



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

Appeal No. 143/2024/WZ

Vernon Rodrigues

..... Petitioner

V/s

State of Goa & Ors.

..... Respondents

**REJOINDER TO THE REPLY FILED BY THE
RESPONDENT NO. 3**

I, Mr. Vernon Rodrigues, son of Mr. Victor Rodrigues, age 74 years, business, Indian National, resident of H.no. 483, Wadi, Candolim, Bardez - Goa, the Appellant herein above do hereby on solemn oath and affirmation state and submit as under:-

1. I say that I am the Appellant herein above and that I am filing the present affidavit to demonstrate that the alleged illegal construction allegedly portrayed to be illegal is valid legal and existing construction.

A handwritten signature in blue ink, appearing to read 'Vernon Rodrigues', written over a horizontal line.

(2)



2. I say that I have read and understood the contents of the reply along with the additional reply filed by the Respondent no. 3 so also the contents of reply to the application for production of documents along with the additional application for production of documents filed by the Respondent no. 3.
3. At the outset I deny all and /or any averments allegations, and or contents of the reply, additional reply and the reply to the IA so also the application for production of documents in so far as the same are inconsistent with my case and or the documents relied upon by the Respondent no. 3. I say that any allegations / contents / averments / pleadings / statements in the reply, additional reply and reply to the IA, and application for production of documents filed by the Respondent no. 3 not specifically denied and / or dealt with by me herein, ought not to be construed as my admission for want of specific denials.



4. I say that there exists an immovable property known as "Bilipachera Bhat" and surveyed under Survey No. 135/7 of Village Candolim, Bardez - Goa, totally admeasuring 5900 sq mtrs, (Herein after be referred to as the said property for the sake of brevity) along with the structures existing thereon. Annexed hereto and marked as **annexure - R-1** is the copy of the survey plan.
5. I say that the ancestral house has been has been in existence for more than 100 years and the shops in the front are in existence for more than 40 years which were constructed by the late father of the Appellant with prior deemed consent of the panchayat.
6. I say that as per the form 1&XIV of the aforesaid property the names of the late father of the Appellant viz Mr. Victor Rodrigues and his uncle viz late Shri. Edward Rodrigues is entered in the occupant's column. Annexed hereto and marked as **Annexure - R-2** is the copy of the form 1&XIV.

Victor Rodrigues

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7. I say that late Victor Rodrigues is the father of the Appellant, who died intestate leaving behind the Appellant herein along with one other sibling viz Mrs. Viola Lawrence as his only legal heir.
8. I say that Edward Rodrigues is the late uncle of the Appellant i.e. the brother of late Mr. Victor Rodrigues and that he died intestate on 07/10/1981 leaving behind Dunstan, Godfrey and Selina Rodrigues as his heirs. Annexed hereto and marked as **Annexure – R3** is the copy of the death certificates.
9. I say that the Appellant as such is the co-owner of the above said property and therefore the impugned order which is passed as against the sole Appellant is liable to be quashed and set aside.



10.I say that there exist property bearing sy no. 135/9 admeasuring 403 sq mtrs of village Candolim which is owned and possessed by the Respondent no. 3 herein above and that the said property abuts the property of the Appellant i.e. property bearing sy no. 135/7. Annexed hereto and marked as **annexure – R-4** is the copy of the survey plan.

11.I say that the Respondent no. 3 acquired right and or title to the aforesaid property viz property bearing sy no. 135/9 vide duly executing a Deed of Sale dated 02/12/2003. Annexed hereto and marked as **annexure – R-5** is the copy of the Deed of Sale dated 02/12/2003.

12.I say that somewhere in the year May 2016 the Petitioner started carrying out construction in the aforesaid property in the name and style of Floyd Hospitality and as such the Appellant filed a civil suit as against the Respondent no. 3 (Floyd hospitality) before the Civil Judge Junior Division at



Mapusa vide RCS No. 131/2016/F to injunct the Plaintiff and or the respondent no. 3 from carrying out illegal unauthorized construction. Annexed hereto and marked as **annexure – R-6** is the copy of the plaint in RCS No. 131/2016/F.

13.I say that upon the filing of the aforesaid suit the Respondent no. 3 filed its counter claim seeking various reliefs which included prayers seeking demolition of the structure existing in property bearing sy no. 135/7 of village Candolim so also sought a decree of permanent injunction to disconnect the electricity and water connection for the structures existing in the aforesaid property along with other reliefs. Annexed hereto and marked as **annexure – R-7** is the copy of the counter claim to the plaint.

14.I say that whilst filing the aforesaid civil suit the Appellant had also filed an application for temporary injunction pursuant to which vide Order dated 20/12/2016 the learned



Civil Judge Junior Division at Mapusa enjoined the Respondent no. 3 and her company from carrying out illegal construction in her property bearing sy no. 139/5 of village panchayat and that the aforesaid order is till date in force so also the suit is till date pending adjudication. Annexed hereto and marked as **annexure – R-8** is the copy of the order dated 20/12/2016

15.I say that in retaliation the Respondent no. 3 herein above filed a complaint dated 28/01/2022 addressing the GCZMA i.e. the Respondent no. 2 alleging that illegal construction of the multiple structures of ground +2 nos. 13/14 shops structures in the property bearing Sy.no. 135/7, at vaddy Candolim Bardez-Goa within CRZ III area carried out by the Respondent no. 5. Annexed hereto and marked as **annexure – R-9** is the copy of the complaint dated 28/01/2022.

16.I say that the Respondent no. 3 also filed its complaint with the village panchayat of Candolim and other authorities to



seal the premises complained off by the Respondent no. 3 alleging that the said structures being illegal and later approached the BDO with an appeal being appeal no. BDO-II-BAR/201(A)/4/2022, however the BDO was pleased to dispose off the appeal on the grounds that the said appeal is not maintainable. Annexed hereto and marked as **annexure - R-10** is the copy of the order dated 25/07/2023.

17.I say that the aforesaid order dated 25/07/2023 passed by the BDO was again challenged by the Respondent no. 3 before the Deputy Director of panchayat at Panaji in panchayat revision no 06/2023. Annexed hereto and marked as **annexure - R-11** is the copy of the memo of civil revision application.

18.I say that pursuant to the filing of the aforesaid revision the learned Deputy Director of panchayat issued notice to the Appellant pursuant to which the Appellant appeared before the Deputy Director of panchayat and filed its preliminary



objections. Annexed hereto and marked as **annexure – R-12** is the copy of the preliminary objections dated 22/11/2023.

19.I say the learned Deputy Director of panchayat vide order dated 28/03/2024 refused to entertain the preliminary objections filed by the Appellant and as such this Respondent challenged the said order before the District court vide Civil Revision application no. 27/2024 pursuant to which the Hon'ble District Judge was pleased to stay the proceedings and consequently called for the records and proceedings in the matter. Annexed hereto and marked as **annexure – R-13** is the copy of the order dated 28/03/2024.

20.I say that the Respondent no. 3 simultaneously also filed its complaint with the Deputy Director of panchayat against the alleged illegal construction allegedly carried out by the Appellant in property bearing sy no. 135/7 of village Candolim in exercise of her right under section 66(5) of the



Goa panchayat raj act, 1994. Annexed hereto and marked as **annexure – R-14** is the copy of the complaint dated 06/04/2022.

21.I say that pursuant to the filing of the aforesaid complaint the learned Deputy Director of panchayat assumed the powers of the panchayat in exercise of powers vested in her under section 66 (5) of the Goa panchayat raj act 1994 and consequently issued notices on the Appellant and the panchayat pursuant to which the Appellant appeared before the Deputy Director of panchayat and filed its reply so also produced documents to justify that the structure alleged to be illegal is a legal structure and as such requested to dismiss the said complaint. Annexed hereto and marked as **annexure – R-15** is the copy of the reply dated 17/05/2024.

22.I say that it appears that the late father of the Appellant had applied for permission for reconstruction / development of the building in the property bearing Sy.no. 135/7 situated at Candolim vide application dated 17/11/1982.



23.I say that as no further communication was received by the Appellants father it appears that the father of the Appellant again filed an application dated 20/10/1983 in terms of the application inwards on 17/11/1982 informing the panchayat that the construction has been completed by him in accordance with the plans submitted, pursuant to which the village panchayat of Candolim vide letter dated 7/11/1983 ref. no. VP/41/45/83-84 informed the father of the Appellant that the inspection of construction on property bearing Sy.no. 135/7 to be carried out with a prior notice from the office of the Village Panchayat of Candolim.

24.I say that I learnt about the aforesaid documents for the first time whence I received a mail from my elder sister who resides in UK informing the Appellant through his daughters email that she has the copies of the site plans along with the aforesaid letters based on which she has applied for the review of the impugned order passed by the

[Handwritten signature]



GCZMA and that the said review application is pending adjudication till the filing of the aforesaid appeal. Annexed hereto and marked **annexure – R-16** colly is the copy of the plans and the applications.

25.I say that the fact that the structures reconstructed in the property bearing sy no. 135/7 of village Candolim were having approved plans was not within the knowledge of the Appellant nor did the Appellant had any copies of the said documents as at the relevant time the Appellant was working in UK, moreover as the Appellant was not in talking terms with his sister on account of their internal matters, there was no occasion for the Appellant to talk to his sister on the said subject matter at any rate even the sister of the Appellant did not come to India since the year 2016. Annexed hereto and marked as **annexure – R-17** is the copy of the passport.

26.I say that nevertheless all the aforesaid documents were filed before the Deputy Director of panchayat in complaint



no. DDPN/Candolim/Bar/64/2024 pursuant to which the learned Deputy Director of panchayat being satisfied with the aforesaid documents, acknowledged the validity of the said documents and or the permissions and consequently dismissed the complaint filed by the Petitioner. Annexed hereto and marked as **annexure – R-18** is the copy of the order dated 06/06/2024.

27.I say that the aforesaid order passed by the Deputy Director of panchayat was based on the finding as under:-

" 12 The above fact would hold relevance when understood in consonance with the relevant provision of the Goa Panchayat Ra Regulation, 1962, more particularly Regulation 83 of the aforesaid Regulation, and for the sake of better clarity in this regard, the same is reproduced hereunder ad verbatim:

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Regulation 83:

- (1) Control of the erections of buildings:- No person shall erect or re-erect, within the limit of a village any building without the previous permission of the Panchayat.
- (2) Permission shall be presumed to have been granted if the Panchayat fails to communicate its sanction or refusal in respect thereof within two months from the date of the receipt of the application for permission in case of refusal Panchayat shall communicate to the applicant the reason therefore and appeal shall lie against any such order of refusal to the Deputy Collector / Sub Division Officer of the sub division within a period of 30 days of the date of communication of such refusal.
- (3) No person who becomes entitled under sub-section (1) or (2) to proceed with any intended

[Handwritten signature]



works of erection or re-erection shall commence such work after the expiry of one year from the date on which he first became entitled so to proceed therewith unless he shall have again become so entitled by a fresh compliance with the provisions of the proceeding sub-sections.

13. It is observed that the Respondent panchayat has although filed its reply to the complaint however they have not disputed the receipt of the documents such as letter dated 17/11/1982, site plan, and the letter dated 20/10/1983 so also the Respondent panchayat has not disputed the letter dated 07/11/1983 bearing ref no. VP41/45/83-84 issued in the name of Victor Rodrigues.

14. From the above, the logical conclusion which can therefore be drawn is that, prima facie, the

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Respondent No. 2 has placed on record the documents which shows that the father of the Respondent no. 2 had applied for the permission to the panchayat and that there is nothing on record produced by the Panchayat that the Application for permission filed by the father of the Respondent no. 2 was either refused or granted, and as such the father of the Respondent would be consequently entitled to the deeming provision of the then The Goa Panchayat Raj Regulation, 1962 to justify the validity of the said construction. In light of the aforesaid discussion, this authority deems it sufficiently proved that the said construction existing in the said property is presumed to be legal and that the same has been carried out validity in pursuance of the deeming provision of the Goa Panchayat Raj Regulation 1962.



I say that the deputy Director of panchayat has passed the aforesaid order in exercise of powers vested under her in terms of section 66(5) of the Goa panchayat raj act, 1994 so also considering the earlier regulations in force in the State of Goa i.e. section 83 of the Goa, Daman and Diu Village Panchayats Regulation, 1962, which was then in force in the State of Goa, moreover acting as a quasi judicial authority and that the said order having attained finality the same is binding on all the parties until and unless the same is challenged and set aside by the appellate authority as prescribed under the law. Annexed hereto and marked as **annexure – R-19** is the copy of the extract of section 83 of the Goa, Daman and Diu Village Panchayats Regulation, 1962.

29. I say that upon the dismissal of the aforesaid complaint this Respondent withdrew the Civil Revision application no. 27/2024 filed before the Additional District Court at Panaji.



30.I say that despite dismissing the aforesaid complaint the village panchayat of Candolim at the instance of the Respondent no. 3 yet again issued a demolition order dated 22/06/2024 thereby directing this Respondent to demolish the alleged illegal construction existing in property bearing sy no. 135/7 of village Candolim. Annexed hereto and marked as **annexure – R-20** is the copy of the order dated 22/06/2024 passed by VP Candolim.

31.I say that being aggrieved by the aforesaid order dated 22/06/2024 the Appellant preferred an appeal before the Director of panchayat vide panchayat appeal no. ADP-1/Candolim/PA. 329/2024 and consequently obtained stay order against the impugned order passed by the village panchayat. Annexed hereto and marked as **annexure – R-21** is the copy of the stay order dated 28/06/2024.

32.I say that on the basis of the complaint dated 28/01/2022, the Respondent No. 1 issued a show cause Notice bearing



no. GCZMA/N/ILLE-COMPL/21-22/89/168 dated 25/04/2022 seeking clarification on the violations and also show cause as to why environmental compensation and penalty should not be levied for environmental damage caused to the environment. Annexed hereto and marked as **annexure – R-22** is the copy of the show cause notice dated 25/04/2022.

33.I say that I was served with the site inspection notice which was a notice simplicitor for a site inspection to which I filed my reply and inwards it to the office of the GCZMA on 17/03/2022, stating that I was infected with the coronavirus and was recovering and still in quarantine, and requested for a postponement on the said grounds.

34.I say that after the said notice as stated above, no further notice was served upon this Respondent, however after the said letter was sent to the GCZMA, the Respondent had no response and has not heard further on the said matter.



35. I say that vide its application dated 22/12/2023 it was also informed to the Respondent no. 1 that some of the legal heirs / co-owners are not arraigned to the said proceedings and therefore notice ought to be issued to the legal heirs. Annexed hereto and marked as **annexure – R-23** is the copy of the application for production of documents.

36. I say that the GCZMA in exercise of the powers conferred under Section 5 of the Environment (Protection) Act, 1986 (Central Act 29 of 1986) read with sub-rule (3) (a) of Rule 4 of the Environment (Protection) Rules 1986, and read with power vested with the GCZMA vide Order SO. 6071 (E) dated 27/12/2022 issued by the Ministry of Environment & Forests, Government of India, the GCZMA was pleased to direct the Respondent no. 5 to demolish the structures A,B,C,E,F,G,H structures shown on the survey plan dated 04/07/2022 situated in the property bearing Sy No 135/7 of Candolim Village; as decided in the 381* Meeting of the



GCZMA held on 11/01/2024, and further to restore the land to its original condition, within 30 days from the date of receipt of this order.

37.I say that being aggrieved by the aforesaid order passed by the GCZMA the Appellant preferred the present appeal, pursuant to which the matter was thereafter taken up for hearing on 31/05/2024, on which date this Hon'ble Tribunal was pleased to admit the appeal and consequently issued notices on the Respondent without passing an order of stay of the impugned order.

38.I say that the Respondent no. 3 taking advantage of non passing of the stay order filed a petition in the Hon'ble high court vide WP No. 471/2024 seeking execution of the impugned order dated 27/12/2024 passed by the GCZMA taking advantage of the fact that this Hon'ble Tribunal have not considered granting an order of status quo against the impugned demolition order.



39.I say that pursuant to the filing of the petition the Appellant also filed its affidavit in support of its claim to the Hon'ble High court. Annexed hereto and marked as **annexure – R-24** is the copy of the affidavit.

40.I say that the Hon'ble High court vide order dated 16/07/2024 was pleased to consider the statement of the Appellant that he will not conduct commercial activities from the questioned property and accordingly adjourned the matter to 20/08/2024. Annexed hereto and marked as **annexure – R-25** is the copy of the order.

41.I say that there is no illegal construction carried out by this Respondent on the Survey No. 135/7 of Candolim Village. It is reiterated that the structures existing in the aforesaid property are the same as were existing prior to the appointed date of February 1991 and that the same are in accordance with the deemed approvals.

42.I say that the Respondent no. 3 in her attempt to portray the structure to be illegal has produced the copy of the google



Images of the year 2003 and 2024, however the veracity of the said images are doubtful moreover the contents of the same is also disputed so also the Hon'ble Supreme court in the matter of In Re *Construction of park at NOIDA near Okhla Bird Sanctuary* reported in 2011 (1) SCC 744 has categorically held that satellite imageries and google images are not conclusive evidence of the ground position.

43.I say that the report allegedly prepared by the officials of the GCZMA clearly shows the structure as existing structure. It is stated that no construction was done and the said structure as shown is the existing structure. It is stated that the said structure was found to be existing structure moreover the report does not mention why the structures ordered to be demolished are constructed post 1991.

44.I say that there is no new construction post the year 1991 been carried out by the Appellant much less an illegal construction as alleged. It is reiterated that the structure

(24)



have been in existence for more than 50 years, the same are having house number as allotted by the Village Panchayat of Candolim which are not recent house numbers.

45.I say that I would not be out of place to mention here that there exist property bearing sy no. 136/10 and 136/4 of village Candolim belonging to the Appellant and his family and that the village panchayat of Candolim always wanted to construct a road passing through the aforesaid property for the local villagers to use the said road for Ganesh immersion etc, however on account of the refusal by his father to either allow the usage as such of the property for using the same as road the village panchayat was always in logger heads with the Appellant and his late father and as such never adhered to any request made by this Respondent or his later father.

46.I say that the village panchayat thereafter also attempted to construct the road forcefully from the aforesaid property



and finally the Appellant had to approach the civil court vide Regular Civil Suit No. 153/2007/D which came to be filed as against the panchayat along with other villagers, seeking an order restraining the panchayat to construct the illegal construction of the road passing through the aforesaid property pursuant to which the Hon'ble Civil Judge Senior Division at Mapusa was pleased to decree the same thereby directing the panchayat to demolish the construction of the road. I say that the present facts are not relevant in deciding the present appeal, however the said facts assumes importance whence the question as to why the panchayat refused to accept or grant construction permission when applied in the year 1984 comes in question. Annexed hereto and marked as **annexure – R-26** is the copy of the Judgment order and decree.

47. I say that the aforesaid fact further fortifies from the fact that the Complainant applied for information vide its application dated 04/06/2024 and received information on 10/06/2024, however the application which is filed by the

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Appellant on 12/07/2024 was not furnished till 02/08/2024, which prima facie clears the air on the hostile attitude of the panchayat towards the Appellant. Annexed hereto and marked as **annexure – R-27 colly** is the copy of the RTI Application dated 12/07/2024 along with the reply dated 02/08/2024

48. I say that considering the reply filed by the Respondent no. 3 alleging forgery of the plans and the stamps of the panchayat the Appellant was compelled to apply for information with the panchayat under the RTI vide its application dated 03/08/2024 asking random files of the year 1970 to 1980 pursuant to which vide reply dated 12/08/2024 the PIO reply by furnishing information along with the copy of the plans and the notices issued to the concern parties. Annexed hereto and marked as annexure – R-28 Colly is the copy of the RTI application dated 03/08/2024 along with the copy of the reply dated 12/08/2024.



I say that the documents furnished to the Appellant clearly reveals and or prima facie establishes especially upon comparison that the plans bares the same stamp and the notices are addressed by the chairman as against the Sarpanch which prima facie establishes that the documents sought to be relied upon by the Appellant are genuine and not false as claimed by the Respondent no. 3 only to take undue advantage of the said fact.

50. I say that I am a senior citizen and has absolutely no source of income except for the compensation as received by the user of the premises.

51. I say that the Petitioner has been filing false and frivolous complaints as against this Respondent only in retaliation on account of the Respondent no. 3 filing the aforesaid Civil Suit.

[Handwritten Signature]

RASHTRA SAMIKSHA SAMITHI
 GOA
 02/2024
 03/2029
 INDIA

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52. I say that the contents of 1 to 21 are based on personal knowledge, the contents of paragraph 22-25 is based on information received and that the contents of paras 26-51 are based on legal advise which I believe to be true.

[Signature] Solemnly affirmed at Candolim
On this 18th day of September 2024

[Signature]
Deponent
MR. VERNON RODRIGUES
Identified by Aadhaar No. 711087317622

Read over, explained & identified by

[Signature]

Adv. for the Respondent no. 3
K. D. Rekar

SOLEMNLY AFFIRMED AND VERIFIED BEFORE ME BY MR. VERNON RODRIGUES WHO IS IDENTIFIED BEFORE ME BY HIS AADHAAR CARD KNOWN BY ME PERSONALLY AT CANDOLIM ON 18/09/2024 REG. NO. 679/24

[Signature]
RADHIKA SANJAY CANDOLCAR
LLB (HONS), LLM
NOTARY
BARDEZ TALUKA
STATE OF GOA (INDIA)





Government of Goa
 Directorate of Settlement and Land Records
 Survey Plan
 Bardez Taluka, Candolim Village
 Survey No.: 135 , Subdivision No.: 7

Scale 1:2000

Reference No.: CBAR124-7942-1366554



This record is computer generated on 12-04-2024 12:34:17. This record is valid without any signature as per Govt of Goa Notification No. 26/13/2016-RD/8639 dtd 24-Apr-2021. The latest copy of this record can be seen/verified for authenticity on the DSLR website <https://dslr.goa.gov.in/>.

NOTE: PLAN TO BE PRINTED ON A4 SIZE



FORM I & XIV

1111

Date: 27/08/2024

नमुना नं १ व १४

Page 1 of 1

Taluka तालुका	BARDEZ	Survey No.	135
Village गांव	Candolim	सर्वे नंबर	
Name of the Field शेताचे नांव	Bilpachera Ghat	Sub Div. No.	7
		हिस्सा नंबर	
		Tenure	
		सत्ता प्रकार	

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

Dry Crop खिराब	Garden बागायत	Ripa रिप	Khajan खाजन	Ker केर	Morad मोराद	Total Cultivable Area एकूण लागण क्षेत्र
0000.00.00	0000.56.25	0000.00.00	0000.00.00	0000.00.00	0000.00.00	0000.56.25

Un-cultivable Area (Ha.Ars.Sq.Mtrs) नापिक क्षेत्र (हे. अर. चौ. मी.)

Class (a) वर्ग (अ)	Class (b) वर्ग (ब)	Total Un-Cultivable Area एकूण नापिक जमीन	Grand Total एकूण	Remarks शेरा
0000.02.50	0000.00.25	0000.02.75	0000.59.00	

Assessment : आकार	Rs. 0.00	Foro फोर	Rs. 0.00	Predial प्रेडियाल	Rs. 0.00	Rent रेट	Rs. 0.00
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S.No	Name of the Occupant कब्जेदाराने नांव	Khata No. खाते नंबर	Mutation No. केरफार नं	Remarks शेरा
1	Edward Rodrigues		267	
2	Victor Rodrigues		928	

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

Other Rights इतर हक्क	Mutation No. केरफार नं	Remarks शेरा
Name of Person holding rights and nature of rights: इतर हक्क धारण करणाराचे नांव व हक्क प्रकार Nil		

Details of Cropped Area पिकाखालील क्षेत्राचा तापशील

Year वर्ष	Name of the Cultivator लागण करणाराचे नांव	Mode रीत	Season मौसम	Name of Crop पिकाचे नांव	Irrigated	Unirrigated	Land not Available for Cultivation नापिक जमीन		Source of Irrigation सिंचणीचा स्रोत	Remar शेरा
					बागायत	खिराब	Nature प्रकार	Area क्षेत्र		
	Nil									

End of Report

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

ARCHDIOCESE OF GOA AND DAMAN

DEATH AND BURIAL CERTIFICATE
OF

Victor Anthony Rodrigues

I, the undersigned, do hereby certify that on the twenty second
day of March of the year Nineteen

Hundred and Ninety One and individual of the male / female
sex, by name Victor Anthony Rodrigues

bachelor / spinster / married to / widower / widow of Valeria Maria

Rodrigues

residing at Candolim

died in the parish of Candolim

of the Archdiocese of Goa and Daman, at the age of Eighty years.

