 structure, the original structure lost protection of the CRZ Notification 1991. The CRZ Notification protects or tolerates the development or structure, not the land on which it was once standing on.

17. With regard to the Application dated 21.06.1978 for registration as a Mundkar and an application dated 16.03.1990 for registration as a Mundakarship under the Goa Mundakars (Protection from Eviction) Act, 1975 Act, as well as the subsequent grant of Mumdarkarship by an order dated 21.06.1978 passed by the Mamlatdar Bardez, the Respondent No. 1 Authority found that:

*“The Authority noted that, firstly, the document produced was merely an application signed by the party (Mr. Agnelo alias Albert Fernandes) but does not bear any inward stamp of the Mamlatdar for the purpose of registration as a Mundkar. Secondly, the Respondents have also failed to produce the order issued by the Mamlatdar or Bardez pursuant to the said application. Presuming that the application was of 1990; the Respondents*

*should have been declared as Mundkar considering the fact that we are now in the year 2022. Further, the said application for registration as Mundkar does not contain the survey number of the property wherein mundkarship is claimed. The Authority noted that for the purpose of declaration as a Mundkar the survey number of the property to which he seeks registration is a must which the Respondents have failed to mention. Neither does the document mention the area of the structure existing as on its date. Be that as it may, the purported application dated 16.03.1990 is incomplete and does not assist the case of the Respondents and the same cannot be relied on account of the discrepancies mentioned above.”*

Thus, the Respondent No. 1 held that owing to the discrepancies, the Application dated 16.03.1990 cannot be relied to come to any conclusion in the present subject matter of the case. Therefore, the Respondent No. 1 Authority came to the conclusion that the said application and permissions cannot be relied upon as the said letters do not prove any connection with this matter in issue. Further, the Respondent No. 1 Authority came to the conclusion that the Appellant herein miserably failed to establish any connection with subject matter of the present case of the letters regarding Mundakar.

18. Another document relied upon by the Appellants to raise doubt in the mind of the Authorities as well as this Hon’ble Tribunal is the letter dated 10.08.1992 supposedly issued by the Sarpanch of the Village Panchayat of Calangute i.e, the Respondent No. 3 herein, permitting the Appellant to run a guest house at House No. 7/3. The said document has also been considered and rejected by the Respondent No. 1 Authority for the following reasons:

*“The Village Panchayat of Calangute through its Secretary had relied vide letter dated VP/CAL/F-GCZMA/21-22/3213 dated 23.11.2021 stating that the Panchayat had granted the approvals. The Panchayat has failed to support its statement by backing with any evidence or documentary proof as*

*requested for by this Authority. This Authority had specifically requested for copies from the records of the Panchayat, the Outward register wherein the letter was outwarded, the copy of the resolution taken in its respective meeting for grant of an approval and a reply in affidavit from the Village Panchayat of Calangute so as to prove the authenticity and to back their statement with documents and evidence on record to which the Panchayat has also failed to submit such relevant documents. This raises a doubt in the mind of the Authority regarding the authenticity and genuineness of the respective letter produced by the Respondents hence the Reply letter of the Panchayat dated 23.11.2021 cannot be taken on records. ”*

19. It is also pertinent to note that the Appellants are veteran members of the Village Panchayat of Calangute for over a period of 45 years and therefore the possibility of the manipulation in the records of the Village Panchayat cannot be ruled out. It is also submitted that the Appellants have also been Sarpanch of the Village Panchayat of Calangute and therefore have been tampering with the records of the Village Panchayat to protect the illegal construction of the Violators. Even at present, the daughter in law of the Appellants is a member of the Village Panchayat of Calangute. The list of Sarpanch of Calangute Village Panchayat shows the name of Appellant No. 2 at Sr No. 11, Appellant No. 1 at Sr. No. 13, and daughter in law of Appellants at Sr. No. 22. Further, the list of Deputy Sarpanch of Calangute Village Panchayat shows the name of Appellant No.1 at Sr. No. 7. A copy of the list of the Sarpanch and Deputy Sarpanch of the Village Panchayat of Calangute is enclosed herewith as **ANNEXURE R-4**.
20. Thus, it is submitted on behalf of the Respondent No. 2 that the documents relied by the Appellant to prove that the Impugned Structure was in existence prior to 1991, were duly considered by the Respondent No. 1 while passing the Impugned Order in detail. Thus, the main contention raised by the Appellant that the documents relied by the Appellant were not

considered by the Respondent No. 1 Authority while passing the Impugned Order does not stand the test of law and hence, the present Appeal as filed by the Appellant ought to be dismissed in limine.

21. Without prejudice to the above contentions raised, the Respondent No. 2 seeks to file para-wise reply to the present Appeal.

**PARA-WISE REPLY**

22. Para 1 and 2 is a part of record and need no reply.
23. Vide Para 3, the Appellant contends that the Impugned Order is erroneous, misconceived and passed in exercise of the jurisdiction with material irregularity. The said contention of the Appellant is baseless, without any material backing of law, and for the reasons stated in the present reply is false and therefore denied.
24. The contents of Para 4 being false are denied. In the Para 4, the Appellant, without any proof has merely stated that the Appellant is in possession of property bearing Survey No. 243/13A and 243/4 of village Calangute, Bardez-Goa, along with an authorized structure existing in the Survey No. 243/13A since prior to 19.02.1991 and therefore the Appellant ought to be put to strict proof with regard to the authorized structure.
25. In Para 5, it is the case of the Appellant that the Ground Floor of the Impugned Structure was served as a residence and somewhere around the year 1986-87, the remaining part of the structure including Ground to Third Floor was let out to the guests. It is submitted on behalf of the Respondent No. 2 that the said contention of the Appellant is mere statement and nothing was brought on record by the Appellant to substantiate its claim before the Respondent No. 1 Authority as well as before this Hon'ble Tribunal. Thus, the contents of the Para 5 are denied.
26. In para 6, the Appellant seeks to rely upon the Letter/Communication from the Mamlatdar, Bardez, Goa dated 27.08.1987. The Appellant has failed to establish any connection of the letter with the Impugned Structure. Also, the

said letter in any way does not prove that, if at the Impugned Structure existed, it existed prior to 1991. Admittedly, the letter dated 27.08.1987 mentions regarding Survey No. 7/3, but the Appellant has failed to bring anything on record to prove that the Survey No. 7/3 as mentioned in the said letter corresponds to the Survey No. 243/13 or 243/13A where the Impugned Structure is situated. Thus, having no connection between the Impugned Property and Notice of Verification dated 27.08.1987 issued by the Mamlatdar, the Appellant miserably failed to prove its contention in para 6. Thus, contents of Para 6 along with the Annexure A-2 are denied.

27. In para 7, the Appellant relies upon the Application dated 16.03.1990 for registration as a Mundkar. The said document was duly considered and rejected by the Respondent No. 1 Authority while passing the Impugned Order. The Respondent No. 2 denies the contentions raised in the Para 7 of the present Appeal in view of the Para 8 of the present reply.

28. The Appellant in Para 8 and 9, of the present Appeal seeks to rely upon the Application dated 17.01.1990 and the permission dated 31.03.1990 whereby the Village Panchayat, Calangute in view of the application dated 17.01.1990 of Smt. Conceicao A. Fernandes has allegedly vide its Resolution dated 26.02.1990 granted permission for Repairs and Renovation of existing floors of guest rooms and kitchen in Survey No. 243/13. At the outset, the Respondent No. 2 denies the existence of the permission dated 31.03.1990 issued by the Village Panchayat to Smt. Conceicao Fernandes. Without prejudice, it is submitted that firstly the said permission has been issued only for repairs and renovation of existing floors of the existing guest house and kitchen. Thus, if at all, in terms of the said permission, the Appellants have been granted permission for repairs and renovation, the same has been granted only in terms of the existing floors at Survey No. 243/13 and not for any new construction. Also, in the said permission dated 31.03.1990, the Village Panchayat has categorically stated that the No

objection has been granted to carry out the above-mentioned work *without extending the plinth area*. The Advocate for the Respondent No. 2 before the Respondent No. 1 Authority in the minutes of the meeting dated 25.02.2021 challenged the existence of the records of the Village Panchayat dated 31.03.1990 and had submitted that the records of the Village Panchayat were tampered with and therefore requested to call for the Village Panchayat records and the resolutions before the Respondent No. 1 Authority. In this regard, the Respondent No. 1 Authority had specifically requested for copies from the records of the Panchayat, the Outward register wherein the letter was outwarded, the copy of the resolution taken in its respective meeting for grant of an approval and a reply in affidavit from the Village Panchayat of Calangute so as to prove the authenticity and to back their statement with documents and evidence on record to which the Panchayat has also failed to submit such relevant documents. Thus, this raised s raises a doubt in the mind of the Respondent No. 1 Authority regarding the authenticity and genuineness of the respective letter produced by the Respondents hence the Reply letter of the Panchayat dated 23.11.2021 was not taken on records by the Respondent No.1. Thus, the contents of the Para 8 and 9 are denied.

29. Vide Para 10 the Appellant seeks to rely on the judgment and order dated 06.06.1991 passed by the Ld. Jt. Mamlatdar of Bardhez and certificate of purchase date 04.06.1992 issued by Collector of Goa and further craves leave to produce the same document. Primarily the failure of the Appellant to bring on record the said document creates reasonable doubt with the veracity of the said document. Further, the Respondent No. 2 reserves its right to reply to the said documents as and when produced by the Appellants. Thus, the contents of para 10 are denied.

30. Vide Para 11, the Appellants seek to rely upon the NOC dated 10.08.1992 issued by the Tourism Department for running a business of guest house in

the structure bearing No. 7/3 and Certificate of Registration of Hotel. The documents relied by the Appellant in the Para 11 are denied at the outset as the same does not show any connection between the Survey No. 7/3 for which the said permission was granted and the Impugned Property. Also, the said permission was merely granted to use the premises as a guest house and in no way declare the area of the construction or number of rooms situated in the Impugned Property. Thus, the permissions issued by the Tourism Department in no way helps the Appellant to prove the contention of the Appellant that the Impugned Structures as existing today were existing prior to 1991. Also, the said documents were issued post 1991 i.e. post cut off date of the CRZ Notification, 1991. Thus, the contents of the Para 11 are denied.

31. The contents of the Para 12 and 13 are matter of record and need no reply.
32. In Para 14, the Appellants contends that the Site Inspection was carried out and Appellants were neither present nor were intimated in advance in respect of the Site Inspection Report dated 26.03.2021. The contention raised by the Appellant is false. The Appellant purposefully did not put the Site Inspection Report dated 26.03.2021 on record before this Hon'ble Tribunal to misguide this Hon'ble Tribunal. On a perusal of the Site Inspection Report dated 26.03.2021, it is clear that the Appellant was present at the time of the Inspection. The Inspection Report dated 26.03.2021 clearly depicts the name of the Appellant No. 1 and the Appellant No. 1 himself has signed the same documents as a person present during the Inspection. Thus, the contents of the Para 14 are denied. A copy of the Site Inspection Report dated 26.03.2021 as prepared by the Directorate of Settlement and Land Records, Panaji Goa along with the Revised Site Plan is already enclosed herewith as Annexure R-3
33. The contents of the Para 15 to 20 are matter of record and need no reply.