He / She is buried in the Cometary of Our Lady of Hope Church

parish of Candolim on the twenty Fifth

day of March of the year Nineteen Hundred

and Ninety One

He / She was son / daughter of Mateus Rodrigues and

of Clarina Mascarenhas

and is survived by three children

Remarks _____

Extract from the Death Register of the year 1991, No. 13

Church of Our Lady of Hope Candolim Goa

Dated 3/3/2009



checked with original
E. Inc.
25/11/10

F. Rodrigues
Parish Priest

ARCHDIOCESE OF GOA AND DAMAN



DEATH AND BURIAL CERTIFICATE
OF

Edward Rodrigues

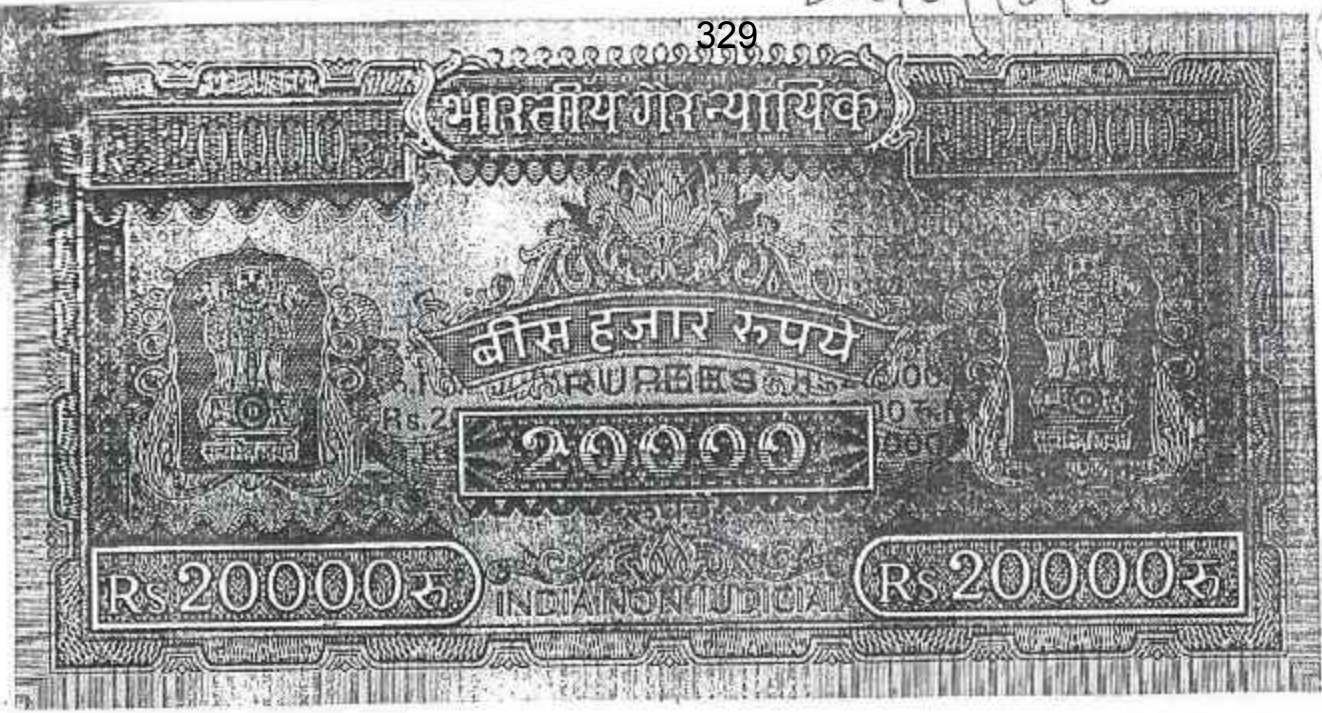
I, the undersigned, do hereby certify that on the Seventh
day of October of the year Nineteen
Hundred and Eighty One and individual of the male / female
sex, by name Edward Rodrigues
bachelor / spinster / married to / -widower / widow of Libania
D' Souza
residing at Candolim
died in the parish of Candolim
of the Archdiocese of Goa and Daman, at the age of Seventy One years.
He / She is buried in the Cemetery of Our Lady of Hope Church
parish of Candolim on the Ninth
day of October of the year Nineteen Hundred
and Eighty One
He / She was son / daughter of Mateus Rodrigues and of
Clarina Mascarenhas
and is survived by _____
Remarks _____

Extract from the Death Register of the year 1981 No. 23
Church of Our Lady of Hope Candolim Goa
Dated 3/3/2009



Fr. Rodrigues
for Parish Priest





00CC 662073

Serial No. 2608/03
 Presented at the Office of the
 Sub-Registrar and
 between the parties
 and on 21/12/03

Received fees for: Rs. 32.318-00
 Registration 2220.00
 Copying (3 sets) 10.00
 Copying endorsements 10.00
 Postage 60
 Total Rs. 32.318-00

RODRIGUES
 SUB REGISTRAR
 DIRECTOR BARDEZ

[Signature]
 SUB REGISTRAR
 BARDEZ

DEED OF SALE

This Deed of Sale made and entered into at
 Mapusa, Bardez, Goa, this 2nd day of December,
 in the year two thousand and three;

Public Information Officer
 Excise Station,
 Bardez Taluka.

(34)

1898
 Name of Vendor, Firm, or Establishment
 Value of Goods Sold Rs. 20,000/-
 Name of the Dealer FL-4D Hospital
 Name of the Officer
 Name of the Officer
 Name of the Officer
 Name of the Officer



BETWEEN

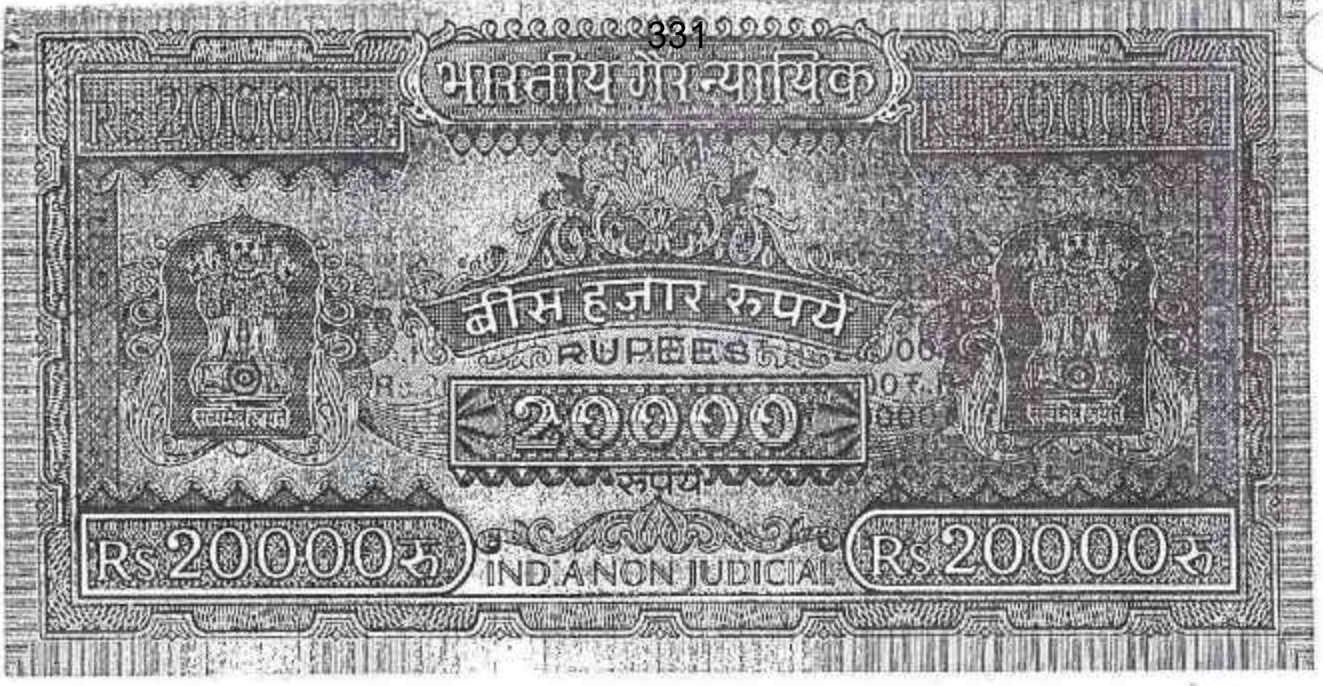
Mrs. MARIA EVANGELINA DA CUNHA
 75 years
 GOMES, major of age, housewife, daughter of
 Jose de Frias e Costa and her husband 2) Mr.
 LINO DA CUNHA GOMES, son of Cipriano da

Ref.
 Ptz
 brief
 Ques
 rep

RR
 YP

Excise Information Officer
 Excise Station,
 Bardez Taluka.

35



00CC 662072



Monchengladbach, Germany, 7) Mr. JOSE DA COSTA FRIAS, son of Jose de Frias e Costa, *67 years* major, Engineer, resident of Montreal, Canada, 8) Mrs. MARIA FILOMENA DA COSTA FRIAS, wife of Mr. Antonio Ernesto da Costa *63 year old.* Frias, major, housewife, 9) Mr. SANIL DA

Handwritten signatures and initials:
 Mr. Paul
 Mr. Rodrigues
 Mr. [unclear]

Handwritten signature:
 Information Officer
 Excise Station,
 Bardez Taluka.

36

HOSPITALITY LTD
 SECTION of Station
 RECEIVING
 SECTION
 Class. of Goods Received Class. of Breakdown



COSTA FRIAS, son of Mr. Antonio Ernesto da
 31 years of age
 Costa Frias, major, service, 10) Ms SONALI DA
 COSTA FRIAS, daughter of Mr. Antonio
 Ernesto da Costa Frias residents of Carrem,
 26 years of age
 Socorro, major, Advocate, Bardez, Goa 11)
 Mrs. MARIA LOURDES NANETTE DA

Sd/-
 Mr. P. R. ...
 Sd/-
 J.R.

Sd/-
 Mr. P. R. ...
 Sd/-
 J.R.

Public Information Officer
 Excise Station,
 Bardez Taluka.



00CC 662074



COSTA FRIAS, wife of Mr. Olegario da Costa
 57 year old
 Frias, major, housewife, 12) Mr. NIGEL DA
 COSTA FRIAS, son of Mr. Olegario da Costa
 30 years
 Frias, major, Advocate, and 13) Mr. VERNER
 DA COSTA FRIAS, son of Mr. Olegario da
 27 years
 Costa Frias, major, businessman, all residents of

Handwritten signatures and initials, including 'Mr. D...', 'Mr. ...', and 'Mr. ...'.

Public Information Officer
 Excise Station,
 Bardez Taluka.

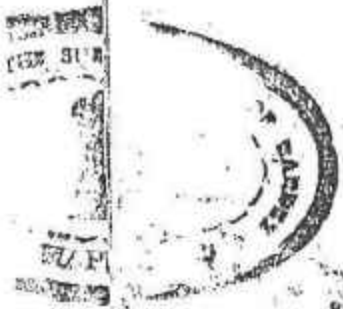
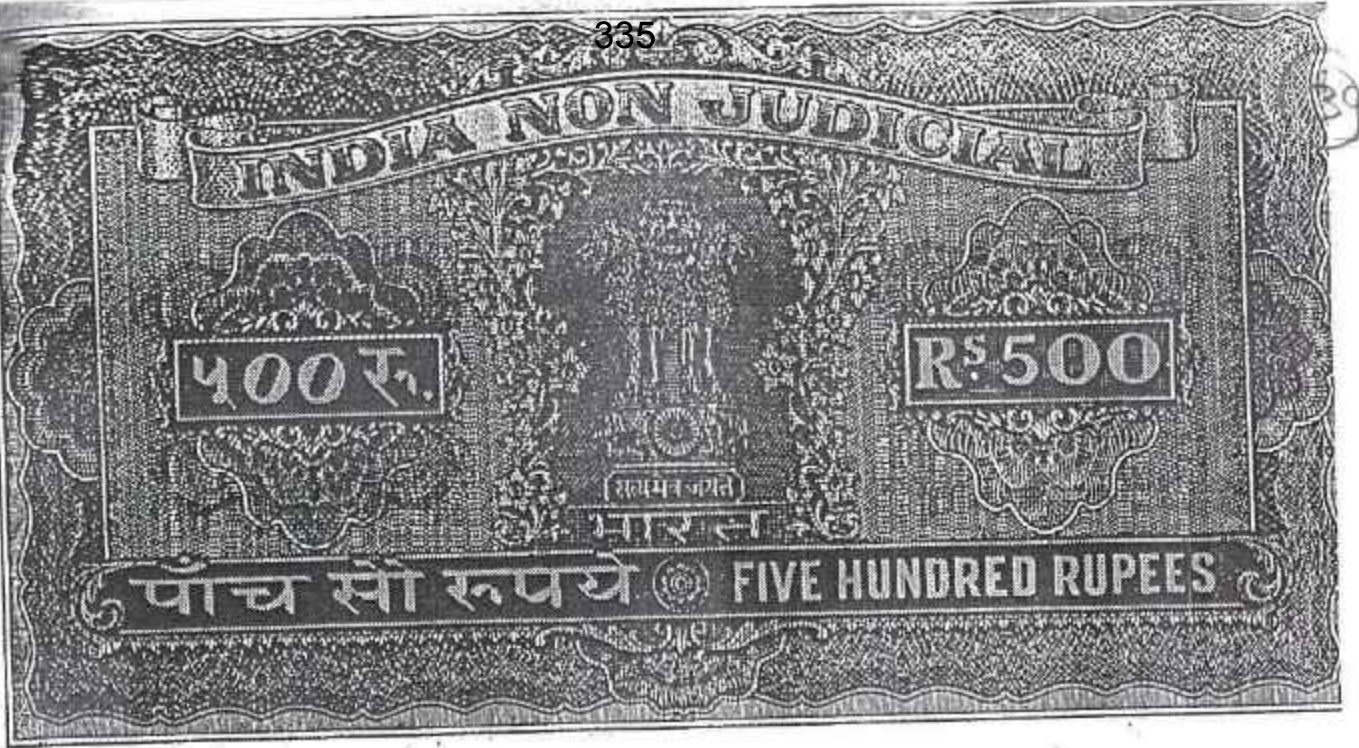
38

Value of Goods Shipped *Rs 20,000/-*
 Name of Vendor *FLOYD HOSPITALITY*
 Address *Bardez Taluka, PUNE*
 Date of Issue
 Signature
 Seal of Excise Station



Dona Paula, Goa, hereinafter called the
 'VENDORS' (which expression shall unless
 repugnant to the context or meaning thereof
 include their heirs, legal representatives,
 executors, administrators and assigns) (Vendor
 Nos. 1, 2, 4, 5, 6 and 7 represented by their

[Signature]
 Excise Information Officer
 Excise Station,
 Bardez Taluka.



vide power of attorney dated 31/4/98, 2/4/99,
28/9/92, 10/1/03.

Handwritten signatures and initials, including 'DR. M. R.', 'DR. M.', 'DR. R.', and 'DR. R.', along with 'Self' and other illegible marks.

power of attorney holder the Vendor No.3 and

Vendor no. 10 represented by her power of

attorney holder Adv. Cipriano Barretto, major, 44 years

vide power of attorney dated 28/10/03

resident of Siolim, Bardez, Goa, Vendor no.11

represented by her power of attorney the Vendor

vide power of attorney dated 22/12/01

no.12) of the One Part;

Public Information Officer
Excise Station,
Bardez Taluka.

40

664 336
FLOYD HOSPITALITY PVT LTD
Rs 500/-

Sign of Supplier Sign. of Purchaser



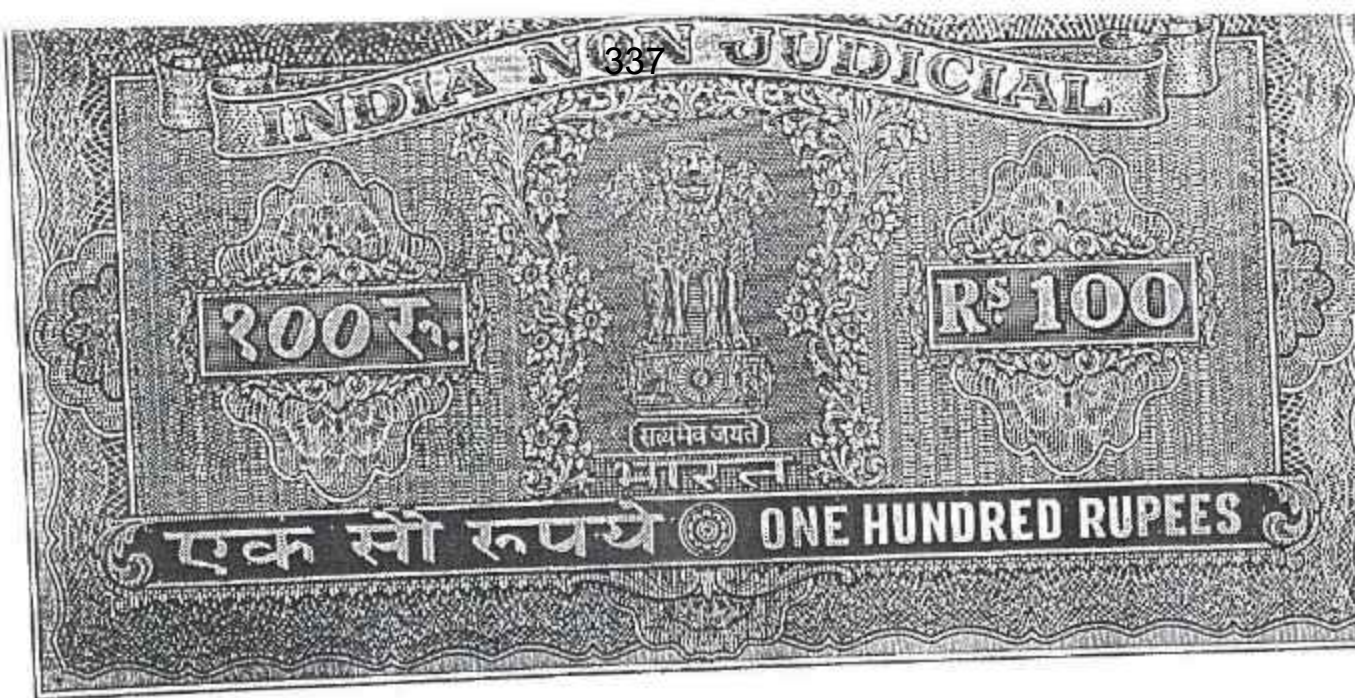
AND

FLOYD HOSPITALITY PRIVATE LIMITED, represented by its Directors 1) Mrs. JUDITH RODRIGUES of major age, Indian

Handwritten signatures and initials including 'Mrs. Rodrigues', 'J.R.', and 'V.R.'

10

Public Information Officer
Excise Station,
Bardez Taluka.



National, residing at Corte de Oiteiro, Panjim, Goa, and 2) Mr. ~~TIBURCIO~~ XAVIER D'SOUZA, son of Xavier D'Souza, major, resident of Assaog, Goa, hereinafter called the 'PURCHASER' (which expression shall unless repugnant to the context or meaning thereof,

Handwritten signatures and initials:
M. P. ...
J. R. ...
V. J.

Handwritten signature:
Public Information Officer
Excise Station,
Sardez Taluka.

42

REGISTRATION NO. P.V.S.T. Place of Vendor's Office: FILPALEM
 Value of Stock: Rs. 100/-
 Name: FLOYD HOSPITALITY PVT LTD
 Purpose:
 Name of Goods: Place of Purchase:



include its legal representatives, executors, administrators and assigns) of the Other Part;

WHEREAS the Vendors are owners in possession of a property known as 'FILPALEM BATTA' situated at Vaddi, Candolim, Bardez,

Public Information Officer
 Excise Station,
 Bardez Taluka.

Goa. the said property bears Matriz No.272 and is presently surveyed under Survey No.135/9 of village Candolim, Bardez, Goa;

AND WHEREAS the said property originally belonged to one Mr. Candido Desiderio de Frias e Costa, who was resident of Candolim, Bardez, Goa, the said Candido Desiderio de Frias e Costa, who was a bachelor expired at Candolim in the year 1914 and the said property was inherited by his brother Mr. Paulo Jose Olegario de Frias e Costa, bachelor, residing at Candolim, Bardez, Goa, and his nephews viz. 1) Mr. Jose Jeronimo Luis Higino Otolino de Frias e Costa alias Jose de Frias e Costa, married to Mrs. Ana Margarida Preciosa Lobo de Frias e Costa and Mr. Rafael Antonio Teofilo de Frias e Costa, bachelor;

AND WHEREAS the said Paulo Jose Olegario de Frias e Costa expired in the year 1925 and the said

13


Public Information Officer
Excise Station,
Bardez Taluka.

(44)

entire property came to be inherited by his nephews, Jose de Frias e Costa and Rafael Antonio Teofilo de Frias e Costa vide instrument known as 'Escritura de Habilidade, Declaracao e Partilhas' dated 14-9-1946 executed before the Notary Public at Mapusa, Bardez, Goa at book No.462 at 54-V to 57-V;

AND WHEREAS the said Mr. Jose de Frias e Costa expired on 14-10-1966 leaving behind the said Mrs. Ana Margarida Preciosa Lobo de Frias e Costa as his moiety holder and his children, the Vendors at Sr. nos. 1, 2, 3, 5, 7, Mr. Antonio Ernesto Da Costa Frias, and Mr. Olegario da Costa Frias as his legal representatives;

AND WHEREAS the said Mr. Rafael Antonio Teofilo de Frias e Costa expired at Candolim in the year 1972 leaving behind the Vendors as his sole and universal heirs;


 Public Information Officer
 Excise Station,
 Bardez Taluka.




AND WHEREAS the said Mrs. Ana Margarida Preciosa Lobo de Frias e Costa expired on 8-11-1990 leaving behind the Vendors at Sr. Nos. 1 to 7, 8 and 11 and Antonio Ernesto da Costa Frias and Olegario da Costa Frias as her sole and universal heirs;

AND WHEREAS the said Antonio Ernesto Da Costa Frias expired on 8-3-2003 living behind the Vendors at Sr. Nos. 8, 9 and 10 as his legal representatives;

AND WHEREAS the said Mr. Olegario Da Costa Frias expired on 10-7-2003 leaving behind the Vendor at Sr. Nos. 11, 12 and 13 as his legal representatives;

AND WHEREAS the Vendors thus own and are absolutely entitled to the said land which is surveyed under No.135/9 of village Candolim,


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Public Information Officer
Excise Station,
Bardez Taluka.

(40)
 Bardez, Goa, and more particularly described in the
 Schedule - I hereunder written;

AND WHEREAS the Vendors have agreed to
 sell and the Purchaser has agreed to purchase a
 portion admeasuring 403 sq. mts. forming a distinct
 and disannexed part of the said land bearing survey
 no.135/9 as shown on the plan annexed hereto with
 red colour boundary lines and described in Schedule
 - II hereunder written at or for the price of Rs.4,000/-
 (Rupees four thousand only) per square meter
 amounting to Rs.16,12,000/- (Rupees Sixteen lakhs
 twelve thousand only) being the fair market value of
 the said portion of land which is more particularly
 described in the Schedule - I hereunder written;


AND WHEREAS the Purchaser has requested
 the Vendors to execute the requisite Deed of Sale
 which the Vendors have agreed to do;


 Excise Information Officer
 Excise Station,
 Bardez Taluka.



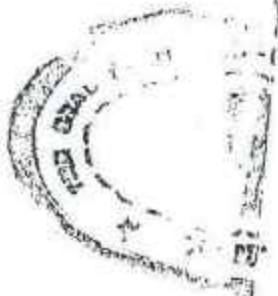
NOW THEREFORE THIS INDENTURE WITNESSETH that in pursuance of the said agreement and in consideration of the said sum of Rs.16,12,000/- (Rupees Sixteen lakhs twelve thousand only) paid by the Purchaser to the Vendors on or before the execution of these presents vide cheques dated 2-12-2003 drawn on HDFC Bank, Mapusa bearing Nos. 035661, 035662 and 035663 drawn in the names of the Vendors at Sr. Nos. 3, 5 and 11 (receipt whereof the Vendors do hereby admit and acknowledge and of and from the same and every part thereof do forever acquit, release and discharge the Purchaser) THEY the Vendors do hereby grant, assign, assure, transfer and convey all the said portion of land admeasuring 403 sq.mts. as shown in the plan annexed hereto with red colour boundary lines being distinct and disannexed part of the entire land more particularly described in the First Schedule hereunder written TOGETHER WITH all waters, watercourses, rights, lights, liberties privileges,


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Sub-Station Officer
Excise Station,
Bardez Taluka.