**Reply to the Grounds:**

34. The contents of the Para 21(a) are denied as the Impugned Order as passed by the Respondent No. 1 Authority is based on the consideration of the material placed on record in law and the Impugned Order is not at all misconceived for the reasons stated in the present reply.
35. It is the contention of the Appellant in the Para 21(b) and 21(c) that the Respondent No. 1 Authority while passing the Impugned Order failed to consider the material evidence on record. It is submitted on behalf of the Respondent No. 2 that the Respondent No. 1 Authority has duly considered all the documents placed on record by the Appellant and applied its mind to each and every document placed on record before passing the Impugned Judgment. Thus, the contention of the Appellant that the documents relied were not considered by the Respondent No. 1 Authority is baseless. The Respondent No. 2 further seeks liberty of this Hon'ble Court to rely upon the Paras 14 to 20 of the present reply to counter the contentions in the Para 21(a) and 21(b) of the present Appeal.
36. Vide the Para 21(d), the Appellant erroneously relied on the Judgment of this Hon'ble Tribunal in 2020 SCC OnLine NGT 2667 and contended that the Respondent No. 1 Authority has failed to answer the question that whether the Impugned Structure existed prior to 1991. The contention as raised by the Appellant is erroneous and baseless. The Respondent No. 1 Authority vide the Impugned Order has crystalized the issues for its consideration as follows: “
- (I) *Whether the property under Sy. No. 243/13-A and 243/4 of Calangute Village of the Respondents Falls within the NDZ Area?*
  - (II) *Whether the offending development in Sy. No. 243/13-A and 243/4 of Calangute Village was existing prior to 19.02.1991?*
  - (III) *Whether the area occupied by development/structure existing as on 19.02.1991 would be saved from demolition?”*

Thus, the Issue No. II as framed by the Respondent No. 1 Authority categorically deals with the issue as to the existence of the Impugned Structures at the Impugned Property prior to 19.02.1991. The Respondent No. 1 Authority after considering the documents placed on record and arguments raised on behalf of the Appellant and the Respondent No.2, vide the Impugned Order noted that,

*“...However, the Respondents have miserably failed to prove any or place on record any documentary evidence of the construction having carried out prior to 1991....*

...

*Hence, the issue regarding the offending development in Sy. No. 243/13-A and 243/4 of Calangute Village existing prior to 19.02.1991 is answered in the negative.”*

Thus, it is submitted on behalf of the Respondent No. 2 that the contention of the Appellant in Para 21(d) that Respondent No. 1 Authority has failed to answer the question that whether the Impugned Structure existed prior to 1991 is erroneous and baseless and hence, denied.

37. With regard to the Para 21(e), it is submitted that the Impugned Order passed by the Respondent No. 1 Authority is passed after due perusal of the records and after application of mind. Thus, the contents of the Para 21(e) are denied.
38. With regard to the para 21(f) and (g), it is the contention of the Appellant that the Respondent No. 1 Authority ought to have relied on the survey plan which establish the existence of a small structure at the impugned property. Admittedly, the Survey Plan promulgated in the year 1971-72 shows existence of some small structure at Survey No. 243/13A. It is pertinent to note that as this contention was raised by the Appellant before the Respondent No. 1 Authority, the Respondent No. 1 Authority along with the

Directorate of Land and Revenue Records, Goa had carried out a Survey at the Impugned Property on 26.03.2021. Perusal of the Survey Report dated 26.03.2021 clearly shows that the Appellant has not merely increased the area of the Plinth but also has demolished whatever structure as existed in the year 1971-72. Thus, no structure as reflected in the Survey Plan promulgated in the year 1971-72 is existing as on date. Thus, the reliance of the Appellant on the Survey Map promulgated in 1971-72 is totally misleading and nothing as contended by the Appellant relying on the same can be proved by the said Map and therefore, the contents of the para 21(f) and (g) are denied. In this regard, the Respondent No. 1 in the Impugned demolition order has found that:

*“The Authority noted that even though it shows that there existed a small structure on site at the time of promulgation of the survey records, no benefit can be given to the respondents as the old structures existing as shown in the survey plan are no longer in its original condition; as shown in the mapping carried out by the DSLR in 26.03.2021”.*

Thus, the Respondent No. 1 has found that once the pre-1991 structure was demolished and replaced with the G+2 structure, the original structure lost protection of the CRZ Notification 1991. The CRZ Notification protects or tolerates the development or structure, not the land on which it was once standing on.

39. Further, vide the para 21(h) and (i) the Appellant time and again seeks to rely on the application and registration as Mundkar of the said property. The said contention of the Appellant was dealt by the Respondent No. 1 Authority vide the Impugned order. The the contents of para 21 (h) and (i) are denied in totality and the Respondent No. 2 seeks to rely upon Para 17 of the present reply to rebut the contentions of the Appellant in para 21(h) and (i) of the present appeal.

40. With regard to para 21 (j), it is the contention of the Appellant that Survey No. 243/13A formed a part of Survey No. 243/13 prior to 1992 i.e. prior to the Appellant becoming a Mundkar for the Survey No. 243/13A. the said contention has been aptly replied in para 15 hereinabove. Further, assuming but not admitting that the Survey No. 243/13A formed the part of survey no. 243/13, the permission of the Village Panchayat for the repairs of the structures at Impugned property was with a restriction of not increasing the Plinth Area. Also, the said permission did not mention the Plinth Area existed at the time the said permission was granted by the Village Panchayat. Thus, the said document does not help the Appellant to prove its contention that because the Village Panchayat granted permission for repairs of existing floors, guestroom and kitchen even if the Appellant would have succeeded in proving that the Survey No. 243/13A formed a part of Survey No. 243/13.
41. The contents of the para 21(k) are denied. In this regard it is submitted that the Respondent No. 1 Authority had specifically requested for copies from the records of the Panchayat, the Outward register wherein the letter was outwarded, the copy of the resolution taken in its respective meeting for grant of an approval and a reply in affidavit from the Village Panchayat of Calangute so as to prove the authenticity and to back their statement with documents and evidence on record to which the Panchayat has also failed to submit such relevant documents. It was only then that a doubt was raised in the mind of the Authority regarding the authenticity and genuineness of the respective letter produced by the Respondents hence the Reply letter of the Panchayat dated 23.11.2021 was not taken on record. Further, it is also pertinent to note that the Appellants are veteran members of the Village Panchayat of Calangute for over a period of 45 years and therefore the possibility of the manipulation in the records of the Village Panchayat cannot be ruled out. It is also submitted that the Appellants have also been

Sarpanch of the Village Panchayat of Calangute and therefore have been tampering with the records of the Village Panchayat to protect the illegal construction of the Violators. Even at present, the daughter in law of the Appellants is a member of the Village Panchayat of Calangute. Thus, the Respondent No. 1 has rightly drawn an adverse inference for not producing the repair plans and repair permissions and the possibility of foul play by Respondent No. 3 cannot be ruled out.