(48)


easements and appurtenances whatsoever to the said portion of land belonging to and in anywise appertaining or usually held or occupied therewith or reputed to belong or be appurtenant thereto AND all the estate, right, title, interest property, claim and demand whatsoever of the Vendors to the said portion of land TO HAVE AND TO HOLD all and singular the said portion of land hereby granted and conveyed and expressed so to be UNTO AND TO THE USE OF the Purchaser forever subject to the payment of all taxes, rates, assessments, dues and duties now and hereafter to become payable to the Government or any other public or local body in respect thereof and the Vendors do hereby covenant with the Purchaser that notwithstanding any deed or thing by the Vendors or by any person or persons lawfully or equitably claiming from, under or in trust for them made, done, omitted, executed or knowingly or willingly suffered to the contrary they the Vendors now have in themselves good right, full power and




Excise Information Officer
Excise Station,
Sardar Taluka.

absolute authority to grant the said portion of land hereby granted and conveyed and expressed so to be UNTO AND TO THE USE OF the Purchaser in the manner aforesaid AND THAT the Purchaser shall and may at all times hereafter quietly and peaceably possess and enjoy the said portion of land and receive the rents and profits thereof without any lawful eviction, interruption, claim or demand whatsoever from or by the Vendors or any person or persons lawfully or equitably claiming from, under or in trust for them AND that free and clear and freely and clearly and absolutely acquitted, exonerated, released and forever discharged or otherwise by the Vendors and well and sufficiently saved, defended, kept harmless and indemnified of, from and against all estate, charges, made, exonerated, occasioned and suffered by the Vendors or by any other person or persons lawfully or equitably claiming any estate, right, title or interest at law or in equity in the said portion of and hereby granted or any part thereof by,

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Public Information Officer
Excise Station,
Bardez Taluka.

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from, under or in trust from them AND THAT the said portion of land hereby granted is free and clear from any tenancy or mundcarial rights of any person or persons AND FURTHER THAT the Vendors shall and will from time to time and at all times hereafter at the request and cost of the Purchaser do and execute and cause to be done and executed all such further and other lawful and reasonable acts, deeds, things and assurances in law whatsoever for further and more perfectly granting and assuring the said portion of land hereby granted UNTO AND TO THE USE OF the Purchaser in the manner aforesaid as shall or may be reasonably required and if at any time any defect in the title of the Vendors is noticed the Vendors hereby indemnify the Purchaser for all losses and expenses borne by it. It is made clear that if for any reason the cheques issued by the Purchaser infavour of the Vendors as aforesaid are dishonoured this conveyance shall cease to have effect and the


Public Information Officer
Excise Station,
Bardez Taluka.



said property shall revert back to the Vendors without any liability thereto.

THE SCHEDULE - I


HEREINABOVE REFERRED TO

ALL THAT property known as 'Filpalem Batta' or 'Filipachem Bhatt' situated at Vaddy, Candolim, Bardez, Goa, bearing Matriz No.272 and presently surveyed under survey no.135/9 of village Candolim admeasuring 2125 sq.mts. The said property is bounded as under:-

On or towards the North : By property bearing
Survey No. 135/7;

On or towards the South: By properties bearing
survey nos. 135/10,
135/12, 135/12A,
135/15 and 135/11;

On or towards the East : By the public road and

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Public Information Officer
Excise Station,
Bardez Taluka.

On or towards the west: By property bearing
survey no. 135/8.

THE SCHEDULE - II
HEREINABOVE REFERRED TO


ALL THAT part and portion of the property
described in Schedule I admeasuring 403 sq.mts.
shown in the plan annexed hereto in red boundary
lines. The said portion is bounded as under:-

On or towards the North : By the property bearing
Survey No. 135/7;

On or towards the South: By the other part of the
property bearing survey
nos. 135/9;

On or towards the East : By the public road and

On or towards the West: By an access/pathway
forming part of the
property bearing survey
no. 135/9.


Public Information Officer
Excise Station,
Bardez Taluka.

3) Dr. DESIDERIO DA COSTA FRIAS,

Desiderio da Costa Frias

Left hand finger prints

Right hand finger prints



[Signature]
Public Information Officer
Excise Station,
Bardez Taluka.

54

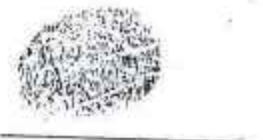
IN WITNESS WHEREOF the parties hereto have signed this Deed of Sale on the day, month and year first hereinabove mentioned.

Signed, sealed and delivered by the withinnamed 'Vendors' 1) Mrs. MARIA EVANGELINA DA CUNHA GOMES, 2) Mr. LINO DA CUNHA GOMES (represented by their power of attorney holder the Vendor No.3)

Lino da Cunha Gomes

Left Hand finger prints

Right hand finger prints



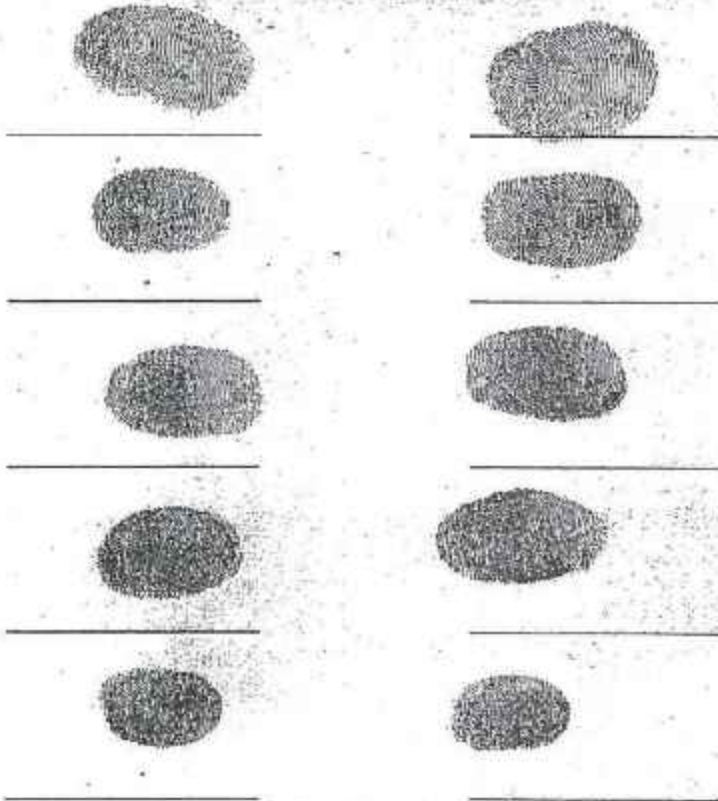
Public Information Officer
Police Station,
Sardez Taluka.

8) Mrs. MARIA FILOMENA DA COSTA FRIAS,

Maria Filomena

Left Hand finger prints

Right hand finger prints



[Signature]
 Sub-Station Officer
 Excise Station,
 Bardez Taluka.

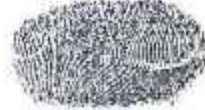
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4) Mrs. NIRMALA DA COSTA FRIAS, 5) Dr. ORLANDO DA COSTA FRIAS, 6) Mrs. RENATE DA COSTA FRIAS, 7) Mr. JOSE DA COSTA FRIAS (represented by their power of attorney holder the Vendor No.3)

Jose da Costa Frias

Left Hand finger prints

Right hand finger prints



25

Public Information Officer
Exotic Station,
Boracay

10) Ms SONALI DA COSTA FRIAS. (represented by her power of attorney holder Adv. Cipriano Barretto).

Phavets

Left Hand finger prints



Right hand finger prints



h
Information Officer
Excise Station,
Bardez Taluka.

58

9) Mr. SANIL DA COSTA FRIAS

Sanil

Left Hand finger prints

Right hand finger prints



27

[Signature]

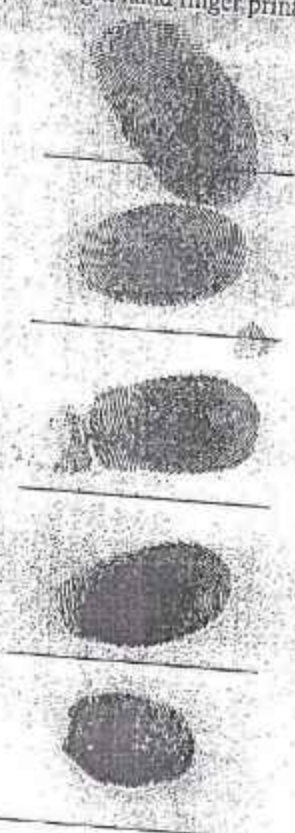
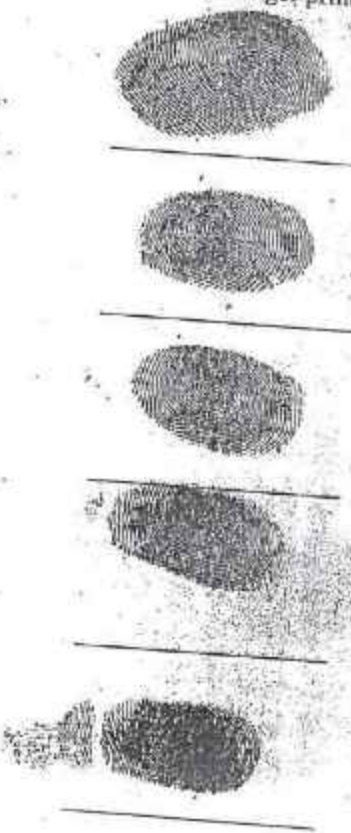
Public Information Officer
Excise Station,
Bardez Taluka.

13) Mr. VERNER DA COSTA FRIAS

Vestak

Left Hand finger prints

Right hand finger prints



[Signature]
 Justice Information Officer
 Excise Station,
 Bardez Taluka.

60

WJ
J.R. My
for
for
for
for

*) Mrs. MARIA LOURDES NANETTE DA COSTA FRIAS, (2) Mr. NIGEL DA COSTA FRIAS, for self and as power of attorney for Vendor no.11)

Nda Costa Frias

Left hand finger prints

Right hand finger prints



29

[Signature]
Public Information Officer
Excise Station,
Bardoz Taluka.

Signed, sealed and delivered by the withinnamed
'Purchaser' FLOYD HOSPITALITY PRIVATE
LIMITED represented by its Directors 1) Mrs.
FLOYD HOSPITALITY PRIVATE
JUDITH RODRIGUES and

J. Rodrigues
DIRECTOR
Left Hand finger prints

Right hand finger prints



31

J
Public Information Officer
Excise Station,
Bardes Tahira.



CERTIFIED COPY ²⁶⁴⁷
 Date on which copy applied for 16-03-22 For further
 Date on which application completed 16-03-22 proceedings
 Date given for taking delivery 29-03-22
 Date on which copy was ready 19-03-22
 Date on which copy delivered 01-4-22
 Copying and comparing fees, etc., ₹ 168
 In the Nazir's section under Receipt No. 059904
16-3-22 OG 0209 dt 1-4-22

P-6

[Signature]
 Superintendent



IN THE COURT OF CIVIL JUDGE SENIOR DIVISION AT
 MAPUSA

Reg. Civil Suit No. 131 /2016 /F

Mr. Vernon Rodrigues
 s/o Late Victor Rodrigues
 age 69 years, businessman,
 r/o H. No. 483, Candolim
 Vadi, Candolim, Bardez-Goa
 403515

...Plaintiff

V/s

1. M/s Floyd Hospitality Pvt. Ltd.,
 A Company registered under Indian
 Companies Act 1958 and Represented
 By Mrs. Judith Mabel Rodrigues
 w/o Mr. Elvino Rodrigues
 major, business, having
 Business premises known as Floyd's Hut,
 Opposite Magnum Resort and next to
 Nitendra's Bar, Candolim, Bardez-Goa, 403515
 2. Village Panchayat of Candolim
 Represented by Sarpanch/Secretary
 Candolim, Bardez-Goa

...Defendants

checked with original

63
2
Cbt By

Court of C. J. S. D. Mapusa
Suit Presented on 18/5/2016

Head Clerk

118A/16

Court of C. J. S. D. Mapusa
Suit Registered on 18/5/2016

Under No. 13/2016/12

Head Clerk



IN THE COURT OF CIVIL JUDGE SENIOR DIVISION AT
MAPUSA

Reg. Civil Suit No. /2016

Mr. Vernon Rodrigues
s/o Late Victor Rodrigues
age 69 years, businessman,
r/o H. No. 483, Candolim
Vadi, Candolim, Bardez-Goa
403515

....Plaintiff

V/s

1. M/s Floyd Hospitality Pvt. Ltd.,
A Company registered under Indian
Companies Act 1958 and Represented
By Mrs. Judith Mabel Rodrigues
w/o Mr. Elvino Rodrigues
major, business, having
Business premises known as Floyd's Hut,
Opposite Magnum Resort and next to
Nitendra's Bar, Candolim, Bardez-Goa, 403515
2. Village Panchayat of Candolim
Represented by Sarpanch/Secretary
Candolim, Bardez-Goa

....Defendants

-2-

SUIT FOR PERMANENT INJUNCTION
AND PLAINT UNDER ORDER VII
RULE 1 OF C.P.C

MAY IT PLEASE YOUR HONOUR

1. The defendant no. 1 is a company registered under Indian Companies Act. The defendant No.1 is the owner of an area of 403 sq. mts in the property surveyed under survey no. 135 sub-division 9 of Candolim village. The said plot is hereinafter called as the Suit Plot.



That plaintiff is owner in possession of a property bearing Survey No. 135 sub-division 7 of Candolim Village. The said property is situated on the Northern boundary of suit plot. The suit plot and property of plaintiff is demarcated by the compound wall and building belonging to plaintiff. The property surveyed under no. 135/7 is surveyed in the name of late father of plaintiff and his late uncle.

3. That the plaintiff has learnt that the suit plot was purchased by the defendant no. 1 by a sale deed dated 2/12/2003. In the property bearing Survey No. 135/9 there were houses belonging to Mundkars. While selling the suit plot to the defendant no. 1, the land lord had left a strip of 3 mts width touching the southern boundary of said survey number as an access for the Mundkars houses, to the rear.

4. That the defendant no. 1 started a Hospitality business in the suit plot in a make shift structure somewhere in the year 2004 called Floyd Hut. The said hospitality business is run by Mr. Elvino Rodrigues, the husband of one of the directors, Mrs. Judith Mabel Rodrigues.

5. That the plaintiff was under the impression that defendant no. 2 must have been granted temporary permission for the make shift structure. The plaintiff has now realized that the defendant no. 1 with

Elvino Rodrigues



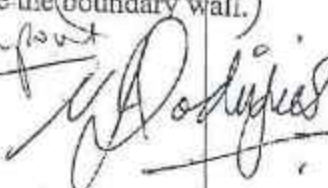
connivance of officials the defendant no. 2 obtained permanent house number to said make shift structure for purpose of house tax, House No. 485/A.

6. That the defendant no. 2 could not have given permanent house number to the make shift structure as the defendant no. 1 had not obtained necessary construction licence from defendant no. 2 and no occupancy certificate was issued to defendant no. 1 by defendant no. 2.

That the defendant no. 1 has demolished his make shift structure somewhere last week of April 2016 and started constructing a new permanent structure. When plaintiff noticed the work under taken in the suit plot, he went to enquire with Elvino Rodrigues at site to enquire type of construction being undertaken.

8. That Elvino Rodrigues represented that he was the construction contractor and showed the plan of construction given to him by representatives of defendant no. 1. The said person was pleased to hand over the construction plan for the information of plaintiff and stated that he will not stop his construction and the plaintiff cannot stop him, from proceeding with construction. The plaintiff immediately took copy of the said plan on his mobile and printed it. The said act has been witnessed by Walter Sedlaczek and Viola Rodrigues.

9. That on going through the construction plan, the plaintiff found that the construction is being undertaken in the suit plot without leaving necessary set back on both sides. The proposed construction was to have one storied building and the open balcony and staircase of the first floor was facing towards the property of the plaintiff on the northern boundary and above the (boundary wall.)

Confidential


10. That the plaintiff approached the officials of defendant no. 2 and found that the defendant no. 1 did not obtain necessary licence from the defendant no. 1 and other Departments. The plaintiff immediately lodged complaint with defendant no. 2 on 9/5/2016 and thereafter on 10/5/2016. In the complaint the plaintiff had stated that Mr. Elvino Rodrigues and his wife Judith Mabel Rodrigues, who is the director of defendant no. 1 had undertaken the construction in question.



That the plaintiff received a letter dated 11/5/2016 from defendant no. 2 stating that Elvino Rodrigues has informed that he was not the owner of the suit plot. In view of said representation made by Mr. Elvino no inspection was held on 10/5/2016 without informing the plaintiff, at that time.

12. That thereafter the plaintiff on 11/5/2016 obtained copy of Record of Right of survey no. 135/9 of Candolim village and found that the suit plot belongs to the defendant no. 1. The plaintiff also got information from Registrar of Companies that wife of Elvino is one of directors of the company besides one other director Mr. Tibarcio Xavier D'Souza. Actually the Entire Hospitality business is looked after by Mrs. Judith Rodrigues and her husband Elvino Rodrigues.

13. That on receipt of the necessary information a legal notice was issued to the defendant no. 2 calling upon the defendant no. 2 to stop the illegal construction undertaken by the defendant no. 1 immediately. The said notice was personally served on 16/5/2016. The plaintiff apprehends that defendant no. 2 might not take necessary legal action in the matter.

14. That width of the suit plot is 8 mts as per the survey plan of survey no. 135/9 from the road to entire length of the suit plot. The land lord had kept an access of 3 mts for the use of Mundkars. In view of this the

Rodrigues



-5-

width of the suit plot could not be more than 5 mts as in the plan supplied to the contractor. The width of the internal road is shown as 3 mts. However the width of the internal road is less than two mts at loco.

15. That defendant no. 1 was required under law to keep a setback of one and half mts from the boundary of the suit plot on both sides. However the defendant no. 1 has not left any setback and the construction is done almost touching the boundary line on the south and north boundary of suit plot. The defendant no. 1 is doing the construction on war footing so as to frustrate the plan of plaintiff to stop the illegal construction of defendant no. 1. The defendant no. 2 is not doing anything to stop the illegal construction inspite of the fact that the same is being done in the Heart of Candolim Village Main road. The plaintiff is effected very badly by said construction. The plaintiff is a voter and tax payer of defendant no. 2 and has every right to see that the defendant no.1 takes action against illegal construction of the defendant no.1.

16. That as per the plan given by representative of the defendant no. 1, the first floor of the construction is supposed to have a open balcony towards the property of plaintiff. The plaintiff has his compound wall on the northern boundary of suit plot. There are windows without grills in the said compound wall. The proposed construction is going to effect the easementary right of air and light, ventilation and monsoon drainage of the plaintiff.

17. That defendant no. 2 was duty bound to stop the illegal construction immediately after reporting the same by the plaintiff. there was no legal impediment on the part of the defendant no. 2 to hold inspection of site immediately. Moreover the defendant no. 2 has all details of the owner of the suit plot as they have issued house number for the

[Handwritten Signature]



-6-

structure in the plot. The defendant no. 2 must have issued licence for conducting business in suit plot and also NOC for taking electricity and water connection. The defendant no. 2 did not hold an inspection on the pretext of the letter received from Elvino Rodrigues. The defendant no. 2 has decided to give time to defendant no. 1 to complete the illegal construction.

18. The defendant no. 2 is not taking any action in this matter, when the defendant no. 2 was bound to take necessary action in law immediately and not wait till the illegal construction is completed. The defendant no. 2 is failing in its duty intentionally and therefore the plaintiff is forced to file the present suit.

19. That the suit plot is situated within the Jurisdiction of this Hon'ble Court.

20. That the cause of action for filing the suit arose somewhere on 9th May 2016, when the defendant no. 1 undertook the construction activities, illegally in the suit plot. *as such suit is filed within limitation*

21. That the suit is valued at Rs.1000/- for the purpose of court fee and Jurisdiction and necessary court fee is paid. The prayer (a) is valued at Rs.500/- and prayer (b) at Rs. 500/-.

22. That the plaintiff has not filed any other suit claiming the same relief. *that no caveat application is been received by the plaintiff*

23. It is prayed that:

a. The defendant no. 1 be permanently restrained from doing/undertaking any construction in the suit plot without following the legal procedure/formalities.

b. The defendant no. 2 be directed by mandatory injunction to demolish the illegal construction done in the suit plot.

Elvino Rodrigues



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- c. The defendants be directed to pay the cost of the suit.
- d. Any other relief be granted which is fund just and necessary in the interest of justice.

Place : Mapusa
 Date: 18/05/2016

Vernon Rodrigues
 Plaintiff

VERIFICATION

I, Vernon Rodrigues, the above plaintiff do hereby state on oath that the contents of para 1 to 18 are true to my knowledge and contents of remaining paras are legal submission.

Place : Mapusa
 Date: 18/05/2016



Vernon Rodrigues
 Plaintiff

Parab
 Identified by me:-
 (Adv P. M. Parab)

Before me
Shri...
 Superintendent
 Civil and Criminal Court
 Mapusa.



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AFFIDAVIT

I, Vernon Rodrigues, the above plaintiff do hereby state on oath as under:

1. That I have gone through the contents of the complaint and understood the same.
2. That the contents of para 1 to 18 of the complaint are true to my knowledge.
3. That contents of above paras are true to my knowledge.

Solemnly affirmed at Mapusa on this 18th day of May 2016.



Vernon Rodrigues
DEPONENT

Parab
Identified by me:-
Adv. P. M. Parab

Solemnly affirmed before me by *Smt. Vernon Rodrigues*
who is identified before me by *Shri Adv. P. M. Parab*
Dated: *18/5/2016*

Srinath
Superintendent
Civil Court, Mapusa

CERTIFIED TRUE COPY

Shri. G. S. Shetty
Superintendent/Head Clerk
Senior Civil Judge & J.M.F.C.
Mapusa-Goa

Issue summons to the defendants
for settlement of issues w/o
20-05-2016 at 10:00 am.

Jason
18-5-16
C.J.J. Court
i/c C.J.J. Court.

Checked with original
One

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IN THE COURT OF THE CIVIL JUDGE, SENIOR

DIVISION, AT MAPUSA

CIVIL MISC. APPLICATION NO. /2016

IN

REGULAR CIVIL SUIT NO. 131/2016/F

MR. VERNON RODRIGUES,
s/o late Victor Rodrigues, age
69 years, businessman, resident
of House No. 483, Vadi,
Candolim, Bardez-Goa-403 515.

..... PLAINTIFF

VERSUS

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1. M/S. FLOYD HOSPITALITY
PVT. LTD., a Company registered
under the Indian Companies Act,
1958 and represented by MRS.
JUDITH MABEL RODRIGUES,
w/o Mr. Elvino Rodrigues, major,
business, having business premises
known as Floyd's Hut, Opposite
Magnum Resort and next to
Nitendra's Bar, Candolim,
Bardez-Goa-403 515.

2. VILLAGE PANCHAYAT OF
CANDOLIM, represented by
Sarpanch/Secretary, Candolim,
Bardez-Goa.

..... DEFENDANTS.

COUNTER CLAIM ON BEHALF
OF DEFENDANT NO.1

MAY IT PLEASE YOUR HONOUR:

The Defendant No. 1 above named respectfully states and submits as under:-

1. The Defendant No. 1 has already preferred and filed Written Statement. There are certain facts that have come to the knowledge of the Defendant No. 1 which are material in the facts of the present case, as the facts, if brought on record will clearly demonstrate and show that the Plaintiff is not entitled to any equitable reliefs, let alone an equitable relief of Injunction from this Hon'ble Court under Order 39, Rule 1 of CPC, 1908.

2. The Defendant No. 1 above named respectfully states that the Plaintiff above named has approached this Court with unclean hands. The Plaintiff above named has himself indulged in an illegal act of carrying out illegal construction in the property bearing Survey No. 135/7, situated at Vadi, Candolim, Bardez-Goa. It has further come to the knowledge of the Defendant No. 1 that the property of this Defendant which is bearing Survey No. 135/7 is adjacent to and neighbouring the Defendant No. 1 property which is bearing Survey No. 135/9 (Part). The Defendant No. 1 respectfully states that there is a Demolition Order dated 17/11/2007 issued by the Office of the Village Panchayat of Candolim, i.e. Defendant No. 2 herein, where it was clearly stated that the illegal Shops in Survey No. 135/7, situated at Vadi, Candolim, Bardez-Goa were unauthorized and have to be demolished. It was also noted in the said Demolition Order that the Plaintiff above named had carried out construction of Shops and other structures in the property bearing Survey No. 135/7, situated at Vadi, Candolim, Bardez-Goa. It was further noted that the Village Panchayat of Candolim had carried out the site inspection on 1/7/2005 and further been noted that with prior notice dated 29/6/2005, drawn the Panchanama and Rough Sketch of the said illegal construction. It has further been noted in the Demolition Order that the Plaintiff above named has not obtained any Licence, nor produced any Plans/Licence to

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substantiate his claim that the Shops and other structures are old and legal. Furthermore, it was also noted in the Demolition Order that the Plaintiff was continuously carrying out illegal construction in the premises surveyed under Survey No. 135/7, situated at Vadi, Candolim, Bardez-Goa, contrary to the Bye-laws. The Defendant No. 1 states that accordingly, a Demolition Order dated 17/11/2007 bearing Reference No. VP/C/18/5/2027/07-08 has come to be made by the Village Panchayat Candolim.

3. The Defendant No. 1 states that there are over 15 Shops in the illegal structures falling in Survey No. 135/7, situated at Vadi, Candolim, Bardez-Goa. It has further come to the notice of the Defendant No. 1 that in spite of the structures being illegal, the Plaintiff is occupying the same without obtaining an Occupancy Certificate which is prima facie contrary to the Goa (Regulation of Land Development and Building Construction) Act, 2008, and the Goa Land Development and Construction Regulations, 2010. The Defendant No. 1 states that in terms of Section 3.11 of the Goa Land Development and Building Construction Regulations, 2010, the said provision clearly reads out as under:-

"3.11. Occupancy Certificate:- (a) No building hereafter erected, re-erected or altered materially, shall be occupied in whole or in

part, until the issue of Completion Order by Planning and Development Authority (PDA) in whole or in part, as per APPENDIX-C5 or Completion Order by Town and Country Planning Department (TCPD) in whole or in part, as per APPENDIX-C6, as applicable, as well as an Occupancy Certificate by the Municipal Council in whole or in part, as per APPENDIX-C7 or by the Village Panchayat in whole or in part, as per APPENDIX-C8, after making such scrutiny, site inspection and affirming that such a building conforms in all respects the requirements of these Regulations and as per the approved plans and any conditions laid down by the PDA/Council/Village Panchayat on the Development Permission/Building Permit.

- (b) Clearance from Directorate of Fire and Emergency Services before issue of Occupancy Certificate shall be required for High Rise Buildings.*

(c) *A Post Occupancy Audit: The Licensing Authority shall carry out Post Occupancy Audit on a random basis, from time to time for group housing/residential multi dwelling buildings and multistoried buildings but within five years of issue of Occupancy Certificate.*

4. The Defendant No. 1 furthermore states that the Supreme Court has in catena Judgments clearly spelt out that, in the absence of Occupancy Certificate, the electricity and water connections should be disconnected and no person can occupy the said premises and any occupation of the said premises without an Occupancy Certificate will be illegal and unauthorized.

5. The Defendant No. 1 respectfully states that in several Judgments of the Bombay High Court, the Bombay High Court has clearly spelt out that no structures can be occupied unless and until the Competent Authorities issues Occupancy Certificate for occupation thereof. Furthermore, the High Court has even gone to the extent of saying that the electricity and water connections should be denied to the illegal and unauthorized occupation of any structure without Occupation Certificate.

6. The Defendant No. 1 states that the cause of action to file the present Counter Claim arisen after the Defendant No. was served a copy of the Summons in Regular Civil Suit No. 131/2016/F. Furthermore, the cause of action has arisen upon filing the Written Statement in the aforesaid Regular Civil Suit, this Defendant have learnt upon such an inquiry with the Office of the Village Panchayat of Candolim, i.e. the Defendant No. 2 herein, that the Plaintiff himself has indulged in an illegal act of carrying out the illegal and unauthorized construction in Survey No. 135/7, situated at Vadi, Candolim, Bardez-Goa, contrary to the Bye-laws and therefore, the present Counter Claim is filed by the Defendant No. 1 before this Court to seek the following reliefs.

7. In the circumstances, the Defendant No. 1 is entitled to a Judgment and Decree of Declaration that the Plaintiff is not entitled to occupy the illegal and unauthorized structures/Building (15 in numbers) in Survey No. 135/7, situated at Vadi, Candolim, Bardez-Goa, without obtaining the Construction Licence from the Competent Authorities under the Goa (Regulation of Land Development and Building Construction) Act, 2008.

8. In the circumstances, the Defendant No. 1 is also entitled for a Judgment and Decree of Permanent Injunction restraining the Plaintiff from occupying the unauthorized structures/Building (15 in

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numbers) in Survey No. 135/7, situated at Vadi, Candolim, Bardez-Goa, without obtaining the Construction Licence from the Competent Authorities under the Goa (Regulation of Land Development and Building Construction) Act, 2008.

9. The Defendant No. 1 is further entitled for a Judgment and Decree of Mandatory Injunction, directing the Village Panchayat of Candolim, i.e. the Defendant No. 2 herein to immediately disconnect the electricity and water connections to the illegal and unauthorized structures/Building (15 in numbers) in Survey No. 135/7, situated at Vadi, Candolim, Bardez-Goa, unless and until the Plaintiff obtains Occupancy Certificate/Permissions/Licences from the Competent Authorities under the Goa (Regulation of Land Development and Building Construction) Act, 2008.

10. The Defendant No. 1 is also entitled for a Temporary Injunction restraining the Plaintiff from occupying the illegal and unauthorized structures/Building (15 in numbers) in Survey No. 135/7, situated at Vadi, Candolim, Bardez-Goa, without obtaining the Construction Licence from the Competent Authorities under the Goa (Regulation of Land Development and Building Construction) Act, 2008, pending the hearing and final disposal of the Suit.

11. The Defendant No. 1 is further entitled for a Temporary Mandatory Injunction directing the Village Panchayat of Candolim, i.e. the Defendant No. 2 herein to immediately disconnect the electricity and water connections to the illegal and unauthorized structures/Building (15 in numbers) in Survey No. 135/7, situated at Vadi, Candolim, Bardez-Goa, unless and until the Plaintiff obtains Occupancy Certificate/Permissions/Licences from the Competent Authorities under the Goa (Regulation of Land Development and Building Construction) Act, 2008.

12. The Defendant No. 1 is also filing an Affidavit in support of this Counter Claim.

13. The Defendant No.1 states that this Hon'ble Court has territorial jurisdiction in the matter as the suit property falls within the jurisdiction of this court.

14. The Defendant No.1 states that the Counter Claim is valued at Rs. 1,000/- for the purpose of court fee. The prayer clause "A" is valued for Rs. 500/-, the prayer clause "B" is valued for Rs. 500/-, the prayer clause "C" is valued for Rs. 500/-,

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and therefore fixed court fee of Rs. 50/- is payable on each relief under the Goa Court Fee Act and accordingly the Court Fee of Rs. 400/- has been affixed hereto.

15. The Defendant No. 1, under the circumstances, prays as under:-

PRAYERS

- (A) For a Judgment and Decree of Declaration that the Plaintiff is not entitled to occupy the illegal and unauthorized structures/Building (15 in numbers) in Survey No. 135/7, situated at Vadi, Candolim, Bardez-Goa, without obtaining the Construction Licence from the Competent Authorities under the Goa (Regulation of Land Development and Building Construction) Act, 2008;
- (B) For a Judgment and Decree of Permanent Injunction restraining the Plaintiff from occupying the unauthorized structures/Building (15 in numbers) in Survey No. 135/7, situated at Vadi, Candolim, Bardez-Goa, without obtaining

the Construction Licence from the Competent Authorities under the Goa (Regulation of Land Development and Building Construction) Act, 2008;

(C) For a Judgment and Decree of Mandatory Injunction, directing the Village Panchayat of Candolim, i.e. the Defendant No. 2 herein to immediately disconnect the electricity and water connections to the illegal and unauthorized structures/Building (15 in numbers) in Survey No. 135/7, situated at Vadi, Candolim, Bardez-Goa, unless and until the Plaintiff obtains Occupancy Certificate/Permissions/Licences from the Competent Authorities under the Goa (Regulation of Land Development and Building Construction) Act, 2008;

(D) For a Temporary Injunction restraining the Plaintiff from occupying the illegal and unauthorized structures/Building (15 in numbers) in Survey No. 135/7, situated at Vadi, Candolim, Bardez-Goa, without obtaining the Construction Licence from the Competent

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the Construction Licence from the Competent Authorities under the Goa (Regulation of Land Development and Building Construction) Act, 2008;

(C) For a Judgment and Decree of Mandatory Injunction, directing the Village Panchayat of Candolim, i.e. the Defendant No. 2 herein to immediately disconnect the electricity and water connections to the illegal and unauthorized structures/Building (15 in numbers) in Survey No. 135/7, situated at Vadi, Candolim, Bardez-Goa, unless and until the Plaintiff obtains Occupancy Certificate/Permissions/Licences from the Competent Authorities under the Goa (Regulation of Land Development and Building Construction) Act, 2008;

(D) For a Temporary Injunction restraining the Plaintiff from occupying the illegal and unauthorized structures/Building (15 in numbers) in Survey No. 135/7, situated at Vadi, Candolim, Bardez-Goa, without obtaining the Construction Licence from the Competent

Authorities under the Goa (Regulation of Land Development and Building Construction) Act, 2008, pending the hearing and final disposal of the Suit;

- (E) For a Temporary Mandatory Injunction directing the Village Panchayat of Candolim, i.e. the Defendant No. 2 herein to immediately disconnect the electricity and water connections to the illegal and unauthorized structures/Building (15 in numbers) in Survey No. 135/7, situated at Vadi, Candolim, Bardez-Goa, unless and until the Plaintiff obtains Occupancy Certificate/Permissions/Licences from the Competent Authorities under the Goa (Regulation of Land Development and Building Construction) Act, 2008;
- (F) For ad-interim ex-parte reliefs in terms of Prayer Clauses (D) and (E) above;
- (G) For such other and further reliefs that this Hon'ble Court deems fit and proper in the facts and circumstances of the case be passed;

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(H) For costs.

Place:-Mapusa-Goa.

Dated: - /9/2016.

Defendant No. 1

Advocate for Defendant No. 1.

VERIFICATION

I, Mrs. Judith Mabel Rodrigues, wife of Mr. Elvino Rodrigues, of major age, Indian National, carrying on business known as "FLOYD'S HUT", Opposite Magnum Resort and next to Ninendra's Bar, Candolim, Bardez-Goa, the Defendant No. 1 above named, do hereby solemnly verify and state that what is stated by me in Paragraphs _____ of the above Counter Claim is true to my own knowledge and belief and what is stated in the remaining Paragraphs, namely _____ are in the nature of legal submissions and/or inferences of facts, which I believe to be true.

Solemnly verified at Mapusa-Goa, on this th day of August,
 • 2016.

DEPONENT

Identified by me:

Advocate for Defendant No. 1.

AFFIDAVIT

I, Mrs. Judith Mabel Rodrigues, wife of Mr. Elvino Rodrigues, of major age, Indian National, carrying on business known as "FLOYD'S HUT", Opposite Magnum Resort and next to Nitendra's Bar, Candolim, Bardez-Goa, the Defendant No. 1 above named, do on solemn affirmation state and submit that what is stated by me in Paragraphs _____ of the above Counter Claim is true to my own knowledge and belief and what is stated in the remaining Paragraphs, namely _____ are in the nature of legal submissions and/or inferences of facts, which I believe to be true.

Solemnly affirmed at Mapusa-Goa, on this ___th day of September, 2016.

DEPONENT

Identified by me:

Advocate for Defendant No.1.

IN THE COURT OF THE CIVIL JUDGE, JUNIOR DIVISION,
AT MAPUSA, GOA.

(Before Mr. Carlo Santana da Silva, CJD, 'F' Court, Mapusa)

Regular Civil Suit no. 131/2016/F

Mr. Vernon Rodrigues,
s/o late Victor Rodrigues,
age 69 years, businessman,
r/o H. No. 483, Candolim,
Vadi, Candolim,
Bardez, Goa - 403515.

... Plaintiff

versus

1. M/s Floyd Hospitality Pvt. Ltd.,
a Company registered under the
Indian Companies Act, 1958 and represented by
Mrs. Judith Mabel Rodrigues,
w/o Mr. Elvino Rodrigues,
major, business, having
business premises known as Floyd's Hut,
Opposite Magnum Resort and next to

Nitendra's Bar, Candolim, Bardez, Goa - 403 515.

2. Village Panchayat of Candolim,
represented by Sarpanch / Secretary,
Candolim, Bardez, Goa.

... Defendants

Advocate Mr. P. R. Prabhu for the Plaintiff.

Advocate Mr. R. B. D'Sa for the Defendant no. 1.

Advocate Mr. M. Nazareth for the Defendant no. 2.

Civil Miscellaneous Application no. 144/2016/F

in

Regular Civil Suit no. 131/2016/F

Mr. Vernon Rodrigues,
s/o late Victor Rodrigues,
age 69 years, businessman,
r/o H. No. 483, Candolim,
Vadi, Candolim,
Bardez, Goa - 403515.

... Plaintiff

versus

1. M/s Floyd Hospitality Pvt. Ltd.,
a Company registered under the
Indian Companies Act, 1958 and represented by
Mrs. Judith Mabel Rodrigues,
w/o Mr. Elvino Rodrigues,
major, business, having
business premises known as Floyd's Hut,
Opposite Magnum Resort and next to
Nitendra's Bar, Candolim, Bardez, Goa - 403 515.

2. Village Panchayat of Candolim,
represented by Sarpanch / Secretary,
Candolim, Bardez, Goa.

... Defendants

Advocate Mr. P. R. Prabhu for the Plaintiff in the suit.

Advocate Mr. R. B. D'Sa for the Defendant no. 1/Applicant.

Advocate Mr. M. Nazareth for the Defendant no. 2.

O R D E R

(Delivered on this the 20th day of December of the year 2016)

1. This Order shall dispose off exhibit 3 in the main suit, which is an application filed by the Plaintiff seeking a temporary injunction against the Defendant no. 1 from carrying out any construction in the suit plot bearing survey no. 135/9 of village Candolim. This Order shall also dispose off CMA no. 144/2016/F, which is an application filed by the Defendant no. 1 praying for a temporary injunction against the Plaintiff, seeking to restrain him from occupying the purported 15 structures in survey no. 135/7 of village Candolim. There is also a prayer for a temporary mandatory injunction against the Defendant no. 2 Panchayat to disconnect electricity and water connection to the purported 15 structures situated in survey no. 135/7 of village Candolim.

2. The two applications were both very strongly contested.

3. Heard common oral arguments advanced by Advocate Mr. P. R. Prabhu for the Plaintiff, Advocate Mr. R. B. D'Sa for the Defendant no. 1 and Advocate Mr. M. Nazareth for the Defendant no. 2, on both the applications. I have perused both the records.

4. To facilitate the disposal of the application filed in RCS 131/2016/F, the Court has framed three points for determination, which are set out hereunder, along with my findings:

POINTS FOR DETERMINATION	FINDINGS
1. Whether the Plaintiff makes out a prima facie case?	In the affirmative
2. Whether the Plaintiff proves that the balance of convenience tilts in his favour?	In the affirmative
3. Whether the Plaintiff proves that irreparable loss and prejudice will be caused to him, if this injunction is not granted?	In the affirmative

5. To facilitate the disposal of CMA 144/2016/F, the Court has framed a point for determination, which is set out hereunder, along with my finding:

POINT FOR DETERMINATION	FINDING
Whether the Defendant no. 1 makes out a prima facie case?	In the negative

REASONS

POINT FOR DETERMINATION NO. 1: *Whether the Plaintiff makes out a prima facie case?*

6. I will start by observing that the Plaintiff has pleaded that he is the owner of the property bearing survey no. 135/7 of village Candolim. Though the Defendant no. 1 has evasively denied for want of knowledge that the Plaintiff is the owner of the survey no. 135/7, I must point out that the said evasive denial is based on lack of knowledge on the aspect as to who is the owner of survey no. 135/7 of village Candolim. The evasive denial must be read with the fact that the Defendant no. 1 has not contended as to who is the owner of survey no. 135/7. Be that as it may, the Plaintiff has produced form I & XIV of survey no. 135/7, which shows the name of his father and his uncle as the sole occupants of the said property. The Plaintiff has also produced on record, the death and burial certificate of his father and documentation to show that he is the son of Mr. Victor Rodrigues. That documentation includes the birth certificate of the Plaintiff and his election ID card. This being the material on record, at this prima facie stage, I am satisfied that the Plaintiff is indeed the owner of the property bearing survey no. 135/7 of village Candolim.

7. There is no dispute that survey no. 135/9, which adjoins survey no. 135/7, belongs to the Defendant no. 1. The Plaintiff has pleaded that the plot bearing survey no. 135/9 (the suit plot) was purchased by the Defendant no. 1, vide Sale Deed dated 02.12.2003. This pleadings set out by the Plaintiff was

specifically admitted by the Defendant no. 1 at para 13 of its written statement.

8. The Plaintiff has pleaded (at para 7 of the plaint) that in the last week of April 2006, the Defendant no. 1 demolished a make shift structure standing in survey no. 135/9 (suit plot) and started constructing a permanent structure therein. The Plaintiff has pleaded that the construction is being carried out interalia without leaving necessary setbacks. The Plaintiff has also pleaded that the Defendant no. 1 is carrying out the said construction in survey no. 135/9 (suit plot) without obtaining the necessary statutory licences from the Defendant no. 2 Panchayat and other statutory departments.

9. *Per contra*, the Defendant no. 1 claims that they have applied for development permission with the Defendant no. 2 on 05.05.2016. The photographs produced on record by the Plaintiff reveal that the construction is in full swing. On the aspect of the Defendant no. 1 not having secured necessary statutory licences for construction, I will cut a long story short by pointing out that Defendant no. 2 has pleaded at para 4 of its written statement that no construction licence was obtained by the Defendant no. 1 from the Defendant no. 2 Panchayat nor were any permissions of any other statutory authorities submitted by the Defendant no. 1 to the office of the Defendant no. 2. The Defendant no. 2 has also categorically set out at para 8 of his written statement that

they have not issued any licence in favour of the Defendant no. 1 to either to repair or to undertake any construction work in property bearing survey no. 135/9 of village Candolim.

10. Considering that the Defendant no. 1 is carrying out a blatantly illegal construction in survey no. 135/9, which is reportedly going to be a ground plus one structure and the said illegal construction does not maintain any setbacks and since the illegal construction reportedly has an open balcony and a staircase facing the property of the Plaintiff, I conclude that there is more than sufficient material to conclude that the Plaintiff, who is the owner of the adjoining property bearing survey no. 135/7, has made out a prima facie case against the Defendant no. 1. I therefore return my finding on the point for determination no. 1 in the affirmative.

POINT FOR DETERMINATION NO. 2: *Whether the Plaintiff proves that the balance of convenience tilts in his favour?*

11. Considering that the Defendant no. 1 is blatantly carrying out an illegal construction in survey no. 135/9 of village Candolim, without obtaining statutory permission from the Defendant no. 2 Panchayat and further considering that Defendant no. 1 has also not bothered to obtain any permissions of any other statutory authorities (and submit the same to the office of the Defendant no. 2), I conclude that the Defendant no.

1 has absolutely no respect for the law. This must be read with the allegation of the Plaintiff that the illegal construction being carried out by the Defendant no. 1 also does not maintain any setbacks and has openings facing the property of the Plaintiff, I conclude that the balance of convenience completely tilts in favour of the Plaintiff, who is entitled to protect his property bearing survey no. 135/7, which adjoins the property of the Defendant no. 1 bearing survey no. 135/9. I therefore return my finding on the point for determination no. 2 in the affirmative.

POINT FOR DETERMINATION NO. 3: *Whether the Plaintiff proves that irreparable loss and prejudice will be caused to him, if this injunction is not granted?*

12. The Plaintiff is the owner of survey no. 135/7, which adjoins the property of the Defendant no. 1 bearing survey no. 135/9. The Defendant no. 1 is carrying out a blatantly illegal construction in survey no. 135/9. The Defendant no. 1 who obviously has not respect for the rule of law, is reportedly carrying out their construction by not maintaining necessary setbacks and by keeping openings facing the property of the Plaintiffs.

13. The Defendant no. 2 Panchayat has also reported that they have not issued any statutory license for construction and/or repair to the Defendant no. 1 and further the Defendant no. 1

has also not bothered to obtain necessary permissions of any other statutory authorities and submit the same to the office of the Defendant no. 2 Panchayat. This leads the Court to conclude that the claim of the Defendant no. 1 that on 05.05.2016 they have applied for development permission with the Defendant no. 2 Panchayat is only an eye wash and an exercise to portray that they are law abiding citizens.

14. From the photographs, I find that the construction is going on in full swing in survey no. 135/9. If this injunction is not granted and if the blatantly illegal construction is allowed to come up, then the same is going to affect the easmentary right of air, light and ventilation of the Plaintiff. Further monsoon drainage of the Plaintiff will also get affected. All this will cause irreparable loss and prejudice to the Plaintiff. I therefore answer the point for determination no. 3 in the affirmative.

POINT FOR DETERMINATION IN THE CMA 144/2016/F:

Whether the Defendant no. 1 makes out a prima facie case?

15. This is a case where the pot is calling the kettle black. The Defendant no. 1 is hurling all sorts of allegations against the Plaintiff. They interalia allege that the Plaintiff has constructed 15 illegal shops in survey no. 135/7. During oral arguments Advocate Mr. Bras D'Sa invited the attention of the Court to Demolition Order dated 17.11.2007, issued by the Sarpanch of

the Defendant no. 2 Panchayat to the Plaintiff and argued that the Panchayat has concluded that the Plaintiff has carried out construction of a shop and other structures in survey no. 135/7. On that basis of the conclusion arrived at (by the Panchayat) in the said Demolition Order, the Defendant no. 1 seeks an injunction from this Court against the Plaintiff, seeking to restrain him from occupying the purported illegal and unauthorized structures (reportedly 15 in number) standing in survey no. 135/7. The Defendant no. 1 alleges that the same were constructed without obtaining any construction licence. I will cut a long story short by pointing that Advocate Mr. R. Bras D'Sa is trying to convince the Court that the Plaintiff has carried out an illegal construction by inviting my attention to the Demolition Order dated 17.11.2007. It is a matter of record that the said Demolition Order has been quashed and set aside on 20.08.2015, by the Director of Panchayat.

16. Upon perusing the said Order dated 20.08.2015, passed in Panchayat Appeal no. 74/2007, I gather that the Director of Panchayat has interalia considered that the Demolition Order was issued by the Sarpanch of the Village Panchayat, who did not have any authority under the law to issue such Demolition Order.

17. I also gather from the record and more particularly from the Demolition Order (which has since been quashed and set

aside) that the reply dated 12.11.2007 (filed by the Plaintiff to the Show Cause Notice) has not even been considered. In violation of all the principles of natural justice, by way of an unreasoned Order, in just three words the Sarpanch brushed aside the reply dated 12.11.2007 and concluded that the same was 'vague and baseless'. No reasons were set out in the Demolition Order (which has since been quashed and set aside) setting out on what basis it was concluded by the Sarpanch that reply dated 12.11.2007 was 'vague and baseless'. All the Court must observe that the Sarpanch showed undue enthusiasm and that undue enthusiasm resulted in the Sarpanch being in a mighty hurry to certify that the construction/s of the Plaintiff were illegal.

18. Upon a plain reading of the Judgment dated 20.08.2015, passed in the Panchayat Appeal, I gather that when the Director of Panchayat sat down and applied his mind to the Panchayat Appeal, he was pleased to quash and set aside the Demolition Order dated 17.11.2007 virtually for the asking.