42. The contents of para 21 (l) and (m) are denied as the letter dated 10.08.1992 as sought be relied by Appellant is merely a permission to run a guest house at house no. 7/3. At the outset, it is submitted that the said document has been rightly rejected by the Respondent No. 1 for not being on the letter head of the Village Panchayat. Further, it is stated that nothing was brought on record by the Appellant in the entire proceedings to prove that house no. 7/3 was the Impugned Structure in the impugned property. Secondly, the said letter was issued after 19.02.1991 i.e., is post cut off date of CRZ Notification 1991. Thus, any permission post 1991 will not help the Appellant to prove that the Impugned Structures were existing Prior to 1991. Therefore, considering that the Respondent No. 1 Authority denied the document merely because the same does not appear to have a letterhead of Panchayat, the said document also cannot be relied because the same bears a date post 1991. Even though the letter dated 10.08.1992 would have been considered by the Respondent No. 1 Authority, the same would not have helped the Appellant to prove the contention that the Impugned Structure existed prior to 1991. The contentions of the Appellant regarding letter dated 10.08.1992 are rebutted in detail herein above para 19 of the present Reply. Thus, the contents of para 21 (l) and (m) are denied.
43. The Appellant vide para 21(n) to 21(p) contends that the Respondent No.1 authority had no jurisdiction to assess authenticity of the documents produced by the Appellant before the Respondent No.1 Authority. Further,

the Appellant contends that the exercise of Trial and of scrutinizing the documents was unilateral and the same was done by Respondent No.1 Authority only to arrive at the findings against the Appellant. The said contention of the Appellant is false and baseless. It was the Appellant who had to prove the legality of the Impugned Structures and hence the Appellant while replying to the Show Cause Notice dated 18.11.2020 issued by the Respondent No.1 Authority brought on record various documents which allegedly proved the existence of the Impugned Structure prior to 1991. Thus, it was the Appellant, who, at the first instance brought on record various documents before the Respondent No.1 Authority. The Respondent No.1 Authority after application of mind and due consideration of the documents produced by the Appellant itself, came to the conclusion that no document as produced by the Appellant proves the legality of the Impugned Structures. It is only after the Respondent No.1 Authority rejected the documents relied by the Appellant, the Appellant raised the issue regarding the jurisdiction of the authority to scrutinize the documents. Thus, it is submitted that the contention as raised by the Appellant that Respondent No.1 Authority was in defect of jurisdiction is misplaced and malafide. The Appellant has made vague allegations against the Respondent No.1 Authority without any backing of law. It is further alleged by the Appellant that reliance of the Respondent No.1 Authority on the RSI Report and draft CZMP to conclude that Impugned Structure is illegal is misplaced and the said documents are merely indicative and not reliable. The said documents were relied by the Authority to conclude that the Impugned Property falls within No Development Zone (NDZ), whereas the said position was not disputed by the Appellant at all. Thus, the challenge of the Appellant that the documents cannot be relied by the Authority cannot sustain. Thus, the contents of para 21(n) to para (p) are denied.

44. The Appellant vide para 21(q) contended that the non-production of permission under the Town and Country Act, Land Revenue Code, and panchayat Building Regulation Rules does not confer jurisdiction on Respondent No.1 and the same could not be referred for drawing adverse inference against the Appellant. In this regard, it is submitted that, the Respondent No.1 Authority agreeing to the arguments raised on behalf of the Respondent No. 2 that no permission for construction under Town and Country Act, Land Revenue Court and Panchayat Building Regulation Rules was produced by the Appellant to prove legality of the Impugned Structure, which is beyond the area of the structure that reflected in the Survey Plan of 1972, the Respondent No.1 Authority concluded that the Impugned Structure is illegal. It is settled Principle of Law that non-production of any document which is in exclusive possession of the any party if not brought on record by that party, then the adverse inference can be drawn against that party. As stated above, a small structure existed in the year 1972 at the Impugned Property. If at all the Appellant had any permission from 1972 to 1991 to increase the Plinth Area from the area that existed in 1972 to the area of Plinth that is existing today, the Appellant would have produced the same and such scenario would have proved the existence of the Impugned Structure in accordance with CRZ Notification 1991. Thus, the only inference that can be drawn from non-production of any such permission is no construction took place between 1974 to 1991 at the Impugned Property. Therefore, the Respondent No.1 Authority rightly drawn an adverse inference against the Appellant vide the Impugned Order. Thus, the contents of para 21(q) are denied.
45. The Appellant vide para 21(r) contents that the Respondent No.1 Authority was wrong in denying the existence of the structure which existed prior to 1991. The Appellant further contends that the Respondent No.1 failed to consider a specific issue regarding existence of any structure prior to 1991.

It is submitted on behalf of the Respondent No. 2 that the Survey Map promulgated in 1972 does show the existence of a small structure at the Impugned Property, the said position was not disputed by the Respondent No.2 even before the Respondent No.1 Authority. The Respondent No.1 Authority during the proceedings conducted a site visit and with the help of Directorate of Settlement and Land Records. During the site visit conducted on 26.03.2021 it was observed that the small structure that existed in 1972 no more exists in the Impugned Property whereas at the same position where small structure existed a two storied building having comparatively greater Plinth area was existing in the Impugned Property. Thus, the construction that existed prior to 1991 was no more into existence and the Appellant failed to produce any document between 1972 to 1991 which could have proved the existence of the larger structure prior to 1991. Thus, even though some structure existed prior to 1991, the Appellant failed to explain the existence of the comparatively larger Plinth Area at the Impugned Property where the structure existing today was built by totally demolishing the prior structure without any due permission. Thus, no structure of the Appellant can be protected even though some structure existed as per the Survey Plan of 1972. Thus, the contents of the para 21(r) are denied.