19. I gather from the record that the matter was remanded back to the Defendant no. 2 Panchayat to determine the matter afresh in accordance with law. I gather from the record that since 20.10.2015, the Defendant no. 2 Panchayat did not take any steps in accordance with law. I also gather from letter dated 02.09.2016 (issued by the representative of the Defendant no. 1

much after passing of interim injunction Order herein) that the Defendant no. 1 failed to even set the process of law in motion again between 20.08.2015. I gather that the representative of the Defendant no. 1 woke up from his slumber only on 02.09.2016 (after passing of interim injunction Order herein). That letter dated 02.09.2016 (seeking to set the process of law in motion) was clearly an attempt to counter blast the Orders of the temporary injunction secured by the Plaintiff.

20. The Defendant no. 1 has also not explained as to why they never set the process of law in motion prior to 02.09.2016 (*read para 11 of letter dated 02.09.2016 issued by the Defendant no. 1 to the Defendant no. 2 Panchayat*).

21. Suffice to say that the Demolition Order dated 17.11.2007 has been quashed and set aside way back on 20.08.2015. It is in these circumstances that the Court told Advocate Mr. R. Bras D'Sa in very clear terms that there was no question of relying upon a quashed Demolition Order and that too passed by a person who had no authority under the law to pass the same. The Court told Advocate Mr. R. Bras D'Sa that based on a quashed Demolition Order, it could not and would not conclude that the Plaintiff has carried out an illegal construction.

22. The Defendant no. 1 has also not presented any further material based on which the Court could examine the contention

of the Defendant no. 1 that the constructions in survey no. 135/7 were indeed illegal.

23. I must also mention that though in letter dated 02.09.2016 there are some noises made by the Defendant no. 1 that the Defendant no. 2 Panchayat has acted with gross negligence by not acting upon Order dated 20.08.2015, I must observe that there is no allegation made to this effect either in the Counter Claim or in the temporary injunction application filed by the Defendant no. 1 (CMA no. 144/2016/F). To put it in other words, I must point that there are no pleadings made by the Defendant no. 1 alleging non-action by the Defendant no. 2 Panchayat in the Counter Claim or in the CMA no. 144/2016/F.

24. To sum up, I will conclude that the Defendant no. 2 Panchayat has not reached any conclusion viz a viz their contention set out in the Show Cause Notice dated 15.10.2007 (issued more than 9 years ago) that the Plaintiff constructed structures in survey no. 135/7, which are illegal. This being the situation and considering that the Defendant no. 1 has also not stood on its own feet and prima facie proved that the constructions are indeed illegal, I conclude that the Defendant no. 1 has miserably failed to make out even a prima facie case in CMA no. 144/2016/F. In other words, I return my finding on this point for determination in the negative.

25. The consequence of the above finding is that the plea of the Defendant no. 1 seeking a temporary mandatory injunction directing the Defendant no. 2 to disconnect the electricity and water connection to the purported 15 unauthorized structures in survey no. 135/7, in village Candolim, cannot be entertained.

26. Having reached my conclusion on the sole point for determination framed in CMA no. 144/2016/F, I will not waste valuable Court time in dealing with the aspects of balance of convenience and irreparable loss and prejudice in the said Civil Miscellaneous Application.

27. I now proceed to pass the following:

ORDER

(i) The application for temporary injunction (exhibit 3) filed in RCS 131/2016/F is allowed. Pending the hearing and final disposal of the present suit, the Defendant no. 1 and/or their agents and/or any other person/s acting on their behalf are restrained by a temporary injunction from doing any construction in survey no. 135/9 of village Candolim.

(ii) The temporary injunction application filed in CMA no. 144/2016/F is dismissed with costs of

Rs.1,000/-, payable by the Defendant no. 1 to the Plaintiff.

(iii) CMA no. 144/2016/F is disposed off accordingly.

Pronounced in the Open Court.

**(Carlo Santana da Silva)
Civil Judge, Junior Division,
'F' Court, Mapusa, Goa.**

sk*

From,
Mrs. Judith Rodrigues,
R/o H. No. D-6,
TRT Holiday Enclave,
Near Hotel Golden Tulip,
Muddo Waddo,
Candolim, Bardez - Goa.
M. 7875148848,

O/o...
...
... Plaza Panjim Goa - 403001

Date: 28/01/2022.

To,

- 1. The Sarpanch/Secretary
Village Panchayat Candolim
Candolim, Bardez - Goa.
- 2. The Chairman/Member Secretary
Goa Coastal Zone Management Authority
Dempo Towers, Patto,
Panaji - Goa.
- 3. The Chairman/Member Secretary
Goa State Pollution Control Board
Saligao, Bardez - Goa.

Village Panchayat Candolim
Entry No. 3804, File No. 18/11
Dated: 28/01/2022

O/o Member Secretary
Goa Coastal Zone Management Authority
C/o Department of Environment & Climate Change
Dempo Tower 4th Floor: 6101
Patto Plaza Panjim Goa - 403001

28/01/2022
Goa State Pollution Control Board
Opp. Saligao Seminary
Saligao, Bardez - Goa
Forward No: 18817

Office of the Deputy Collector
Mapusa - Goa
Received on 31/1/2022
Signature of Clerk

- 4. The Deputy Collector
Mapusa, Bardez - Goa.
- 5. The Chairman/Member Secretary
North Goa Planning and Development Authority
Mala, Panaji - Goa.

Received by: (Signature) Date: 28 JAN 2022
Inward No. _____
North Goa Planning and Development Authority
P. H. C. CANDOLIM
Entry No 2058
Date 28/01/22

- 6. The Health Officer
Primary Health Center
Candolim, Bardez - Goa.
- 7. The Director
Food and Drugs Department
Bambolim, Tiswadi - Goa.
- 8. The Executive Engineer
PWD, Mapusa
Mapusa Bardez - Goa.

Patil
28/1/22
Director
Food and Drugs Department
Bambolim, Tiswadi - Goa.



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The Executive Engineer
Electricity Department Mapusa
Calangute
Mapusa Bardez - Goa.

Recd
27/122
Govt. of Goa
Office of the
Sub-Deputy Engineer
Electricity Department
Candolim Bardez - Goa

Sub: Complaint against Mr. Vernon Rodrigues for carrying out illegal construction of multiple structures in the property bearing Survey No. 135/7 of Village Candolim, situated at Vaddy Candolim, Bardez - Goa and running illegal businesses.

Sir,

This is to bring your kind notice that Mr. Vernon Rodrigues, has constructed (Residential and Commercial) houses, Ground+2 shops (total 13 shops) /multiple structures viz. Chappan Bhog, Vivenda Café, Om Shankar Tattoo, Itsy Bitsy, Soft Serve, Corinthia Boutique Resort etc. in House No. 483 Vaddy, Candolim, Bardez - Goa, all situated in property bearing Survey No. 135/7 of Village Candolim, which are in total violation of CRZ limits, the said construction is carried out without any valid licence/permission/NOC, conversion sanad and without any approved plan. So also he hasn't kept any set back thereby further extended his construction.


The said Mr. Vernon Rodrigues has also violated the F.A.R and has illegally constructed the Ground+2 shops (total 13 shops) /multiple structures viz. Chappan Bhog, Vivenda Café, Om Shankar Tattoo, Itsy Bitsy, Soft Serve, Corinthia Boutique Resort etc. without permission from GCZMA, NGPDA, Village Panchayat of Candolim, Department of Tourism etc. and illegally occupied without any valid occupancy certificate, the construction is carried out with RCC, masonry work, sand, laterite stones, steel and cement. Further he has also constructed septic tank and soak pit without prior sanction from any authority.

- 3 -

The Complainant also objects for the grant or renew any Construction/repair/renovation License or Establishment License (Trade) or any permission to Mr. Vernon Rodrigues for the said premises.

It is therefore requested to kindly take prompt and immediate action against Mr. Vernon Rodrigues, not to issue any NOC or trade permissions and immediately stop the above mentioned businesses being carried out, by sealing the said premises consisting of Ground+2 shops (total 13 shops) /multiple structures viz. Chappan Bhog, Vivenda Café, Om Shankar Tattoo, Itsy Bitsy, Soft Serve, Corinthia Boutique Resort etc. Further to disconnect the electricity and water connection and recover all charges/taxes/fees/penalty etc. from and also to demolish the illegal construction and restore the land to its original use at an earliest.

Yours Faithfully



Mrs. Judith Rodrigues

The Complainant hereby produces copies of the following documents as under:-

- i. Copy of 2 RTI applications both dated 08/11/2021 along with information letter furnished by Village Panchayat of Candolim vide Ref. No. VPC/33/3147/2021-22 and vide Ref. No. VPC/33/3146/2021-22 both dated 21/01/2022.*
- ii. Copy of RTI application dated 08/11/2021 along with information letter furnished by Goa Coastal Zone Management Authority vide Ref. No. GCZMA/RTI/21-22/01/1809 dated 17/01/2022.*
- iii. Copy of RTI application dated 08/11/2021 along with information furnished by Department of Tourism vide Ref. No.1/14(141-2655)/21-22/DT/476 dated 24/11/2021.*

- iv. Copy of RTI application dated 08/11/2021 along with information letter furnished by Department of Food and Drugs Administration vide Ref. No.187(084)/DFDA/FSSA/RTI/2021/5285 dated 09/12/2021.
- v. Copy of RTI application dated 25/11/2021 along with information letter furnished by Primary Health Centre Candolim - Goa vide Ref. No.PHCC/RTI/2021-22/1850 dated 09/12/2021.
- vi. Copy of Survey Plan bearing Survey No. 135/7 of Village Candolim.
- vii. Copy of Letter issued by North Goa Planning and Development vide Ref No.NGPDA/III/Can/44/887/2016 dated 17/10/2016 and Plan submitted by Mr. Vernon Rodrigues for regularization of the said construction to NGPDA, furnished under RTI vide Ref. No. NGPDA/RIA/3/Vol/IX/CaltCan/783/2017 dated 25/10/2017.
- viii. Copy of photographs showing the illegal construction.
- ix. Any other document may be produced with the permission of the Authority

**BEFORE THE COURT OF THE BLOCK DEVELOPMENT
OFFICER-II BARDEZ MAPUSA, GOA.**

No.BDO-II-BAR/201(A)/4/2022

Mrs. Judith Rodrigues,
R/o H. No.D-6, TRT Holiday Enclave,
Near Hotel Golden Tulip,
Muddo waddo, Candolim,
Bardez-Goa.

.....Appellant.

V/S

1. The Sarpanch/Secretary
Village Panchayat of Candolim,
Bardez-Goa.

2. Mr. Vernon Rodrigues,
H. No.483, Vaddy,
Candolim-Goa.

.....Respondents

Appellant represented by Advocate A. Mandrekar

Respondent-Panchayat represented by Advocate P. Mandrekar

Respondent No.2 represented by Advocate Virendra-Naik
Halornekar

J U D G M E N T

This Judgment and Order shall dispose off the Appeal dated 05.04.2022 filed by the Appellant under Section 201-A of "The Goa Panchayats Raj Act, 1994" against the inaction of

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the Respondent-Panchayat on the complaint dated 28.01.2022 filed in respect of multiple illegal constructions carried out by the Respondent No.2 in Survey number 135/7 of Village Candolim, Bardez-Goa, hereinafter, referred to as the "Subject Structures" and also filed for sealing of the said subject structures.

Notices were issued to all the parties who appeared before this Court duly represented by their Advocates and filed their Reply and written submissions.

Based on the Appeal Memo, Replies filed, documents on record and arguments advanced it is seen that the Appellant has filed the present Appeal as the Respondent-Panchayat did not take any action on the complaint dated 28.01.2022 of the Appellant. The Appellant had filed the complaint before the Respondent-Panchayat in respect of the subject structures in Survey No.135/7 of Village Candolim which belongs to the Respondent No.2. The Appellant is the owner of Survey No.135/9 of Village Candolim which is adjoining to the property bearing Survey No.135/7 of Village Candolim belonging to the Respondent No.2 wherein the subject structures are located. From records it is seen that there is already a Regular Civil Suit No.131/2016/F pending adjudication before the Court of Civil Judge Senior Division, Mapusa, Goa, involving both the Appellant and the

Respondent No.2 as both have filed counter complaints against each other pertaining to the Survey No.135/7 and No.135/9 of Village Candolim.

Adv. for Appellant argued that as the subject structures are illegal and as the Respondent-Panchayat has not acted on his complaint, the said subject structures are to be sealed. Adv. for Respondent No.2 countered this argument of the Adv. for Appellant stating that the present appeal does not come under Section 201-A of "The Goa Panchayat Raj Act, 1994" as the Block Development Officer cannot assume powers of the Respondent-Panchayat under "The Goa Panchayat Raj Act, 1994" and the Competent Authority under "The Goa Panchayats Raj Act, 1994" is expressly designated for this purpose in cases of inaction of Village Panchayat with regard to complaint of illegal construction. The argument of Advocate for Respondent No.2 holds good as in cases of inaction on the part of Village Panchayat with regard to matters of illegal construction, the appeal lies under Section 66(5) of "The Goa Panchayats Raj Act, 1994" and not under Section 201-A of "The Goa Panchayats Raj Act, 1994". The Goa Panchayats Raj Act, 1994 does not empower the Block Development Officer to assume powers of Village Panchayat in cases of inaction of Village Panchayat on complaints of illegal constructions.

Moreover, the Court Additional Director of Panchayats vide Judgement and Order dated 20.08.2015 in Case No.74/2017 had remanded the matter to the Respondent-Panchayat as regards Survey No.135/7 of Village Candolim wherein the subject structures are located. Any inaction thereafter by the Respondent-Panchayat, the complainant had liberty to proceed under Section 66(5) of "The Goa Panchayats Raj Act, 1994" and not under Section 201-A of "The Goa Panchayats Raj Act, 1994".

Adv. for Appellant has also contended that the subject structures are operating without any Trade Licence. Adv. for Respondent No.2 has argued that different businesses are carried out in the subject structures by different proprietors and in order to ascertain if the said proprietors are having trade Licences, it is necessary that the Appellant should make them parties to the proceeding against the subject structures. In the present case, these proprietors are not made parties to the present case and hence suffers from non joinder of necessary parties. It is necessary that before taking any extreme step of sealing of any premises where business is being carried out and which will affect the source of livelihood of people dependent on the said businesses, they should be heard in terms of the Principles of Natural Justice.

Also perusal of Form I & XIV of Survey No.135/7 of Village Candolim show that the Respondent No.2's late father's name Victor Rodrigues is recorded in the Occupants Column. Also, the subject structures bear H. No.483 and the same stands recorded in the House Tax Register maintained by the Respondent-Panchayat in the name of the Respondent No.2. Hence, as the ownership is not in dispute, it is prudent that extreme step of demolition or sealing should be a last resort and opportunity is required to be given before taking any drastic step of sealing which will directly affect the livelihood of people dependent on it.

Hence, the present appeal is improper and incorrect as it is filed before the Authority which is not empowered to assume powers of the Respondent-Panchayat in cases of inaction by the Village Panchayat in cases of alleged illegal construction.

In view of the above facts and circumstances, this Court is inclined to pass the following Order:-

ORDER

The Appeal dated 05.04.2022 filed by the Appellant against the inaction of the Respondent-Panchayat on the complaint of the alleged multiple illegal constructions in

Survey No. 135/7 of Village Candolim is hereby dismissed as not maintainable under Section 201-A of "The Goa Panchayats Raj Act, 1994"

Pronounced in the open Court.

Given under my hand and seal of this Court on this 25th day of July, 2023.



(Handwritten signature)

(Prathamesh Anil Shankardas)
Block Development Officer- II
Bardez -Mapusa-Goa.

Copy made on 25/7/2023
Copy made on 25/7/2023
Copy made on 26/7/2023
Price 12/- Rupees Twelve
only

(Handwritten signature)

Supervisor
M. J. G. Soares



BEFORE THE HON'BLE DEPUTY DIRECTOR OF PANCHAYAT
NORTH, AT PANAJI - GOA.

Panchayat Revision No. 6 /2023.

Judith Rodrigues,
H.No.D-6, TRT Holiday Enclave.
Near Hotel Golden Tulip,
Muddo Waddo, Candolim,
Bardez-Goa. M.7875148848

..... Petitioner.

V/s.

1. The Sarpanch/Secretary
Village Panchayat of Candolim
Bardez - Goa.

2. Mr. Vernon Rodrigues
H. No. 483 Vaddy
Candolim, Bardez - Goa.

..... Respondents.

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Place: - Panaji - Goa

Date: - 21/08/2023

J. Rodrigues
The Petitioner



(50)

(114)

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BEFORE THE HON'BLE DEPUTY DIRECTOR OF PANCHAYAT
NORTH, AT PANAJI - GOA.

Panchayat Revision No. 06 /2023.

Mrs. Judith Rodrigues,
R/o H.No.D-6, TRT Holiday Enclave.
Near Hotel Golden Tulip,
Muddo Waddo, Candolim,
Bardez-Goa. M.7875148848

..... Petitioner.

V/s.

1. The Sarpanch/Secretary
Village Panchayat of Candolim
Bardez - Goa.

2. Mr. Vernon Rodrigues
H. No. 483 Vaddy
Candolim, Bardez - Goa.

..... Respondents.

PANCHAYAT REVISION UNDER SECTION 201
A (2) OF GOA PANCHAYAT RAJ ACT, 1994

MAY IT PLEASE YOUR HONOUR:

The humble Petition of the Petitioner named hereinabove, most respectfully sheweth:

1. The Petitioner is citizen of India, and permanent resident of Goa.

JR



The Petitioner was the Appellant and the Respondent no. 1 and 2 herein were the Respondent no. 1 and 2 before the Hon'ble Block Development Officer Mapusa Bardez – Goa hereinafter referred to as the Trial Court.

3. The Petitioner is aggrieved by the Impugned Judgment and Order passed in Case No BDO-II-BAR/201(A)/4/2022 dated 25/07/2023, passed by the Trial Court, thereby dismissing the Appeal against the Respondent No.2. (A copy of the said Judgment and Order dated 25/07/2023 is hereto annexed and marked as "EXHIBIT A" to this Revision).

Some facts are relevant and in fact essential for better appreciation of matters that arise for determination:

a. The Petitioner states that Respondent No. 2/Mr. Vernon Rodrigues, constructed (Residential and Commercial) houses Ground+2 shops (total 13 shops)/multiple structures viz. Chappan Bhog, Vivenda Cafe, Om Shankar Tattoo, Itsy Bitsy, Soft Serve. Corinthia Boutique Resort etc. in House No.483 Vaddy. Candolim. Bardez-Goa, all situated in property bearing Survey No.135/7 of Village Candolim, which are in total violation of CRZ limits, the said construction is carried out without any valid licence/permission/NOC. Conversion sanad and without any approved plan. So also he hasn't kept any set back thereby further extended his construction.

JR

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- b. The Petitioner states that Respondent No. 2/Mr.Vernon Rodrigues has also violated the F.A.R and has illegally constructed the Ground+2 shops (total 13 shops) /multiple structures viz. Chappan Bhog, Vivenda Café, Om Shankar Tattoo, Itsy Bitsy, Soft Serve, Corinthia Boutique Resort etc. without permission from GCZMA, NGPDA, Village Panchayat of Candolim. Department of Tourism etc. and illegally occupied without any valid occupancy certificate, the construction is carried out with RCC. masonry work, sand, laterite stones, steel and cement. Further Respondent No. 2 has also constructed septic tank and soak pit without prior sanction from any authority.
- c. The Petitioner by application/complaint dated 28/01/2022 requested the Respondent No. 1 Village Panchayat of Candolim to take prompt and immediate action against Mr. Vernon Rodrigues, not to issue any NOC or trade permissions and immediately stop the above mentioned businesses being carried out, by sealing the said premises consisting of Ground+ 2 shops (total 13 shops)/multiple structures viz. Chappan Bhog, Vivenda Café, Om Shankar Tattoo, Itsy Bitsy, Soft Serve, Corinthia Boutique Resort etc. Further to disconnect the electricity and water connection and recover all charges/taxes/fees/penalty etc. from and also to demolish the illegal construction and restore the land to its original use.

JKR



- d. The Petitioner further states that the Respondent No.2 Mr. Vernon Rodrigues has no Trade Licenses/Permission/NOCs etc. issued for (Residential and Commercial) houses Ground+2 shops (total 13 shops)/multiple structures viz. Chappan Bhog, Vivenda Café, Om Shankar Tattoo. Itsy Bitsy, Soft Serve. Corinthia Boutique Resort etc. in House No.483 Vaddy. Candolim. Bardez-Goa, all situated in property bearing Survey No.135/7 of Village Candolim, and thus the Respondent No.1 is legally bound to seal the premises in which the Respondent No. 2 is illegally operating the business.
- e. The Petitioner states that Respondent No. 2 is illegally operating business without prior sanction/renewal permissions from any authorities such as, Village Panchayat of Candolim, Department of Tourism, Labour Department, Excise Department, Food and Drugs Department, Health Department, Fire and Emergency services etc.
- f. The Petitioner also objected for the grant or renew of any further Licences/permissions to the Respondent No. 2 (Residential and Commercial) houses Ground+2 shops (total 13 shops)/multiple structures viz. Chappan Bhog, Vivenda Cafe, Om Shankar Tattoo. Itsy Bitsy, Soft Serve. Corinthia Boutique Resort etc. in House No.483 Vaddy. Candolim. Bardez-Goa, all situated in property bearing Survey No.135/7 of Village Candolim.
4. The Petitioner states that the office of Respondent No. 1 has neither taken any action on her complaint/application nor communicated any decision for non-action to the Petitioner about the same.

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Being aggrieved by the non-action by the Respondent No.1 against the Respondent No. 2, the Petitioner preferred the Appeal under sec. 201 A of Goa Panchayat Raj Act, 1994 before the Trial Court,

6. The Trial Court passed the Impugned Judgment and Order dated 25/07/2023 thereby dismissing the Appeal against Respondent No.2 in terms of Section 201 A of the Goa Panchayat Raj Act, 1994.

7. The Petitioner is therefore constrained to knock on the doors of this Hon'ble Appellate Court, pleading for the justice, that the Trial Court has denied to her, by way of this Revision against the Impugned Judgment and Order.

8. The Petitioner is aggrieved with the Impugned Judgment and Order and files the present Revision, seeking the reliefs hereinafter prayed for, on the following amongst other grounds which are urged hereinafter, in the alternative and without prejudice to each other:

G R O U N D S

"1"

The Petitioner respectfully submits that the Impugned Judgment and Order is unjust, arbitrary, perverse, erroneous, illegal and contrary to law as also to the material on record, and as such wholly unsustainable, warrant the intervention of this Hon'ble Appellate Court to quash and set aside the same.

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"II"

That the Trial Court has shown total ignorance of law and facts and also principles of law, and passed the Impugned Judgment and Order mechanically, cryptically and without application of mind.

"III"

The Trial Court failed to appreciate the matter and the material on record before it, from a proper perspective and in a manner that it ought to have done. The Trial Court has exercised a jurisdiction not vested in it by law or has failed to exercise a jurisdiction so vested or has acted in exercise of its jurisdiction illegally or with material irregularity.

"IV"

That the Trial Court ought to have conducted a detailed inquiry by calling the records from Respondent No.1 for verification of the permissions and trade and establishment licences and NOC's if any obtained by the Respondent No. 2 to operate commercial business in the said premises without prior approval.

"V"

The Trial Court has proceeded entirely on surmise and conjecture, that *"it is prudent that extreme step of demolition or sealing should be a last resort and opportunity is required to be given before taking any drastic step of sealing which will directly affect the livelihood of people dependent on it"* to hold against the Petitioner to dismiss the Appeal, which indeed in the facts and circumstances of the case was not warranted at all.

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"VI"

That the Trial Court has failed to exercise the jurisdiction vested in it by allowing the Respondent No. 2 to carryout illegal business without any trade license and permissions and thereby causing loss to the revenue of the Village Panchayat and irreparable damage, loss and injustice to this Petitioner.

"VII"

Furthermore the Respondent No.2 has not produced any original documents to prove the businesses in question are legal one and if any revenue is paid to the Respondent No. 1 for operating the said businesses.

"VIII"

The Trial Court erred in as much as it failed to consider the information furnished under RTI along with the documents produced therein and written submissions filed by the Petitioner.