46. Vide the para 21(s), the Appellant contends that the Respondent No.1 Authority failed to provide the Inspection Report dated 26.03.2021 which was relied in the Impugned Order. The said contention is totally unjustified and the Respondent No.2 has rebutted the same in the para 11,12 and 13 of the present reply. Thus, the contents of the para 21 (s) are denied.
47. The contents of the para 21(t) to 21(u) are denied in the light of the contentions raised in the present reply herein above and the respondent No. 2 seeks leave of the Hon'ble Tribunal to rely on the paragraphs hereinabove in reply to para 21(t) to 21(u).

48. The contents of the para 21(v) are totally baseless and misleading. The Appellant vide para 21(v) contends that Impugned Order was passed without giving effective hearing to the Appellant. It is submitted that the Respondent No.1 Authority had issued Show Cause Notice dated 18.11.2020 and the opportunity to file reply to the said authority was given to the Appellant. The Appellant on 25.02.2021 filed its reply to the Show Cause Notice dated 18.11.2020 before the Respondent No.1 Authority. Prior to filing of the reply dated 25.02.2021 to the Show Cause Notice 18.11.2020, on 26.11.2020 the Respondent No.1 Authority conducted its 238<sup>th</sup> GCZMA meeting and provided an opportunity of personal hearing to the Appellant whereby the Ld. Advocate for the Appellant appeared and filed its Vakalatnama. Thereafter, on 21.09.2021 in 271<sup>st</sup> GCZMA meeting, on 16.12.2021 in 280<sup>th</sup> GCZMA meeting, on 06.01.2022 in 284<sup>th</sup> GCZMA meeting and finally on 27.01.2022 in 287<sup>th</sup> GCZMA the opportunity of personal hearing was given to the Appellant as well as the Respondent to put forth their case. The detailed arguments on behalf of the Appellant were heard by the Respondent No.1 Authority. The record of said proceedings is available on official website on the Respondent No.1 Authority and the same is reiterated in the Impugned Order. Thus, the contention of the Appellant vide para 21(v) are uncorroborated with the records available and hence are denied.
49. Para 21(w) of the Appeal needs no reply and the Respondent No.2 saves its right and seeks liberty of this Hon'ble Tribunal to reply to the contentions additionally raised by the Appellant during the course of the arguments.
50. With regard to the Para 22, it is submitted on behalf of the Respondent No. 2 that the present Appeal as filed by the Appellant is baseless and having no legal standing. The Respondent No. 1 Authority after duly considering the documents relied by the Appellant before the Respondent No. 1 Authority and after considering the Arguments advanced by the Appellant as well as

the Respondent No. 1 rightly directed to demolish the Impugned Structures. Thus, no interference of this Hon'ble Tribunal is called for, with regard to the Impugned Order.

51. With regard to the Para 23, it is submitted that the Appellant is trying to take benefit of an alleged small structure existing in the Impugned Property. The original structure as existed, in the Impugned Property does not exist today as the same has been demolished and re-constructed. Thus, everything that is existing in the Impugned Property was constructed post 1991. Thus, no interim relief as contended in Para 23 could be granted to the Appellants..

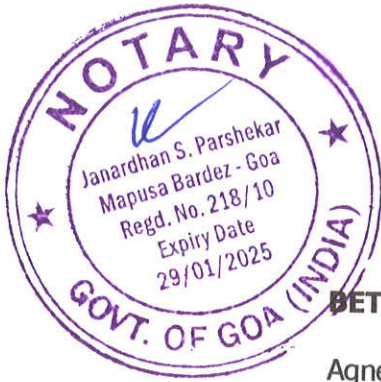
52. Para 24 to 28 of the Appeal, are a matter of record and need no reply.

**53. Reply to the Prayers:**

In the light of the submissions made and documents produced hereinabove, it is submitted that the present Appeal as filed by the Appellants ought to be dismissed with costs to restrict the violation of the CRZ Notification 1991 and to punish the violators of the environmental norms.

Date: 31.08.2022  
Place: New Delhi

  
SAMRIDHI S. JAIN,  
ADVOCATE  
A-10, LGF, LAJPAT NAGAR III,  
NEW DELHI- 110024.  
Ph: +91 9890210579.  
Email: [samridhi12318@gmail.com](mailto:samridhi12318@gmail.com)



**BEFORE THE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI**

APPEAL NO. 16 OF 2022

[EARLIER APPEAL NO. 09 OF 2022(WZ)]

**BETWEEN:**

Agnelo Fernandes & Anr. ... Appellant

Versus

Goa Coastal Zone Management Authority & Ors. ... Respondents

**AFFIDAVIT**

I, Nalini Da Rosa Fernandes, Age: Adult, Occ: Business, R/at House No.7/2F, Sauntavaddo, Calangute, Baga, Bardez, Goa-403516, , do hereby solemnly affirm and state as under:-

1. That I am the Respondent No.2 in the above-mentioned Appeal and as such I am conversant with the facts and circumstances of the case and am competent to swear to this affidavit.
2. That I have read the contents of the accompanying reply, the same being drafted by my counsel under my instructions and that the contents of Paras 1 to 53 of the reply are facts true to my knowledge and that I have not suppressed any material fact.
3. That the annexures filed along with the reply are true copies of the originals.

*Nalini da Rosa Fernandes*

DEPONENT

**VERIFICATION**

Verified at Goa on this 27<sup>th</sup> day of August, 2022 that the contents of the present affidavit are true and correct and nothing material has been concealed therefrom.

*Nalini da Rosa Fernandes*

DEPONENT

PERSONALLY AFFIRMED AND VERIFIED BEFORE ME BY *Nalini Da Rosa Fernandes*, WHO IDENTIFIED BEFORE ME BY *Adhar Card No. 7036 6366 (97)* WHOM I PERSONALLY KNOW *27/08/2022*.