"IX"

The Impugned Judgment and Order discloses absolutely no reasons for the conclusions arrived at and for dismissing the case. Indeed, any adverse action proposed must be justified by reason on the basis of which the same has been ordered. The impugned Judgment and Order being bereft of such reasons is vitiated on account thereof and therefore cannot be sustained.

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"X"

The Trial Court erred in holding that *"it is improper and incorrect as it is filed before the Authority which is not empowered to assume powers of the Respondent-Panchayat in cases of inaction by the Village Panchayat in cases of alleged illegal construction"*. The Trial Court observation has been misplaced as the Appeal preferred before the Trial Court was for sealing of the commercial businesses operated in premises by the Respondent No. 2 and not for illegal construction.

"XI"

The Trial Court erred in holding that *"the Appeal dated 05/04/2022 filed by the Appellant against the inaction of the Respondent-Panchayat on the complaint of the alleged multiple illegal construction in Survey No. 135/7 of Village Candolim is hereby dismissed a not maintainable under Section 201-A of the Goa Panchayat Raj Act, 1994"* The Trial Court ought to have considered that under section 201 -A of Goa Panchayat Raj Act, 1994 being miscellaneous provision Trial Court has ample powers to seal the premises without permission if used for commercial purposes, there is no bar, whatsoever nature for the Trial Court to do sealing.

"XVIII"

Any other such other and/or further grounds that may be urged at the time of hearing.

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9. The Petitioner is aggrieved with the Impugned Judgment and Order passed in Case No BDO-II-BAR/201(A)/4/2022 dated 25/07/2023 and files the present Revision, seeking the reliefs hereinafter prayed for, on the following amongst other grounds which are urged hereinafter, in the alternative and without prejudice to each other:
10. The Petitioner respectfully submits that the Impugned Judgment and Order passed in Case No BDO-II-BAR/201(A)/4/2022 dated 25/07/2023 is, for the reasons and on the grounds set out hereinabove, arbitrary, illegal, capricious, unfair, unreasonable, and will cause grave, immeasurable and irreparable miscarriage of justice if allowed to stand. The urgent intervention of this Hon'ble Appellate Court is therefore warranted to quash and set aside the same.
11. The Petitioner is therefore entitled to grant of the relief prayed for hereinafter.
12. The Impugned Judgment and Order passed in Case No BDO-II-BAR/201(A)/4/2022 dated 25/07/2023. The certified copy was applied on 25/05/2023. Certified copy was ready and delivered on 26/07/2023 and therefore the present Revision is within time limit.
13. The Impugned Judgment and Order passed in Case No BDO-II-BAR/201(A)/4/2022 dated 25/07/2023 was passed by the Block Development Officer Mapusa Bardez - Goa and therefore this Hon'ble Court has jurisdiction to entertain the present Revision.
14. The Petitioner has not received any caveat application.

JR



15. Necessary Court Fee is annexed herewith.

16. The Petitioner craves leave to produce copies of such documents/records, as may be necessary to enable this Hon'ble Court effectively decide the present matter.

17. The Petitioner craves leave to amend this Revision Petition as circumstances may, in the interests of justice, warrant.

In the circumstances set out hereinabove, the Petitioner named hereinabove prays:

It is therefore prayed that :-

- a. Records and Proceedings before the Trial Court in Case No BDO-II-BAR/201(A)/4/2022 dated 25/07/2023 be called for.
- b. Revision be allowed and the Impugned Judgment and Order passed in Case No BDO-II-BAR/201(A)/4/2022 dated 25/07/2023 passed by the Hon'ble Block Development Officer, Mapusa Bardez - Goa be quashed and set aside,
- c. The Hon'ble Court may be pleased to allow this Revision and to assume the powers of the Respondent No.1 Village Panchayat Candolim.

J.R.

(60)

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d. The Hon'ble Court be pleased to stop the businesses and seal the said (Residential and Commercial) houses Ground+2 shops (total 13 shops)/multiple structures viz. Chappan Bhog, Vivenda Cafe, Om Shankar Tattoo. Itsy Bitsy, Soft Serve. Corinthia Boutique Resort etc. in House No.483 Vaddy. Candolim. Bardez-Goa, all situated in property bearing Survey No.135/7 of Village Candolim;

e. That this Hon'ble Court be pleased to call for and examine the relevant records of the Respondent No.1,

f. For costs, and,

g. For such other/further orders, that this Hon'ble Authority may deem fit in the facts and circumstances of the case.

Place: Panaji - Goa

Date: 21/08/2023

Rodriguez
(The Petitioner)

BEFORE THE DEPUTY DIRECTOR OF PANCHAYAT NORTH
AT PANAJI

DDPN/Rev/Candolim/Bar/06/2023

Mrs. Judith Rodrigues

..... Applicant

V/s

VP Candolim & anr

..... Respondents

Preliminary objections of the
Respondent no. 2

MAY IT PLEASE THIS AUTHORITY:

The Respondent no.2 most respectfully state and submit as under:

1. The present revision filed by the Applicant is misconceived in facts and in law.
2. The Appeal filed by the Applicant before the BDO was nothing but a complete abuse of the process of law and therefore any challenge against the dismissal of such an appeal would amount to waste of precious time of this authority.
3. The appeal filed by the Applicant before the BDO was time barred and therefore the present revision is also barred by limitation.
4. The Respondent no. 2 submits that the Applicant had no locus standi to file any appeal before the BDO, for she not being an aggrieved

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person and therefore the present revision at her behest challenging the impugned order is also not maintainable.

5. The appeal filed by the Applicant did not come within the purview of the provisions of section 201-A of the Panchayat Raj Act in as much as the Applicant was not an aggrieved party and therefore the ingredients of section 201-A was not at all attracted to entertain any appeal under the aforesaid provisions of law and therefore the said appeal was rightly dismissed by the BDO.
6. The Applicant had approached the BDO with unclean hands and by suppressing material facts so also have approached this Authority with unclean hands and by suppressing material facts that the alleged structures were age old structures and were existing prior to coming into force of the Goa panchayat raj act, 1994.
7. The Respondent no. 2 submits that apart from the Applicant filing a belated appeal before BDO, the same was filed without any cause of action so also the Appellant and / or the Applicant herein did not possess any right, interest or locus-standi to file the said appeal then so also did not possess any right, interest or locus-standi to file the present revision challenging the impugned order.
8. The Respondent no. 2 most respectfully submits that the BDO had no jurisdiction to try and entertain such an appeal and to grant the consequent reliefs sought by the Appellant therein especially at the behest of the Applicant herein and therefore the appeal was rightly

dismissed for want of jurisdiction to try, hear, entertain and adjudicate the said appeal on merits.

9. Without prejudice to the above and without prejudice to the rights and contentions of this Respondent, the Respondent no. 2 desires to file its comprehensive reply to the revision in the event the present preliminary objections does not suffice to adjudicate the present revision at the threshold without going into the merits of the matter.
10. The Respondent no. 2 further submits that the present preliminary objections filed by this Respondent goes to the root of the matter in as much as this Respondent has raised jurisdictional objections on the maintainability of the present revision and therefore the preliminary objections ought to be decided prior to any other application and moreover without going into the merits of the present revision application.
11. The Respondent no. 2 states that nothing specifically denied be treated as admitted for want of specific denials against the pleadings in the present revision application.

PRAYER:-

It is therefore prayed that the present revision application be dismissed with exemplary and compensatory cost.

Panaji - Goa

Dated:- 22/11/2023

Adv for the Respondent no. 2



APPLICATION NO. 511

CERTIFIED COPY *for further proceedings*Date on which copy applied for 10/4/24Date on which application completed 10/4/24Date given for taking delivery 15/4/24Date on which copy was ready 10/4/24Date on which copy was delivered 10/4/24Copying and comparing fees etc. Rs. 49are paid in Nazir Section of this Court 028389 dt. 10/4/24

under Receipt No. _____ date _____

[Signature]
10/4/2024

Superintendent,
District & Sessions Court,
Panaji Goa.

IN THE COURT OF THE DISTRICT JUDGE-1, NORTH
GOA, PANAJI.

Civil Revision Application No. 27/2024

Mr. Vernon Rodrigues
S/o late Victor Rodrigues,
77 yrs of age, business,
R/o H. No. 483, Vaddy,
Candolim, Bardez-Goa.

...Applicant

V/s

1. Mrs. Judith Rodrigues
Major of age, business,
R/o H. No. D-6, TRT,
Holiday Enclave,
Near Hotel Golden Tulip,
Muddo Waddo,
Candolim, Bardez – Goa.

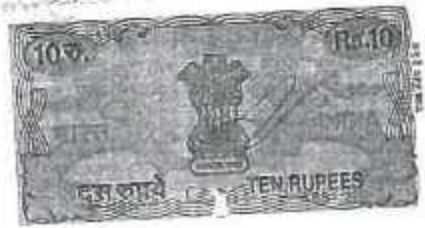
2. The Village Panchayat of Candolim,
through its Secretary,
Having office at Candolim,
Bardez – Goa.

..Respondents

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129

Exbt 0-4



80



2

3/5
06/08/2024

15113



IN THE COURT OF THE DISTRICT JUDGE NORTH AT PANAJI

Civil Revision Application No. 27/2024



Mr. Vernon Rodrigues
S/o late Victor Rodrigues,
77 yrs of age, business,
R/o H.no. 483, Vaddy,
Candolim, Bardez - Goa.

..... Applicant

V/s

[Handwritten Signature]

130

(8)



1. Mrs. Judith Rodrigues
 Major of age, business,
 R/o H.no. D-6, TRT,
 Holiday Enclave,
 Near Hotel Golden Tulip,
 Muddo waddo,
 Candolim, Bardez - Goa.

2. The Village Panchayat of Candolim,
 Through its secretary,
 Having office at Candolim,
 Bardez - Goa.

..... Respondents

(Above are registered addresses)

Application for stay

MAY IT PLEASE YOUR HONOUR:

The Applicant above named most respectfully states and submits as under:

1. The Applicant has filed the afore said appeal against the Panchayat decision thereby rejecting the application to renew the trade license of the Applicant. The Applicant

By
J. Rodrigues
 D.



(82)

(18)

(5)



hereby craves leave of this Hon'ble Court to adopt and rely on the contents of Para's 1 to 27 of the Revision Application along with the documents appended therewith in the present application for stay and the same may be incorporated herein for all legal purposes.

2. The Applicant states that for the reasons stated in the Revision Application the Applicant is entitled to be heard on the preliminary objections prior to the decision on merits of the said revision.
3. The Applicant has a good chance of succeeding in the Revision on merits. From the perusal of the impugned order it is evident that the Respondent No. 1 is only trying to harass the Applicant by filing false complaints as against the Applicant.
4. The Applicant states that the impugned order is passed without affording any opportunity of hearing and without assigning any reasons and therefore the same is liable to be quashed and set aside and stayed till the disposal of the present revision.



[Handwritten signature]

132

83



5. The Applicant states that admittedly the present revision will be rendered infructuous in the event the impugned order is not stayed as the date of hearing in the matter is scheduled on 10/04/2024
6. The Applicant states that great prejudice and irreparable loss and injury would be caused to the Applicant in the event the afore said business is stopped from its operation.
7. The Applicant has not received any notice of caveat application.

PRAYER:-

It is therefore prayed that:-

- a) Pending the hearing and final disposal of the present revision the impugned order be stayed.
- b) Ex-parte stay in terms of prayer clause (a) herein above.
- c) Any other orders this Hon'ble Court deems fit and proper in the facts and circumstances of the case.

Panaji - Goa

Dated: - 05/04/2024

Applicant



133

34

6



AFFIDAVIT

I, Mr. Vernon Rodrigues, s/o of late Victor Rodrigues, Indian National, business, resident of Candolim, Bardez - Goa, the Applicant, do hereby solemn oath and affirmation state and submit that the contents of the foregoing paragraphs are true to my personal knowledge and that no part of the same is false.

Solemnly affirmed at Mapusa

On this 05th day of April 2024

[Handwritten Signature]
Deponent

Identified, read over & explained by me

Dnyo
D. Nagvekar
(MAH/6663/2022)
Adv. for the Applicant



Solemnly affirmed before me by Mr. Vernon Rodrigues
Who has been identified by His/Her Advocate D. Nagvekar
Known to me personally Mapusa, Bardez Goa
Dated 05.04.2024
S.G. Deshpande
Advocate & Notary Public
Mapusa-Goa. Reg. No. 203
Regn. No. 5071 2024

(a) 134



CERTIFIED TRUE COPY
S. Santos
(Santos Fernandes)
Superintendent
District & Sessions Court
North Goa, Panaji

ORDER

Hon'ble Advocate M. Kerkar
 Prayed the stay application and the
 Jural Roguama order. Despite preliminary
 objections which emerged to the
 effect of the matter, the Ad. Dy. ^{Director} ~~Collector~~
 by passing the Jural Roguama order
 not only proceeded to hear the matter
 but the matter has been taken up as
 if there is an ongoing enquiry. Secondly
 despite the Jp order being dated 04/04/2014
 there is no rogation entry of 03/04/2014
 which fact raises doubt in the mind
 of the Applicant about the matter being
 likely to be disposed without causing
 the main objectives of the suspect viz
 the enquiry pleaded is that next date of
 hearing for final order is 10/04/2014 which
 would again defeat the purpose for which
 this CrP is filed here and
 the procedure before the Dy. ^{Director} ~~Collector~~ be stay
 till next date of hearing call for R & P 09/11/2014
 Date 08/04/2014



Checked with original

10:25

5G



ECourts Services



View Business

Daily Status

In The Court Of : District Judge -1 And Asst. Sessions
Judge

CNR Number. : GANG010007772024

Case Number. : CRVA/0000027/2024

Mr. Vernon Rodrigues Versus Mrs. Judith Rodrigues

Date : 08-04-2024

Business	:	Called out Today. Adv. Kapil Kerkar present for the applicant. Arguments heard at Exh D/4- The proceedings before the Dy. Director be stayed till next date of hearing. Call for Records and Proceedings. O.P. at Exh -1 - Issue notice to the Respondents. Matter adj for appearance at 10.00 a.m.
Next Purpose	:	APPEARANCE
Next Hearing Date	:	19-04-2024
District Judge -1 and Asst. Sessions Judge		

BEFORE THE HON'BLE DEPUTY DIRECTOR OF PANCHAYAT
NORTH, AT PANAJI - GOA.

Panchayat Complaint No. /2022.

Mrs. Judith Rodrigues,

R/o H.No.D-6, TRT Holiday Enclave.

Near Hotel Golden Tulip,

Muddo Waddo, Candolim,

Bardez-Goa. M.7875148848

..... Complainant.

V/s.

1. The Sarpanch/Secretary,
Village Panchayat of Candolim
Bardez - Goa.

2. Mr. Vernon Rodrigues

H. No. 483 Vaddy

Candolim, Bardez - Goa.

..... Respondents.

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3.	WAKALATNAMA	

Place: - Panaji - Goa

Date: - 04/02/2022

J. Rodrigues
The Appellant

BEFORE THE HON'BLE DEPUTY DIRECTOR OF PANCHAYAT
NORTH, AT PANAJI - GOA.

Panchayat Complaint No. /2022.

Mrs. Judith Rodrigues,
R/o H.No.D-6, TRT Holiday Enclave.
Near Hotel Golden Tulip,
Muddo Waddo, Candolim,
Bardez-Goa. M.7875148848



..... Complainant.

V/s.

1. The Sarpanch/Secretary,
Village Panchayat of Candolim
Bardez - Goa.

2. Mr. Vernon Rodrigues
H. No. 483 Vaddy
Candolim, Bardez - Goa.

..... Respondents.

Complaint under Section 66(5) of the Goa
Panchayat Raj Act 1994 against the failure of the
Respondent No. 1 to demolish within a month
from the date of knowledge, 13 illegal
structures/shops/construction carried out by the
Respondent No. 2 without any permission and
setback in the Property bearing Survey No. 135/7
situated at Vaddy of Village Candolim.

MAY IT PLEASE YOUR HONOUR:

GR

The Complainant above named most respectfully begs to state and submits a under:-

1. That the Complainant is the permanent resident of the abovementioned address. The Complainant has been complaining time and again to the various authorities including the Respondent No.1 against the several illegal constructions carried out by Respondent No. 2.

2. The Complainant states that the Respondents No.2 Mr. Vernon Rodrigues has carried out construction of (Residential and Commercial) houses Ground+2 shops (total 13 shops)/multiple structures viz. Chappan Bhog, Vivenda Cafe, Om Shankar Tattoo. Itsy Bitsy, Soft Serve. Corinthia Boutique Resort etc. in House No.483 Vaddy, Candolim. Bardez-Goa, all situated in property bearing Survey No.135/7 of Village Candolim in total violation of CRZ limits, all the previously mentioned construction is carried out without any valid licence/permission/NOC, conversion sanad and without any approved plan. So also he has not kept the proper set back thereby further extended the said construction.

3. The Complainant filed 2 RTI applications both dated 08/11/2021 to the Respondent no. 1 under Right to Information Act 2005 seeking the information that whether the Respondent no.2 have paid any license fees and obtained the NOC/license for the said construction from the Respondent no. 1.

RR



4. That by letter dated 12/01/2015 Vide Ref. No. VPC/333146/2021-22 and No. VPC/333147/2021-22 dated 21/01/2022 the Respondent no.1 informed the Complainant that the Respondent no. 2 have not paid any license fee and has also not obtained any NOC/license from the Respondent no.1.
5. The Complainant States that That the Respondent no. 2 have not taken any permission from the concerned authorities as prescribed by law for the construction of the said construction of house or for occupying the 13 illegal structures which the Respondent is using for commercial purpose.
6. The Complainant states that he has filed complaint before the Sarpanch/Secretary of the Village Panchayat of Candolim (Respondent No.1) on 28/01/2022 as regards to the 13 illegal structures/construction carried out by the Respondent no. 2. However, no action has been taken by the Respondent no. 1 till date. (The copy of complaint dated 28/01/2022 addressed to the Sarpanch/Secretary, along with the RTI Applications dated 08/11/2021, RTI reply dated 21/01/2022 addressed to the Secretary/Sarpanch is annexed herewith and marked as "EXh. A Colly").

7. The Complainant states that Respondent No. 2 is illegally operating business without prior sanction/renewal permissions from any authorities such as, Village Panchayat of Candolim, Department of Tourism, Labour Department, Excise Department, Food and Drugs Department, Health Department, Fire and Emergency services etc.
8. That the Respondent No.1 ought to have conducted an inquiry to find out as to illegal construction of the Respondent No.2.
9. That the Respondent No.1 has failed to exercise the jurisdiction vested in them and thereby causing irreparable damage, loss and injustice to this Complainant.
10. However inspite of the Complainants request the Respondent no. 1 did not take any measurements of the illegal construction for the reasons best known to them.
11. The Complainant state that the Respondent no. 2 carried out the said illegal construction without obtaining valid license from the Respondent no. 1 and from any other competent authority, further illegally occupying the same and as such, the said 13 illegal structures/shops/construction is liable to be demolished.
12. The Complainant states the Respondent No.2 is hand in gloves with the Respondent No.1 and due to this the Respondent no. 1 is reluctant to take any action against the Respondent No.2.

JR



13. The Complainant is entitled for Order for Demolition from this Hon'ble Court of said illegal construction carried out by the Respondent Nos. 2 and also to remove the encroachment.

14. The Complainant state that if the construction is not demolished than great irreparable loss will be caused to these Complainant, which cannot be compensated in terms of money.

15. The Complainant therefore prays that

a) The Hon'ble Court be pleased to assume the Powers as provided under Section 66(3), (4) and (5) of the Panchayat Raj Act 1994 and take such steps as may be necessary to stop the illegal construction constructed by the Respondent no. 2 contrary to the provisions of law and the rules made under the Act, in Village Candolim.

b) This Hon'ble court may please assume powers under section 66(5) of Goa Panchayat Raj Act 1994 and demolish the construction of (Residential and Commercial) houses Ground+2 shops (total 13 shops)/multiple structures viz. Chappan Bhog, Vivenda Cafe, Om Shankar Tattoo, Itsy Bitsy, Soft Serve, Corinthia Boutique Resort etc. in House No.483 Vaddy, Candolim, Bardez-Goa, all situated in property bearing Survey No.135/7 of Village Candolim.

AR



- c) During the pendency and final disposal of the present Application the Respondent no. 2 their agents, servants, family members and assignee or any person acting on their behalf be restrained by an order of temporary injunction from doing any further illegal construction.
- d) Ad – interim ex parte relief in terms of prayer (c) above.
- e) For costs.
- f) For such other and further relief's as this Hon'ble Court deems fit and proper.

Place: Panaji

Dated: 08/04/2022

The Complainant



AFFIDAVIT

I, Mrs. Judith Rodrigues Wife of Elveno Rodrigues, Major in age, Married, Indian National, Housewife, Resident of R/o H.No.D-6, TRT, Holiday Enclave, Near Hotel Golden Tulip, Muddo Waddo, Candolim, Bardez-Goa. The Complainant above named, do hereby solemnly affirm and verifies on oath that what is stated herein above Appeal is true to my own knowledge and belief.

Solemnly affirmed and verified

At Panaji Goa, this 04th day of the month April, 2022

JKR.

J Rodrigues

(THE DEPONENT)

Identified by

Solemnly affirmed and verified before me
by Mrs. Judith Rodrigues
Who is identified before me
at R/O Candolim - Goa
Known to me
Serial No. 530/2022 Date 06/4/22



WNR 06/4/2022
ADV. GOCULDAS N. NAIR
NOTARY AT PANAJI
STATE OF GOA - INDIA

**BEFORE THE DEPUTY DIRECTOR OF PANCHAYATS,
NORTH GOA AT PANAJI**

Case No: DDPN/Candolim/Bar/45/2024

Judith Rodrigues

..... Complainant

V/s

VP Candolim & anr

..... Respondents

Reply of the Respondent no. 2

MAY IT PLEASE YOUR HONOUR:-

The Respondent no 2 most respectfully states and submits as under:

Preliminary objections:-

1. The present complaint filed by the Complainant is misconceived in facts and in law.
2. That this Hon'ble court has no jurisdiction to try and entertain the present complaint in as much as the panchayat has not been

given sufficient opportunity to take cognizance of the complaint at any rate the panchayat vide its resolution has already acted on the complaint and therefore this Hon'ble court lacks jurisdiction to assume powers of the panchayat and hence the present complaint is liable to be dismissed.

3. The Respondent no. 2 submits that the village panchayat had already issued demolition order pursuant to which the this Respondent preferred an appeal before the Director of panchayat which appeal was then disposed off by quashing and setting aside the order of the panchayat and therefore this authority lacks jurisdiction to assume powers of the panchayat.
4. The structure alleged to be illegally constructed is an structure and that the same is standing in the property since last more than 50 years and as such the present complaint is liable to be dropped.
5. The Complainant has no locus standi to file the present complaint in as much as the said construction is been carried

out prior to coming into force of the Goa panchayat raj act, 1994.

6. The present complaint is bad for non joinder of proper and necessary party in as much as this Respondent is the co-owner of the property and in the absence of all other co-owners no adverse order could be passed against the alleged illegal construction.

Without prejudice to the above:-

7. The contents of para 1 of the complaint is denied being false and fabricated and hence the Complainant be put to the strict proof thereof. It is stated that the complainant is being filing false complaint as against the legal construction of the Complainant only to fulfil its personal vendetta as against the Respondent no. 2 for he having filed complaints against the illegal construction carried out by the Complainant.

8. The contents of para 2 and 5 of the complaint is denied being false and the complainant be put to the strict proof thereof. It is specifically denied that this Respondent has carried out any construction much less illegal construction in property bearing Survey No. 135/7 of Village Candolim in total violation of CRZ limits, and that the same is carried out without any valid licence/permission/NOC, conversion sanad and without any approved plan so also without proper set back and thereby further extending the said construction.

It is stated that the late father of the Respondent no. 2 had applied for permission for reconstruction / development of the building in the property bearing Sy.no. 135/7 situated at Candolim vide application dated 17/11/1982. Thereafter, as no further communication was received by him it appears that the father of Respondent again filed an application dated 20/10/1983 in terms of the application inwards on 17/11/1982 informing the panchayat that the construction has been completed by him in accordance with the plans submitted, pursuant to which the village panchayat of

Candolim vide letter dated 7/11/1983 ref. no. VP/41/45/83-84 informed the father of this Respondent that the inspection of construction on property bearing Sy.no. 135/7 to be carried out with a prior notice from the office of the Village Panchayat of Candolim.

It is stated that the Respondent no. 2 learnt about the aforesaid documents for the first time whence his daughter received a mail from his elder sister who resides in UK informing her that she has the copies of the site plans along with the aforesaid letters based on which she has applied for the review of the aforesaid order passed by the GCZMA. Annexed hereto are the copies of the letter dated 17/11/1982, site plans, letter dated 20/10/1983 along with the letter dated 7/11/1983 ref. no. VP/41/45/83-84 along with the copy of the review application and the screen short of the email received by the Appellant.

9. The contents of para 3 and 4 of the complaint are denied being false and irrelevant considering the averments made in para 7

herein above and hence the complainant be put to the strict proof thereof.

10. The contents of para 6 of the complaint is denied being false and fictitious and hence the complaint be put to the strict proof thereof. It is stated that the village panchayat of Candolim without verifying its own documents had issued a demolition order as against the construction which is the subject matter of the present complaint pursuant to which this Respondent preferred an appeal before the Additional Director of panchayat vide Panchayat appeal no. 74/2007.

It is further stated vide order dated 20/08/2015 the demolition order dated 17/11/2007 was quashed and set aside and consequently the aforesaid panchayat appeal was disposed off. Annexed hereto and marked as **annexure - A** is the copy of the order dated 20/08/2015.

11. The contents of para 7 of the complaint is denied being false and fabricated and the Complainant be put to the strict proof thereof. It is stated that the Complainant is hell-bend in demolition the legal construction of this Respondent and as such is willing go to any extend. It is stated that the Complainant is trying to mix two questions of law in one complaint which is not permissible in law.

12. The contents of para 8 and 9 of the complaint is denied being false and fabricated and the Complainant be put to the strict proof thereof. It is vehemently denied that the Respondent panchayat has failed to initiate any action in the matter and therefore any loss, damage and injustice is caused to the Complainant as the complainant has no right, title or interest in the aforesaid property in which the structures are constructed.

13. The contents of para 10 and 11 of the complaint is denied being false and fabricated and the Complainant be put to the strict proof thereof.

(151)

14. The contents of para 12 of the complaint is denied being false and fabricated and the Complainant be put to the strict proof thereof. It is vehemently and specifically denied that this Respondent is hand in gloves with the Respondent No. 1 and due to this the Respondent no. 1 is reluctant to take any action against the Respondent No.2.

15. The contents of para 13 of the complaint is denied being false and fabricated and the Complainant be put to the strict proof thereof. The Complainant is not entitled for any Order much less an order for Demolition from this Hon'ble Court of said illegal construction carried out by the Respondent Nos. 2 and also to remove the encroachment

16. The contents of para 14 of the complaint is denied being false and fabricated and the Complainant be put to the strict proof thereof. It is specifically denied that if the construction is not demolished than great irreparable loss will be caused to these

Complainant, which cannot be compensated in terms of money.

17. The Complainant is not entitled for any reliefs as claimed for and therefore the present complaint is liable to be dismissed with cost.

18. The Respondent no. 2 states that the construction existing in the aforesaid property is valid and has been constructed prior to the coming into the force of the Goa Panchayat raj act, 1994 so also the same is reflected on the survey plan and form 1&XIV. Annexed hereto and marked as **annexure - B** is the copy of the Sy plan and form 1&XIV.

19. Nothing specifically denied be treated as admitted for want of specific denials.

PRAYER

It is therefore prayed before this Honourable Court that the present complaint be dismissed with cost.

Place: Panaji

Dated: 17/05/2024

Respondent no

2

(S.P. 7 nos)

Candolim, Bvd. 3, 400

Dated: 17/11/1982

154

The Chairman,
Candolim, Bvd. 3, 400

Sub: Application for permission for reconstruction and
development of the building in the property bearing
Synd. 135/7, situated at Candolim, Bvd. 3 - 400

Respected Sir,

I am writing the present application to
request for permission for the reconstruction &
development of a building in the property
bearing Synd. 135/7, situated at Village Vanchay
Candolim, Bvd. 3 - 400.

I am enclosing along with the application the
required document such as the 1/4" Survey
plan and the site plan is original.

I kindly request you to grant permission
for the proposed reconstruction & develop
of the building.



Yours faithfully,
Victor Rodriguez

Victor Rodriguez

from: Victor Rodrigues,
Candolim, Bavel, Goa

Dated: 20/10/1982

To,

The Chairman,
Candolim, Bavel, Goa

Respected Sir,

In the terms of the application
imparted on 17/11/1982, since there was
no response from your office, as advised
it is presumed that, I have been granted
permission and accordingly, I concluded
our construction in all aspects and the
premises is in a habitable condition.

As such I request your good office to kindly
inspect the same as required under Section
33(2) of Goa Building Regulations, and
also kindly issue to us a house no. for
the newly constructed premises.



Thanking you,
Victor Rodrigues

Victor Rodrigues

(156)


CANDOLIM VILLAGE PANCHAYAT
CANDOLIM
Bardez - Goa.

Ref. No. VI/41/85/83-84

Date: 7th. November. 1983

To,
Shri. Victor Rodrigues
Vaddy, Candolim, Goa.

sir,

This office is in receipt of your letter dated 20th October 1983 and is hereby informed that the inspection of your construction on Survey No. 135/7 to be carried out with a prior notice from this office.

Yours faithfully,




(T. Cardozo).
Chairman.

Bearer Titulaire *as unless otherwise entry regulations of*
 Occupation COMMERCIAL SUPERV
 Profession
 Place of birth NAIROBI *if mention spéciale (sous règlements d'entrée des*
 Lieu de naissance
 Date of birth 1 JUN 47
 Date de naissance
 Residence ENGLAND
 Résidence

Height 1.70
 Taille BIATIM
 Distinguishing marks
 Signes particuliers *après Ce passeport expire le*

Name N° **31 OCT 1988**
as extended à moins de prolongation

Issued at Délivré à

 Date Date

Holder has the right of abode in the United Kingdom

BRITISH CITIZEN

CHILDREN

Name	Date of birth.	sex
VANESSA	8 JAN 1984	F



Bearer Titulaire *as unless otherwise entry regulations of*
 Occupation COMMERCIAL SUPERV
 Profession
 Place of birth NAIROBI *if mention spéciale (sous règlements d'entrée des*
 Lieu de naissance
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Issued at Délivré à

 Date Date

Holder has the right of abode in the United Kingdom

BRITISH CITIZEN

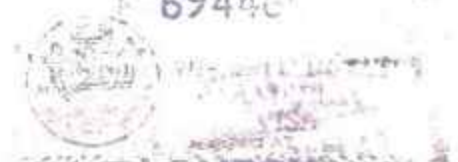
CHILDREN

Name	Date of birth.	sex
VANESSA	8 JAN 1984	F





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LONDON

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U. S. IMMIGRATION
130 SFR 43

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ADMITTED _____ [CLASS] _____
UNTIL _____

2 month visit - no Cos



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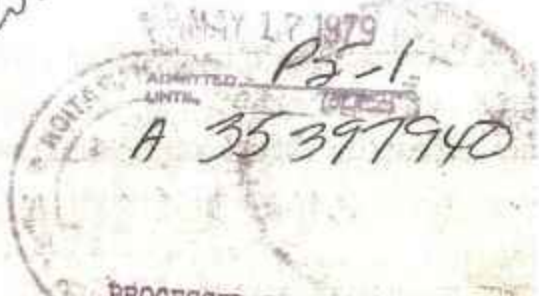


A/E
88/020
13/7/80
BOMBAY
A/C



ARC
ADMITTED UNTIL 16 1980
OUTMOST
with RT - wanted

U.S. IMMIGRATION
130 972 1042



PROCESSED FOR I-551,
TEMPORARY EVIDENCE OF
LAWFUL ADMISSION FOR
PERMANENT RESIDENCE
VALID UNTIL NOV. 16, 1979
EMPLOYMENT AUTHORIZED.

panaji goa RC-237/British/84
dt. 7/7/84



TABLE-030435
Infile 1400
19/3
Duty paid
by Vishwan
m. 38147
5/8/82





Handwritten: Panaji Goa, PC No. 103/BRITISH/ST, dt. 7.2.1985

वर्णन IV 60316/84

NO. 60316/84

संक्रमण/प्रवेश/ TRANSIT/ENTRY/ पर्यटक वीजा

TOURIST VISA

बारी बनने की तारीख DATE OF ISSUE 5-11-84

FIRST ENTRY BY 4-5-85

बारी पासपोर्ट नंबर है तो स्वतंत्र की बारी के दौरान

GOOD FOR Single JOURNALS DURING THE PERIOD OF STAY IF PASSPORT REMAINS VALID.

यात्राओं के लिए वैध/व्यव प्रवेश की तारीख से प्रत्येक वर्ष

की अवधि

PERIOD OF STAY IN INDIA FROM THE DATE OF FIRST ENTRY (3) Three months

CHANGE OF PURPOSE NOT ALLOWED



द्वितीय सचिव
Second Secretary
भारत का हाई कमिश्नर
High Commission of India
लन्दन (यू.के.)
LONDON (U. K.)



Handwritten: Panaji Goa, PC No. 532/BRITISH/ST, dt. 28/11/85

वर्णन EV 085258/85

NO. EV 085258/85

संक्रमण/प्रवेश/ TRANSIT/ENTRY/ पर्यटक वीजा

TOURIST VISA

बारी बनने की तारीख DATE OF ISSUE 10-8-85

FIRST ENTRY BY 19-2-85

बारी पासपोर्ट नंबर है तो स्वतंत्र की बारी के दौरान

GOOD FOR TRIPLE JOURNALS DURING THE PERIOD OF STAY IF PASSPORT REMAINS VALID.

यात्राओं के लिए वैध/व्यव प्रवेश की तारीख से प्रत्येक वर्ष

की अवधि 3

PERIOD OF STAY IN INDIA FROM THE DATE OF FIRST ENTRY Three months

CHANGE OF P. PURPOSE NOT ALLOWED

VISA NOT VALID FOR ANY RESTRICTED/PROTECTED AREA



द्वितीय सचिव (पासपोर्ट)
Second Secretary (Passport)
भारत का हाई कमिश्नर
High Commission of India
लन्दन (यू.के.)
LONDON (U. K.)

No. 7/J-14/78/HO/P
 Return VISA/Return Special Endt.
 Date of Issue:- 12-11-1986
 Date of expiry:- 12-12-1986
 Good for one journey to India if passport remains valid.
 Period of stay in India on return till 25-2-87



S. Panaji
 Under Secretary (Passports)
 Home Department
 Panaji - Goa

Name CHILDREN
 Date of birth. ~~6 NOVEMBER 1985~~



No. 7/J-14/78/HO/P
 Return VISA/Return Special Endt.
 Date of Issue:- 2-9-1986
 Date of expiry:- 2-10-1986
 Good for one journey to India if passport remains valid.
 Period of stay in India on return till 25-2-87



S. Panaji
 Under Secretary (Passports)
 Home Department
 Panaji - Goa



168

No. 7/5-14/78/HO/P
 Return VISA/Return Special Endt.
 Date of issue 7-9-1987
 Date of expiry 6-12-1987
 Good for one journey to India if passport remains
 Period of stay in India on return till 25-3-88

bagi cora per 25/3/88
 di 2/12/87



Pranab Kumar
 Under Secretary (Passports)
 Home Department
 Patnai Chowk



U. S. IMMIGRATION
 NEW YORK, N.Y. 10338

OCT 8 1987

ADMITTED
 UNTIL

No 548470

THE UNITED STATES OF AMERICA
 NONIMMIGRANT VISA
 IMMEDIATE

LONDON

CLASSIFICATION: B-1B-2-5 DATE ISSUED: OCT 1987

VALID FOR MULTIPLE APPLICATIONS FOR ENTRY UNTIL INDEFINITELY

ISSUED TO: BEARER (s)

Edwin K...

CONSULAR OFFICE

10 OCT 2 5 31 6

T B K R 1206/6 B
for 1200
- [Signature]
12/12

RE BA020
- 24-283
[Signature]

10 OCT 2 5 31 6

FOREIGN EXCHANGE FACILITIES:
PRIVATE TRAVEL

Entries may be made here and on page 30 only by *Authorized Banks and other banks, tour operators or travel agents specifically authorised by the Bank of England, or by an Exchange Control Authority in the Scheduled Territories.*

Foreign currency is obtainable subject to conditions notified in the Notice to Travellers, a copy of which should be given to you by your bank, tour operator or travel agent. Any unused foreign currency, travellers' cheques, etc., must be offered for sale to, or encashed by, a bank or the tour operator or travel agent from whom they were obtained within the period indicated in the Notice to Travellers.

Date	Amount issued or refunded (sterling equivalent to nearest £1 below)	Stamp of bank, tour operator or travel agent issuing Notice to Travellers	Stamp of bank, tour operator or travel agent issuing exchange or receiving refund
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FOREIGN EXCHANGE FACILITIES:
BUSINESS, PROFESSIONAL AND OFFICIAL TRAVEL.

The purpose of the journey should be stated immediately under the entry. The paragraphs at the head of page 29 apply equally to business, professional and official travel.

Date	Amount issued or refunded (sterling equivalent to nearest £1 below)	Stamp of bank, tour operator or travel agent issuing Notice to Travellers	Stamp of bank, tour operator or travel agent issuing exchange or receiving refund
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EMERGENCIES: The holder should insert below particulars of two relatives or friends who may be contacted in the event of accident: (Any agreement should be made on a slip of paper which the holder should affix over this space)

Name	Name
Address	Address
Telephone	Telephone

1. A passport is valid for ten years, unless otherwise stated. If issued to a child under sixteen years of age it is normally valid for five years in the first instance but may be extended for a further five years without further charge. A passport which is ten years old or has no further space for visas must be replaced by a new one.

2. The possession of a passport does not exempt the holder from compliance with any immigration regulations in force in any territory or from the necessity of obtaining a visa or permit where required. It should be noted in this connexion that the majority of British territories overseas have immigration restrictions applicable to British subjects as well as aliens.

3. A passport including particulars of the holder's spouse is not available for the spouse's use when he/she is travelling alone.

4. Children who have reached the age of sixteen years require separate passports.

5. **Registration Overseas** British nationals resident overseas who are entitled to the protection of the United Kingdom authorities should contact the nearest British High Commission, Embassy or Consulate to enquire about any arrangements for registration of their names and addresses. Failure to do so may in an emergency result in difficulty or delay in securing them assistance and protection.

6. **Dual Nationality** United Kingdom nationals who are also nationals of another country cannot be protected by Her Majesty's representatives against the authorities of that country. If, under the law of that country, they are liable for any obligation (such as military service), the fact that they are United Kingdom nationals does not exempt them from it. A person having some connexion with a Commonwealth or foreign country (eg by birth, by descent through either parent, by marriage or by residence) may be a national of that country, in addition to being a national of the United Kingdom. Acquisition of British nationality by a foreigner does not necessarily cause the loss of nationality of origin.

7. **Caution** This passport remains the property of Her Majesty's Government in the United Kingdom and may be withdrawn at any time. It should not be tampered with or passed to an unauthorised person. Any case of loss or destruction should be immediately reported to the local police and to the nearest British passport issuing authority (eg Passport Office, London; British Consulate; British High Commission or Colonial authority); only after exhaustive enquiries can a replacement be issued in such circumstances. The passport of a deceased person should be submitted for cancellation to the nearest such passport authority; it will be returned on request.

M/4379***

**BEFORE THE DEPUTY DIRECTOR OF
PANCHAYATS - NORTH, AT PANAJI, GOA**

Case No: DDPN/Candolim/Bar/64/2024

Judith Rodrigues,
R/o H. No. D-6, TRT Holiday Enclave,
Near Hotel Golden Tulip,
Muddo Waddo, Candolim,
Bardez-Goa.Complainant

V/s

- 1) The Sarpanch/Secretary
Village Panchayat of Candolim,
Bardez, Goa.
- 2) Vernon Rodrigues,
H. No. 483, Vaddy,
Candolim, Bardez, Goa.Respondents



JUDGEMENT

1. The present matter has arisen before this Hon'ble Court in exercise of its jurisdiction under Section 66

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(5) of The Goa Panchayat Raj Act, 1994, hereinafter referred to as "*said Act*", on account of complaint dated 06.04.2022 hereinafter referred to as "*the said complaint*", made by the Complainant, complaining therein about the alleged illegal construction, hereinafter referred to as "*the said construction*", erected in the property surveyed under Survey No. 135/7 of Village Candolim, Taluka Bardez, Goa, hereinafter referred to as "*the said property*".



2. Pursuant to the said complaint, the Block Development Officer - Bardez has duly conducted Site Inspection and submitted Report dated 06.12.2022 along with Panchanama and Sketch to this Authority, hereinafter referred to as "*the said BDO Report*".
3. This Hon'ble Court has duly examined the pleadings and documents on record, along with the contents of the said BDO Report. The Respondent No. 1 and No. 2 have filed their Reply in the matter. The Complainant has filed Written Arguments and Additional Written Arguments in the present matter. The Respondent No. 1 and Respondent No. 2 have

ELG

Case No.: 64/2024

submitted that their Reply may be adopted as their Written Arguments. The parties have presented Oral Arguments on merits of the matter.

4. For the sake of brevity, the facts of the matter, pleadings and arguments of the parties will not be reproduced verbatim hereunder, since the same forms part of the record.



5. Amongst the other submissions which are on record, the Complainant has submitted that the Respondent No. 2 has constructed certain alleged illegal structures in the said property without permission from the authorities; that the Respondent No. 2 is illegally operating business in the said property bearing Sy. No. 135/7 of Village Candolim without permission from the authorities; that the Complainant has filed complaint before the Sarpanch/Secretary of the Village Panchayat of Candolim however no action has been taken by Respondent No. 1 Village Panchayat in the matter; that the Village Panchayat of Candolim had passed an Order for Demolition of the same structures under The Goa Panchayat Raj Act, 1994 pursuant to which

the Hon'ble Additional Director of Panchayats vide Order passed in Panchayat Appeal No. 74/2007 dated 20.08.2015 had remanded the matter back to the Village Panchayat Candolim to decide afresh; that since no action has been taken by the Village Panchayat Candolim, the present complaint has been filed before this Court; that the said complaint may hence be allowed.



6. The Complainant has inwards on 05/06/2024 in the office of the Directorate of Panchayats the Additional Written Arguments of the Complainant, which has been taken on record during the hearing held on 06/06/2024 and the said Additional Written Arguments of the Complainant have been given due consideration, before pronouncing of the Final Order in Court.
7. Amongst the other submissions which are on record, the Respondent No. 1 has submitted that the Complainant has filed the present complaint concerning property bearing Survey No. 135/7 of Village Candolim; that the Complainant has alleged illegal construction of structures in the said property;

that the Respondent No. 1 has not received any application for permission for structures in property bearing Survey No. 135/7 of Village Candolim; that the Respondent No. 1 is in process of taking action on the basis of complaint filed by the Complainant and conducting inquiry in the matter.



8. Amongst the other submissions which are on record, the Respondent No. 2 has submitted that this Hon'ble Court has no jurisdiction to try and entertain the present complaint in as much as the Panchayat has not been given sufficient opportunity to take cognizance of the complaint; that at any rate the Panchayat vide its resolution has already acted on the complaint and therefore this Court lacks jurisdiction to assume powers of the Panchayat and hence the present complaint is liable to be dismissed; that the Village Panchayat had already issued Demolition Order pursuant to which the Respondent preferred an appeal before the Director of Panchayats, which appeal was then disposed of by quashing and setting aside the order of the panchayat and therefore this authority lacks jurisdiction to assume the powers of the Panchayat; that the present complaint be dismissed.

A handwritten signature in dark ink, appearing to be "J. K."

9. The Respondent No. 2 has produced on record the following documents in support of his case:

- i) Judgement and Order dated 20.08.2015 of the Additional Director of Panchayats-II, Panaji, Goa.
- ii) Letter bearing No. VP/41/45/83-84 dated 7th November 1983 issued by the Village Panchayat of Candolim through Mr. T. Cardozo, Chairman, and addressed to Victor Rodrigues bearing the official seal of Respondent No. 1 Village Panchayat.
- iii) Letter dated 17.11.1982 from Victor Rodrigues addressed to the Chairman, Village Panchayat of Candolim, Candolim, Bardez, Goa, bearing the official seal of the Respondent No. 1 Village Panchayat.
- iv) Letter dated 20.10.1983 from Victor Rodrigues addressed to the Chairman, Village Panchayat of Candolim, Candolim, Bardez, Goa, bearing the official seal of the Respondent No. 1 Village Panchayat.
- v) Site Plan, bearing the official seal of Respondent No. 1 Village Panchayat.
- vi) Screenshot of email dated 04.05.2024.
- viii) Copy of the Review Application dated 09.05.2024.



A handwritten signature in black ink, appearing to be "C. K. S.", is located at the bottom center of the page.

- ix) Screenshot of the Email dated 09.05.2024 from Viola Philomena Rodrigues addressed to the Goa Costal Zone Management Authority attaching therewith the Review Application.
- x) Letter from Viola Philomena Rodrigues addressed to the Goa Costal Zone Management Authority.



10. This Hon'ble Court observes that the Complainant herein has raised a grievance of illegal construction of various structures against the Respondent No. 2 in the subject property. The Respondents have questioned the jurisdiction of this Hon'ble Court to adjudicate the present matter under Section 66(5) of The Goa Panchayat Raj Act, 1994 however this Court opines that the present matter has been rightfully heard and decided in exercise of its jurisdiction under the said Act, since the facts on record reveal that the matter was remanded back to the Respondent Panchayat to decide afresh and hence there is no Resjudicata that would be applicable so as to prohibit the present matter from being adjudicated by this Court.

11. In the present matter before this Court, it is pertinent to note that the Respondent No. 2 has produced on record certain letter dated 17/11/1982, site plan, letter dated 20/10/1983 and letter dated 7/11/1983 bearing Ref. No. VP/41/45/83-84, and it is observed that the said letters and the plan appear to have been duly inwards in the office of the Village Panchayat of Candolim as they bear the seal of the Respondent Village Panchayat.



12. The above fact would hold relevance when understood in consonance with the relevant provisions of The Goa Panchayat Raj Regulations, 1962, more particularly Regulation 83 of the aforesaid Regulations, and for the sake of better clarity in this regard, the same is reproduced hereunder ad verbatim:

Regulation 83:

- (1) *Control of the erection of buildings:- No person shall erect or re-erect, within the limit of a village any building without the previous permission of the panchayat.*

(2) *Permission shall be presumed to have been granted if the panchayat fails to communicate its sanction or refusal in respect thereof within two months from the date of the receipt of the application for permission incase of refusal panchayat shall communicate to the Applicant the reason therefore and appeal shall lie against any such order of refusal to the Deputy Collector/ Sub Division Officer of the sub division within a period of 30 days of the date of communication of such refusal.*

(3) *No person who becomes entitled under sub-section (1) or (2) to proceed with any intended works of erection or re-erection shall commence such work after the expiry of one year from the date on which he first became entitled so to proceed therewith unless he shall have again become so entitled by a fresh compliance with the provisions of the proceeding sub - sections.*

13. It is observed that the Respondent Panchayat has although filed its reply to the complaint however they have not disputed the receipt of the documents such



as letter dated 17/11/1982, site plan, and the letter dated 20/10/1983 so also the Respondent Panchayat has not disputed the letter dated 7/11/1983 bearing Ref. No. VP/41/45/83-84 issued in the name of Victor Rodrigues.



14. From the above, the logical conclusion which can therefore be drawn is that, prima facie, the Respondent No. 2 has placed on record the documents which shows that the father of the Respondent no. 2 had applied for the permission to the Panchayat and that there is nothing on record produced by the panchayat that the Application for permission filed by the father of the Respondent no. 2 was either refused or granted, and as such the father of the Respondent would be consequently entitled to the deeming provision of the then The Goa Panchayat Raj Regulations, 1962 to justify the validity of the said construction. In light of the aforesaid discussion, this Authority deems it sufficiently proved that the said construction existing in the said property is presumed to be legal and that the same has been carried out validly in pursuance of the deeming provision of The Goa Panchayat Raj Regulations, 1962.

A handwritten signature in dark ink, appearing to be a stylized name, located at the bottom center of the page.

15. In view of the above, this Hon'ble Court is inclined to pass the following Order:



ORDER

The present complaint is hereby dismissed.

Order pronounced.

Proceedings stand closed.

Given under my hand and seal of this Authority on this
06th day of June 2024.