**JANARDHAN S. PARSHKAR**  
NOTARY AT MAPUSA BARDEZ - GOA  
STATE OF GOA, INDIA.

## ANNEXURE A-1

### Site inspection report -Regarding Zinhos Beach Resort ( Guest House ) in survey number 243/113 and 243/4, in calangute -

#### Background

GCZMA issues a site inspection notice no. GCZMA / NGT matter/APP.No. 18/2020/20-21/732, dated 12/14/2020, for a joint site inspection with reference to Honorable NGT order dated 24/08 OA/18/2020, of Zinhos Guest House, calangute, Bardez Goa.

In response to the above notice, the joint site inspection was undertaken along with the officials of the Goa state pollution control Board on 14/ 10/20 at 11.30 a.m. The following officials of Goa state pollution control Board were present.

1. Mr. keshav s. Fadke - AEE,

2. Mr. Chaitanya Salgaonkar - S. A.

3. Mr. Waman Charl, S.L.A.

Complainant was represented by Ms. Nalini Da Rosa Fernandes and Advocate Sanket Kamat

Mr. Mahesh Patil , Expert member and Mr. Devendra Gaonkar- field surveyor represented Goa Coastal Zone Management Authority. Mr. Sujeet Dongre couldn't attend the inspection due to prior engagement.

#### Brief background information from Goa state Pollution Control Board

1. The structure is a 3 storied building and 3 guest houses, one on each floor are situated. The names of the guest houses along with their number of rooms and consent validity are as under: a. M/s Zinhos (L) Beach Resort, 15 rooms valid upto 16/10/2033 b. M/s Zinhos 1 Beach Resort, 10 rooms valid upto 07/05/2034 c. M/s Zinhos Beach Resort, 7 rooms and a restaurant with 12 seating capacity valid upto 23/12/2020

2. Since the cumulative number of rooms exceed 25, and as per decision taken in 70th Board meeting, installation of Sewage treatment plant is mandatory and as such show cause notice were issued to all 3 guest houses to jointly install sewage treatment plant.

3. In response the guesthouse replied seeking period of 6 months for installation.

#### Observations made during inspection

M/s Zinhos Guest house owner, Mr. Angelo Fernandes was present stated that all 3 guest houses are not in operation due to covid pandemic.

3. He also mentioned that they have installed STP jointly.

4. The installation of STP was confirmed on site. However details like its capacity, type of technology, proposal for re-utilisation of treated effluent etc was not provided during inspection.

5. Referring to the office records, It is seen that due permission like consent to establish has not been obtained prior to installation of sewage treatment plant

#### Recommendations

1. Since the units have not obtained CTE prior to installation of STP, it is proposed to issue show cause notice for the same.

2. Also, it is proposed to seek details like technology of STP, its capacity and re-utilization of treated effluent etc.

#### Observations from GCZMA

1. Ms. Nalini Fernandes, complainant showed the Zinhos guest house. The structure is Ground +2 RCC structure. It has reception at the ground floor with swimming pool. It is used as guest house/ hotel. Goa state pollution control Board officials confirmed as per their record, three guest houses are registered in same building (Details above)

2. Mr Agnelo Fernandes owner of the Zinhos hotel, confirmed the structure is used as guest house/hotel. However refused to give any approval/ NOC from GCZMA and other authorities, claiming, all the documents are with his legal counsel

3, He was explained that the inspection was in respect of complain against his illegal construction of guest house in the No development Zone

4. The photograph attached by the complainant are of the Zinhos guest house, which clearly indicate RCC structure of Ground +2 floor.

5. As per GCZMA record, no CRZ permission is given to Zinhos guest house located in survey number 243/13 & 243/14 in Calangute village, Bardez Takuka.

#### Recommendations

1. Land Survey Department to demarcate the NDZ line of 100, 200 and 500 meters on survey plan. Along with the NDZ lines, the demarcate any old structure shown on plan as well as the existing building

2. This demarcation will establish the status of the Zinhos guest and other guest houses registered in same building (As per GSPCB Record), with reference to NDZ line as well as existence of old structure if any.

3. The complainant and respondent should be served site survey notice well in advance so that both the parties are present on the site during the survey

4. The decision of the structure in relation to NDZ and illegality can be arrived after the field survey plans are submitted by the land survey Department

Mahesh Patil- Expert member ( GCZMA

Mr. Devendra Gaonkar- Field Surveyor , GCZMA

Representative of Goa state Pollution control Board

1. Mr. keshav S. Fadke - AEE,

2. Mr. Chaitanya Salgaonkar - S. A.

3. Mr. Waman Chari, S.L.A.

  
TRUE COPY-

**PROCEEDINGS OF SITE INSPECTION ANNEXURE A-2**

FILE NO:- 19/DSL/Resurvey-Cell/ CRZ mapping 120137  
DATE: 14/12/2020

SUB: 1) CRZ delineation  
2) Survey/Mapping of Structures ✓

REF:- GCZMA/N/NGF-Matter/O. App. No. 18/2020/20-21/1217  
Village: calangute Taluka: Bardez Survey: 243 Sub. Div. No. 04/12/20

Parties /Officers Present:-

- 1) Satish Kumar G Nair 14/12/2020 of GCZMA.
- 2) ANGELO D. FERNANDES
- 3) Nalini da Rosa Fernandes Fernandes Complainant

INFORMATION/COPY/COPIES/ISSUE  
UNDER RIGHT TO INFORMATION ACT 2008  
Vide Ref No. 19/DSL/Resurvey-Cell/CRZ-Matter/O. App. No. 18/2020/20-21/1217  
Date: 28/11/2021

Angelo D. Fernandes  
28/11/2021

Parties Absent:-

INFORMATION OFFICER,  
SUPERINTENDENT OF SURVEY & LAND  
RECORDS PANAJI-GOA

Brief description of proceedings:-

vide above referred and Notice of site inspection dated 04/12/2020. of of GCZMA. The site inspection was conducted in presence of GCZMA office representative, signed above. Accordingly as identified alongwith the GCZMA representative, A structure (G+2) alongwith the swimming pool was surveyed.

Signatures:  
14/12/2020 (F.S.)  
DSL, Panaji  
14/12/2020  
DSL, Panaji  
Fernandes  
14/12/2020



GOVERNMENT OF GOA  
Directorate of Settlement and Land Records  
PANAJI-GOA

INFORMATION COPY/COPY ISSUED  
UNDER RIGHT TO INFORMATION ACT, 2005  
File No. 19/2020-21/02/1217 dated 21/01/2028  
Date of receipt 29/11/2024  
21/11/2024  
SUPERINTENDENT OF SURVEY & LAND  
RECORDS PANAJI-GOA

SITE PLAN

as per the notice of site inspection of Member Secretary, Goa Coastal  
Zone Management Authority, vide their letter No.GCZMA/NNGT-Matter  
O.App No.18/2020/20-21/02/1217 dtd.04/12/2020 in respect of Survey No./  
Sub Div No.243/13, 243/13-A and 243/4 of Village Calangute of Bardez Taluka.

Scale: 1:1000

NOTE:

THE LEGALITY / ILLEGALITY OF STRUCTURES SHOWN ON THIS PLAN IS NOT KNOWN AND THEREFORE  
THIS PLAN SHALL NOT BE USED FOR ANY PURPOSE SUCH AS DEVELOPMENT OF STRUCTURES, REVENUE  
SURVEY MATTERS, OBTAINING LICENSES, PERMISSIONS, CONVERSION OF LAND, ETC. THIS PLAN SHALL



ARABIAN SEA



- LEGEND**
- New structure
  - Temporary Shed
  - Structure as per Survey Plan
  - Pithh
  - Swimming Pool

Verified by  
*[Signature]*  
Yeshwant Bicholkar  
(Head Surveyor)

**True COPY**

Surveyed & Prepared by  
Mandar M. Phadle (F.S.S.)  
Rajesh Harmalkar (F.S.S.)  
*[Signature]*

Surveyed on :- 14/12/2020

FILE NO.19/DSL/R/Re-Cell/CRZ-Mapping/20/37

*True Copy*

GOVERNMENT OF GOA  
DIRECTORATE OF SETTLEMENT & LAND RECORDS,  
PANAJI-GOA

16/19/202  
INFORMATION OFFICER,  
SUPERINTENDENT OF SURVEY & LAND

PROCEEDINGS OF SITE INSPECTION **ANNEXURE A-3**


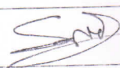
FILE NO:- 19/DSLRL/Resurvey Cell/ CRZ-Mapping 120137  
DATE: 28/03/2021

SUB: 1) CRZ delineation  
2) Survey/Mapping of Structures ✓

REF:- GCZMA/NGT Mathe/DA No. 18/2020/20-21/02/3051 dt. 18/03/2021

Village: Calangute Taluka: Border Survey: 243 Sub. Div. No. 4,13,13-A

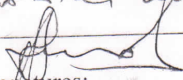
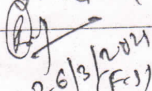
Parties /Officers Present:-

- (1) Angelo Fernandes 
- (2) Nalini da Rosa Fernandes
- (3) Satish Kumar G Nair 

Parties Absent:-

Brief description of proceedings:-

vide letter No. GCZMA/NGT Mathe/DA No. 18/2020/20-21/3051 dt. 18/03/2021 of G.O GCZMA, Accordingly the undersigned along with the representative of GCZMA, Sri Satish Kumar Nair, F.S visited the site and accordingly measurements were taken in the presence of the parties present at site at sr. No. (2) & sr no. (5). Accordingly DSR to submit the fresh plan to the Authority i.e. GCZMA. Measurement of swimming pool & shed were recorded i.e. pool (5.0x10.20) & shed (3.20x10.50)

Signatures:  
  
26/3/2021 (F.S)  
DSLRL, Panaji  
  
Nalini da Rosa Fernandes



GOVERNMENT OF GOA  
Directorate of Settlement and Land Records  
PANAJI-GOA

INFORMATION COPIES/ISSUES UNDER RIGHT TO INFORMATION ACT, 2004  
VIRUS FILE NO 19/2022/RTI/GOA/2021-22/15/2224  
dt. 11/09/2021

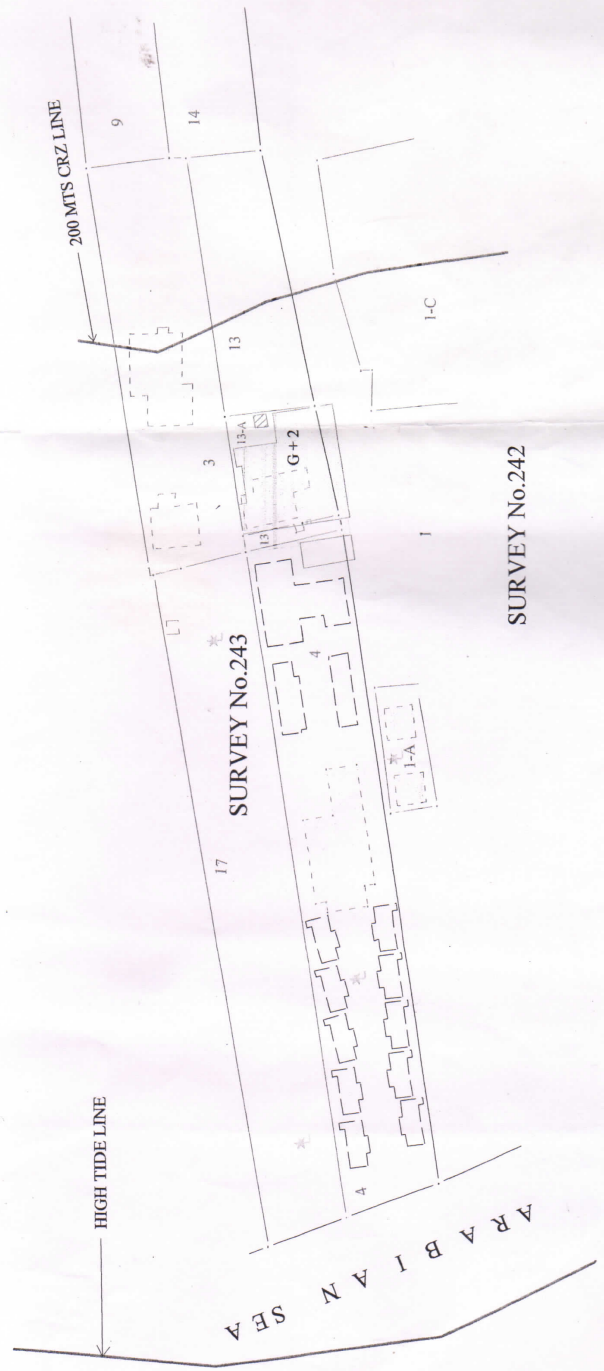
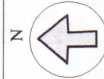
16/7/2021  
SUPERINTENDENT OF SURVEY & LAND RECORDS, PANAJI-GOA

REVISED SITE PLAN

Showing therein the location of structures as per re-survey conducted vide Notice of site inspection of Member Secretary, Goa Coastal Zone Management Authority, vide their letter No.GCZMA/NGT Matter/O.A No.18/2020/20-21/02/3051 dtd.18/03/2021 in respect of Survey No./ Sub Div No.243/13, 243/13-A and 243/4 of Village Calangute of Bardez Taluka.

Scale : 1:1000  
NOTE:-

THE LEGALITY / ILLEGALITY OF STRUCTURES SHOWN ON THIS PLAN IS NOT KNOWN AND THEREFORE THIS PLAN SHALL NOT BE USED FOR ANY PURPOSE SUCH AS DEVELOPMENT OF STRUCTURES, REVENUE SURVEY MATTERS, OBTAINING LICENSES, PERMISSIONS, CONVERSION OF LAND, ETC. THIS PLAN SHALL



LEGEND

	New structure
	Temporary Shed
	Structure as per Survey Plan
	Plinth
	Swimming Pool

Verified by  
Yeshwant Bicholkar  
(Head Surveyor)

Surveyed & Prepared by  
Rajesh Harmalkar (F.S.)

TRUE COPY



# CALANGUTE VILLAGE PANCHAYAT

## LIST OF SARPANCHAS

01. CARIDADE GOMES
02. DR. QUEROBINO MARTINS
03. ALEX GOMES
04. VENKATESH SHIRODKAR
05. J.M.LOBO
06. FRANCIS FERNANDES
07. J.M. LOBO
08. JOSEPH R. SEQUEIRA
09. MUKTABAI M. DESAI
10. ANA MARIA C. D'SOUZA
11. CONCEICAO A. FERNANDES
12. JOSEPH R. SEQUEIRA
13. ANGELO A. FERNANDES (Albert)
14. JOSEPH R. SEQUEIRA
15. LAXMAN J. PARAB
16. ALEX T. FERNANDES
17. VINAYAK D. SALGAONKAR (Subash)
18. JOSEPH R. SEQUEIRA
19. ANAMARIA C. D'SOUZA
20. GEETA L. PARAB
21. PASCOALA A. FERNANDES (Clara)
22. FILOMENA S. FERNANDES
23. ANNY FERNANDES
24. RESHMA D. KALANGUTKAR



# **CALANGUTE VILLAGE PANCHAYAT**

## **LIST OF SARPANCHAS**

- 25. ANTHONY MENEZES**
- 26. SHAWN BRIAN JOSE MARTINS**
- 27. FRANCISCO. A .RODRIGUES**
- 28. DINESH S.SIMEPURUSHKAR**
- 29. SHAWN BRIAN JOSE MARTINS**



# **CALANGUTE VILLAGE PANCHAYAT**

## **LIST OF DEPUTY SARPANCH**

01. RAJARAM DESAI
02. JOANITA B. LOBO
03. NARAYAN G. NATEKAR
04. J. M. LOBO
05. GOVIND R. SIOLKAR
06. JOSEPH R. SEQUEIRA
07. ALBERT E. FERNANDES
08. JOAO A. SEQUEIRA
09. BONIFACIO A. FERNANDES
10. JOSEPH R. SEQUEIRA
11. SNEHA G. SALGAONKAR
12. FLORY DIAS
13. RUPA C. CHODANKAR
14. ANA MARIA C. D'SOUZA
15. SNEHA G. SALGAONKAR
16. SAVIO P. S. GONSALVES
17. VINAYAK D. SALGAONKAR (Subash)
18. JOSEPH R. SEQUEIRA
19. RUPA C. CHODANKAR
20. SUDESH SURESH MAYEKAR
21. POOJA NITIN MATKAR
22. CHERYL VILANOVA LOBO
- 23
- 24



## PROOF OF SERVICE

172

PAWAN KUMAR <pawan2110k@gmail.com>

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### Service of reply on behalf of Respondent No. 2 in Appeal No. 9/2022 between Agnelo Fernandes v. GCZMA & Ors.

1 message

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**Samridhi Jain** <samridhi12318@gmail.com>

Wed, Aug 31, 2022 at 9:39 PM

To: shivshankar.swaminathan@yutilaw.com, fawia31@gmail.com, Pankaj Vernekar <verekarpankajp@gmail.com>

Cc: PAWAN KUMAR <pawan2110k@gmail.com>

Dear all,

PFA herewith the reply on behalf of Respondent No. 2 in the aforesaid matter.

Kindly consider the same as service of the reply on behalf of Respondent No. 2.

Thanks & Regards,  
Samridhi Jain, Advocate,  
Supreme Court of India  
A-10, LGF, Lajpat Nagar-III,  
New Delhi - 110024  
Mob. 9890210579

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