(FIONA AUDREY CARDOZO)
Deputy Director of Panchayats-North
Panaji, Goa

CERTIFIED COPY	
Copy applied on	07/06/2024
Copy ready for delivering on	10/06/2024
Copy delivered on	12/06/2024
Checked by	SSR
Copying fees Rs.	Fifty
	Five Only
Credited in Directorate of Panchayats Panaji	
Receipt No.	712.76.2
Dated	12/06/2024
 (Sankesh Sawant) Court Clerk O/o. Dy. Director of Panchayats (N) Panaji-Goa	

- (b) in delegating to any such Committee power to frame terms binding on each such body as to the construction and future maintenance of any joint work and any power which might be exerciseable by either or any of such bodies; and
- (c) in framing and modifying rules for regulating the proceedings of any such Committee and the conduct of correspondence relating to the purpose for which the Committee is appointed.

(2) Where a Panchayat has requested the concurrence of any other Panchayat or Municipality under the provisions of sub-section (1) in respect of any matter and such other Panchayat or Municipality has refused to concur, the Government may pass such orders as it may deem fit requiring the concurrence of such other Panchayat or Municipality in the matter aforesaid, and such other Panchayat or Municipality shall comply with such order.

(3) If any difference of opinion arises between local bodies acting under this section, the decision thereon of the Government, or of such officer as it appoints in this behalf, shall be final.

83. *Control of erection of buildings.* — (1) No person shall erect or re-erect or commence to erect or re-erect within the limits of a village, any building without the previous permission of the Panchayat.

(2) Permission shall be presumed to have been granted if the Panchayat fails to communicate its sanction or refusal in respect thereof within two months from the date of receipt of the application for permission. In case of refusal, the Panchayat shall communicate to the applicant the reasons therefor; and an appeal shall lie against any such order of refusal to the Deputy Collector/Sub-Divisional Officer in charge of the sub-division within a period of thirty days of the date of communication of such refusal.

(3) No person who becomes entitled under sub-section (1) or (2) to proceed with any intended work of erection or re-erection shall commence such work after the expiry of one year from the date on which he first became entitled so to proceed therewith, unless he shall have again become so entitled by a fresh compliance with the provisions of the preceding sub-sections.

(4) Whoever erects or re-erects or commences to erect or re-erect any building without such permission or in any manner contrary to the provisions of sub-section (1) or any bye-law in force, or to any conditions imposed by the Panchayat shall be punished with fine, which may extend to fifty rupees; and in the case of a continuing contravention, he shall be liable to an additional fine, which may extend to five rupees for each day during which such contravention continues after conviction for the first such contravention.

(5) Without prejudice to the penalty prescribed in sub-section (4) the Panchayat may —

- (a) direct in writing that the erection or re-erection be stopped;
- (b) by written notice require such erection or re-erection to be altered or demolished as it may deem necessary within a reasonable time;

and if the requirement under clause (b) is not complied with within the time fixed in the notice, the Panchayat may cause the alteration or demolition to be carried out by its officers and servants and all the expenses incurred by the Panchayat therefor shall be recoverable in the same manner as an amount claimed on account of any tax recoverable as arrears of land revenue under any law for the time being in force in the Union territory.

(6) Nothing contained in this section shall apply to any building which is used or required for public service, or for any public purpose, and is the property of the Government or any Panchayat or Municipality or is to be erected or re-erected by the Government or the Panchayat or Municipality; but reasonable notice of the proposed construction shall be caused to be given to the Panchayat, and the objections or suggestions of the Panchayat, if any, shall be considered.

Explanation.—The expression "erect" or re-erect" with reference to a building in this section, includes —

- (a) any material alteration, or enlargement of or in an building;
- (b) the conversion by structural alteration into a place for human habitation of any building not originally constructed for human habitation;

- (c) such alteration of a building as would effect a change in the drainage or sanitary arrangement or materially affect its security;
- (d) the addition of any rooms, buildings, out-houses or other structures to any building;
- (e) the conversion by any structural alteration, into a place of religious worship or into a sacred building of any place or building not originally meant or constructed for such purpose;
- (f) roofing or covering an open space between walls and buildings, as regards the structure which is formed by roofing or covering such space;
- (g) conversion into a stall, shop, warehouse, or godown of any building not originally constructed for use as such or *vice versa*;
- (h) construction in a wall adjoining any street or land not vested in the owner of the wall, of a door opening on such street or land.

84. *Obstructions and encroachment upon public streets and open sites.* — (1) Whoever, within the limits of a village, —

- (a) builds or sets up any wall, or any fence, rail, post, stall, verandah, platform, plinth, step or structure or thing or any other encroachment or obstruction, or
- (b) deposits, or causes to be placed or deposited any box, bale, package or merchandise or any other thing, or
- (c) without written permission given to the owner or occupier of a building by the Panchayat, puts up, so as to project from an upper storey thereof, any verandah, balcony, room or other structure or thing, in or over any public street or place, or in or over or upon any open drain, gutter, sewer or aqueduct in such street or place, or contravenes any conditions subject to which any permission as aforesaid is given or the provisions of any bye-laws made in relation to any such projections or cultivates or makes any unauthorised use of any grazing land, not being private property

shall, on conviction, be punished with fine, which may extend to fifty rupees, and with further fine,



Village Panchayat Candolim

Bardez - Goa
403 515

Ref. No.: VPC/18/5/2024-25/663

Date: 22/06/24

DEMOLITION ORDER

Notice U/S 66(4) of The Goa Panchayat Raj Act, 1994

Sub: Illegal construction of multiple structure/Shops & extension of structure in the property bearing survey No.135/7, situated at Vaddy, Candolim.

Whereas, the Show Cause Notice u/s 66 (3) of GPR Act 1994 was issued to you by this office vide notice No. VP/C/18/5/2023-24/4728 dated 06/02/2024 and directing you to Show Cause within 15 days to prove that the alleged illegal construction of multiple structure/Shops & extension of structure carried out by you in the property surveyed under survey no.135/7, situated at Vaddy, Candolim is legal and the reply submitted by you dated 20/02/2024 received in this office on 26/02/2024 is not pleasing to the panchayat body as you have not produced any approved plans/ permissions issued by the concerned authority including the licence from this office for the said aforesaid construction.

Whereas, the said matter was placed before the Panchayat Body meeting held on 19/06/2024 and after discussion it was resolved to issue you the Demolition Order.

And whereas, now therefore, in pursuance of resolution no.7(7) passed in the Village Panchayat meeting 19/06/2024 and power vested to the undersigned under section 47 of the Goa Panchayat Raj Act, 1994, I, the secretary of V.P. Candolim, do hereby Order, The Manager, Shri. Vernon Rodrigues, to demolish the said alleged illegal construction of Multiple structure / shops & extension

Contd pg 2



Village Panchayat CandolimBardez - Goa
403 515

Ref. No.: VPC/

Date :

pg-2

of Multiple structure / shops & extension of structure within 15 days from the receipt of this Demolition Order, for constructing the same without obtaining permission from this Panchayat and without following any formality required under law, failing which the Village Panchayat Candolim will demolish the same and the expenditure incurred therein shall be recovered from you in the same manner as recovery of arrears of Taxes and Fees are done as per the Goa Panchayat Raj Act 1994.

Given under my hand and the seal of this office on the 22/06/24



[Signature]
SECRETARY
VILLAGE PANCHAYAT CANDOLIM
BARDEZ - GOA.

To,

✓ Shri. Vernon Rodrigues,

House No.483, survey no.135/7,

Vaddy, Candolim, Bardez, Goa.

Copy for information to;

1. Smt. Judith Rodrigues

2. Smt. Nidhi Parab

[Signature]
22nd June 2024
Time: 3:32 PM

..... complainant,

..... Ward member

Notice given by
Genl
22/06/24
3:32

BEFORE THE ADDITIONAL DIRECTOR OF PANCHAYATS-I AT PANAJI-GOA.

No. ADP-I/Candolim/P.A.329/2024

Mrs. Vernon Rodrigues,
370 Lins Victor Rodrigues,
Major of acc. business,
R/o H. No.483, Ward, Candolim, Bardez-Goa.

Appellant

V/S

Village Panchayat of Candolim,
Through its Secretary,
Having office at Candolim, Bardez-Goa.

Village Panchayat Candolim	
Entry No. 788	File No. 33
Dated 29/06/2024	

Respondents

NOTICE

Take notice that the above named Appellant has filed an Appeal under section 66(7) of the Goa Panchayat Raj Act, 1994. (copy enclosed)

AND WHEREAS upon hearing the Advocate for the Appellant, the Addl. Director of Panchayats-I Panaji has passed the following order:

ORDER...

Heard Advocate K. Kerkar who argued for grant of ex-parte stay of the impugned demolition Order bearing No.VPC/18/5/2024-25/663 dated 22.06.2024 issued by Village Panchayat Candolim, Bardez-Goa.

I have gone through the pleadings of the appellant in the Appeal Memo, documents on record and also considered the arguments putforth by the Ld. Adv. for the Appellant and I am of the opinion that ad-interim ex-parte relief needs to be granted in the present matter. Hence, the impugned demolition Order dated 22.06.2024 is hereby stayed ex-parte till next date of the hearing.

Issue notices to both the parties fixing the matter for hearing on 30.07.2024 at 3.00p.m

And therefore take note that hearing has been fixed in the above matter on 30-07-2024 at 3.00p.m. in the chamber of the Additional Director of Panchayats-I, 4th Floor, Myias High Patis Center Panaji-Goa.

You are, therefore, required to remain present in person or by your duly authorized agent/pleader on the aforesaid date, time and place to file your reply failing which the matter will be heard and determined ex-parte.



By order of the
Addl. Director of Panchayats-I

(Teja Simopurushkar)
Sr. Stenographer

Forward - 25 On 27/06/24

- To:
1. Both the parties
 2. To the Village Panchayat Secretary, Village Panchayat Candolim Bardez-Goa
- Through the Block Development Officer Bardez to the Village Panchayat Secretary Candolim, Village Panchayat Candolim, for service and return.

GOA COASTAL ZONE MANAGEMENT AUTHORITY

C/o Department of Science, Technology & Environment, (Govt. of Goa)

4th Floor, Dempo Towers, Patta, Panaji -Goa.

www.czma.goa.gov.in

188
R-22

Ref. No. GCZMA/N/IE/11A-temp/21-22/89/168 Date: 25/04/2022

SHOW CAUSE NOTICE UNDER SECTION 5 OF THE ENVIRONMENT (PROTECTION) ACT, 1986, READ WITH RULE 4 OF THE ENVIRONMENT (PROTECTION) RULES, 1986.

WHEREAS, the Goa Coastal Zone Management Authority (hereinafter referred to as 'the GCZMA' in short) has been constituted by the Ministry of Environment & Forests (MoEF), Government of India pursuant to the directions of the Hon'ble Supreme Court of India to deal, inter alia, with violation of the Coastal Regulation Zone (CRZ) Notification 2011 and implementation of the CRZ Notification.

AND WHEREAS, the Office of the Goa Coastal Zone Management Authority (hereinafter referred as 'the GCZMA' in short) had received a complaint letter dated 28/01/2022 from Mrs. Judith Rodrigues, r/o H.No.D-6; TRT Holiday Enclave, Near Hotel Golden Tulip, Muddo Waddo, Candolim Bardez Goa; with respect to illegal construction of multiple structures of Ground +2 nos. 13/14 shops structures; in the property bearing survey no 135/7, at Vaddy, Candolim, Bardez Goa within CRZ III area carried out by Mr. Vernon Rodrigues, house no 483, Vaddy, Candolim, Bardez Goa; within the CRZ Limits. (Enclosed Copy of the Complaint dated 28/01/2022).

AND WHEREAS, upon receipt of the Complaint, the following alleged illegal construction resulting in blatant and serious violation of CRZ Notification 2011 is noticed. The details of the violations are indicated here below:-

NAME OF THE VIOLATOR	Sy No and VILLAGE	VIOLATION	Distance from HTL.
Mr. Vernon Rodrigues	135/7, Vaddy, Candolim	illegal construction of multiple structures of Ground +2 nos. 13/14 shops structures. Illegal construction of septic tank and soak pit.	within the CRZ Limits


AND WHEREAS, as per the CRZ Notification, 2011; the entire belt of 100 mts. from the High Tide Line (HTL) of river and 200mts. from the HTL from the sea is designated as the No Development Zone (NDZ) and hence no construction/development whatsoever are permissible in the said belt;

ANDWHEREAS, the alleged illegal construction is highly detrimental to the Coastal ecosystem / riverine ecosystem. Further it is observed that you have not obtained any prior approval of the GCZMA for the purpose of alleged construction as required under the CRZ Notification 1991/2011.

AND WHEREAS, you are also required to show cause as to why environmental compensation and penalty should not be levied against you for causing environmental damages and not obtaining permission from the Authority.

NOW THEREFORE, in exercise of the powers conferred by section 5 of the Environment (Protection) Act, 1986 read with sub-rule (3) (a) of rule 4 of the Environment (Protection) Rules, 1986, delegated to the GCZMA, the GCZMA hereby directs you to **SHOW CAUSE** as to why a direction to demolish the illegalities and to restore the land to its original condition and why penalty should not be imposed upon you. Further, you are directed to ensure that no construction activity of whatsoever kind and nature is carried out at said site.

FURTHER TAKE NOTE THAT, you are required to file your reply and produce construction/reconstruction/repair licence/approvals, if any, issued by the concerned Authorities including GCZMA along with approved plan, as also documents to show the title to the Office of the GCZMA, having its Office at 4th Floor, Dempo Towers, Patto, Panaji, Goa on or before **30/04/2022 and remain present for a personal hearing on the 05/05/2022 at 03.30 p.m at the 04th Floor, Conference Hall, Dempo Towers, Patto, Panaji, Goa**. Take note that if you fail to submit your reply along with the required documents, the GCZMA will come to the conclusion that you have no justification to carry out its activities as above stated and the Authority shall proceed to issue final directions to you in this regard without any further notice which inter alia includes order of demolition of structures, disconnection of water / power supply etc.


(Dasharath M Redkar)
Member Secretary (GCZMA)

09.15

Encl: As above

To,

1. Mr. Vernon Rodrigues, house no 483, Vaddy, Candolim, Bardez Goa

Copy to:

1. The Collector & District Magistrate (North), Office of the Collector (North), Collectorate Building, Panaji-Goa... for information and necessary action.

2. The Dy. Collector & SDO of Bardez, Goa.... is hereby directed as to enforce these directions and ensure that no work is carried out at site, other than in accordance with law.

3. The Secretary, Village Panchayat of Candolim, Bardez-Goa..... who is required to initiate action under the Goa Panchayat Raj Act, 1994 and to report the compliance to the GCZMA.

4. Mrs. Judith Rodrigues, r/o H. No. D-6; TRT Holiday Enclave, Near Hotel Golden Tulip, Muddo Waddo, Candolim Bardez Goa.

5.

BEFORE THE GOA COASTAL ZONE

MANAGEMENT AUTHORITY

Ref No. GCZMA/N/ILLE-COMPL/21-22/89/168

Judith Rodrigues ... Complainant

VS

Vernon Rodrigues ... Respondent

APPLICATION TO PRODUCE AND RELY ON
PUBLIC DOCUMENTS

MAY IT PLEASE YOUR HONOUR:

The respondent states and submits as under:

1. It has been the case of this respondent is that the complaint itself is motivated out of vengeance and as a counter blast to the suit filed by this respondent against the complainant for carrying out illegal construction in her property.
2. This fact is patent as the complainant for reasons best known has not made the co-owner a party to the present proceedings.

3. The revenue records clearly show that the said property is of Edward Rodrigues and Victor Rodrigues, who has not been made a party to the proceedings. Annexed is the Form I and XIV of the property bearing survey no. 135/7 of Candolim Village
4. The opponent also wishes to place reliance on a permission dated 20th April, 1979, from the Village panchayat of Candolim permitting the putting of slab roofing on the two garage structures which are road facing, which the opponent has shown by documents to be existing since more than 40 years on the said property. Annexed hereto is a letter bearing ref No. VP/39/45/79-80 dated 20th April, 1979, issued by the Village Panchayat of Candolim to the said Victor A. Rodrigues.

Panaji

22nd December, 2023

Adv. For Respondent

IN THE HIGH COURT OF BOMBAY AT PORVORIM

Writ Petition No. 471/2024

Judith Rodrigues

..... Petitioner

.v/s

State of Goa & Ors.

..... Respondents

AFFIDAVIT IN REPLY OF THE RESPONDENT NO. 5

I, Mr. Vernon Rodrigues, son of Mr. Victor Rodrigues, age 74 years, business, Indian National, resident of H.no. 483, Wadi, Candolim, Bardez - Goa, the Respondent no. 5 herein above do hereby on solemn oath and affirmation state and submit as under:-

1. I say that I am the Respondent no. 5 herein above and that I am filing the present affidavit to demonstrate that the alleged illegal construction allegedly portrayed to be illegal

is valid, legal and an existing construction which existed prior to the appointed date of 19th February 1991.

2. I say that I have read and understood the contents of the memo of petition so also the contents of the amended petition.
3. At the outset I deny all and /or any averments allegations, and or contents of the petition in so far as the same are inconsistent with my case and or the documents relied upon by the Petitioner. I say that any allegations / contents / averments / pleadings / statements in the petition not specifically denied and / or dealt with by me herein, ought not to be construed as my admission for want of specific denials.
4. I say that I am filing the present affidavit for the limited purposes to raise preliminary objections on the maintainability of the petition without addressing the merits of the petition.



Preliminary objections:-

5. I say that the present petition is barred by delay and laches.
6. I say that the Petitioner has an equally efficacious remedy and which is also availed off by the Petitioner and therefore the present petition is liable to be dismissed.
7. I say that the Petitioner has filed a complaint with the panchayat seeking demolition of the structure in question pursuant to which the panchayat has issued a demolition order, which demolition is challenged before the Director of panchayat vide panchayat appeal no. 329/2024/I and has procured a stay order, the petitioner also filed its appeal with the BDO seeking sealing of the questioned structure pursuant to which the BDO dismissed the said appeal, consequent to which the Petitioner has preferred a revision before the Deputy Director of panchayat and that the same is pending adjudication. The Petitioner has also filed a counter claim seeking demolition of the structure in



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question in the suit filed by this Respondent against the Petitioner i.e. in RCS No. 136/2008/F and that the same is also pending adjudication till date and therefore the present petition is liable to be dismissed for the Petitioner having alternate efficacious remedy in law.

8. I say that the petitioner has approached this Hon'ble court by suppressing material facts and with unclean hands and for this reason also the present petition is liable to be dismissed in limine.
9. I say that the present petition is bad for non joinder of proper and necessary parties.

Ownership:-

10. I say that there exists an immovable properties known as "Bilipachera Bhat" and surveyed under Survey No. 135/7 of Village Candolim, Bardez - Goa, totally admeasuring 5900 sq mtrs, (Herein after be referred to as the said



properties for the sake of brevity) along with one structure comprising of ground plus one floor. Annexed hereto and marked as **annexure – A** is the copy of the survey plan.

11.I say that as per the form I&XIV of the aforesaid property the names of the late father of the Respondent no. 5 viz Mr. Victor Rodrigues and Edward Rodrigues is entered in the occupant's column of the said form I&XIV. Annexed hereto and marked as **Annexure - B** is the copy of the form I&XIV.

12.I say that late Victor Rodrigues is the father of the Respondent no. 5, who died intestate leaving behind the Respondent no. 5 along with his other sibling viz Mrs. Viola Lawrence as his only legal heir.

13.I say that Edward Rodrigues is the late uncle of the Respondent no. 5 i.e. the brother of late Mr. Victor Rodrigues and that he died intestate on 07/10/1981 leaving



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behind Dunstan, Godfrey and Selina Rodrigues. Annexed hereto and marked as **Annexure - C** is the copy of the death certificates.

14.I say that the Respondent no. 5 as such is the co-owner of the above said property and therefore the present petition is barred for non joinder of necessary and proper parties.

15.I say that the ancestral house has been in existence for more than 100 years and the shops in the front are in existence for more than 40 years which was constructed by the late father of the Respondent no. 5 after the permissions having deemed to have been granted.

Alternate remedy availed off by the Petitioner:-

16.I say that there exist property bearing sy no. 135/9 admeasuring 403 sq mtrs of village Candolim.

17.I say that the aforesaid property is owned and possessed by the Petitioner herein above and that the said property abuts the property of the Respondent no. 5 i.e. property bearing sy no. 135/9.

18.I say that the Petitioner acquired right and or title to the aforesaid property vide duly executing a Deed of Sale dated 02/12/2003. Annexed hereto and marked as **annexure - D** is the copy of the Deed of Sale dated 02/12/2003.

19.I say that somewhere in the year May 2016 the Petitioner started carrying out construction in the aforesaid property in the name and style of Floyd Hospitality and as such the Respondent no. 5 filed a civil suit as against the Petitioner (Floyd hospitality) before the Civil Judge Junior Division at Mapusa vide RCS No. 131/2016/F to injunct the Plaintiff from carrying out illegal unauthorized construction. Annexed hereto and marked as **annexure - E** is the copy of the plaint in RCS No. 131/2016/F.



20. I say that upon the filing of the aforesaid suit the Petitioner filed its counter claim seeking various reliefs which included prayers seeking demolition of the structure existing in property bearing sy no. 135/7 of village Candolim so also sought a decree of permanent injunction to disconnect the electricity and water connection for the structures existing in the aforesaid property along with other reliefs. Annexed hereto and marked as **annexure - F** is the copy of the counter claim to the plaint.

21. I say that whilst filing the aforesaid civil suit the Respondent no. 5 had also filed an application for temporary injunction pursuant to which vide Order dated 20/12/2016 the learned Civil Judge Junior Division at Mapusa injuncted the Petitioner and her company from carrying out illegal construction in her property bearing sy no. 135/9 of village panchayat and that the aforesaid order is till date in force so also the suit is till date pending adjudication. Annexed



hereto and marked as **annexure - G** is the copy of the order dated 20/12/2016.

22.I say that in retaliation to the aforesaid suit filed by the Respondent no. 5 against the Petitioner, the Petitioner herein above filed a complaint dated 28/01/2022 addressing the GCZMA i.e. the Respondent no. 2 alleging that this Respondent has carried out illegal construction of the multiple structures of ground +2 nos. 13/14 shops structures in the property bearing Sy.no. 135/7, at vaddy Candolim Bardez - Goa within CRZ III area carried out by the Respondent no. 5. Annexed hereto and marked as **annexure - H** is the copy of the complaint dated 28/01/2022.



23.I say that the Petitioner also filed its complaint with the village panchayat and other authorities to seal the premises complained off by the Petitioner alleging that the said structures being illegal and later approached the BDO with an appeal being appeal no. BDO-II-BAR/201(A)/4/2022, however the BDO was pleased to dispose off the appeal on

the grounds that the said appeal is not maintainable. Annexed hereto and marked as **annexure - I** is the copy of the order dated 25/07/2023.

24.I say that the aforesaid order dated 25/07/2023 passed by the BDO was again challenged before the Deputy Director of panchayat at Panaji in panchayat revision no 06/2023. Annexed hereto and marked as **annexure - J** is the copy of the memo of civil revision application.

25.I say that pursuant to the filing of the aforesaid revision the learned Deputy Director of panchayat issued notice to this Respondent pursuant to which this Respondent appeared before the Deputy Director of panchayat and filed its preliminary objections. Annexed hereto and marked as **annexure - K** is the copy of the preliminary objections dated 22/11/2023.

26.I say the learned Deputy Director of panchayat vide order dated 28/03/2024 refused to entertain the preliminary objections filed by this Respondent and as such this Respondent challenged the said order before the District court vide Civil Revision application no. 27/2024 pursuant to which the Hon'ble District Judge was pleased to stay the proceedings and consequently called for the records and proceedings in the matter. Annexed hereto and marked as **annexure - L** is the copy of the order / notice dated 10/04/2024.

27.I say that the Petitioner simultaneously also filed its complaint with the Deputy Director of panchayat against the alleged illegal construction allegedly carried out by this Respondent in property bearing sy no. 135/7 of village Candolim in exercise of her right under section 66(5) of the Goa panchayat raj act, 1994. Annexed hereto and marked as **annexure - M** is the copy of the complaint dated 04/04/2022.



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28. I say that pursuant to the filing of the aforesaid complaint notices came to be issued as against this Respondent pursuant to which this Respondent appeared before the Deputy Director of panchayat and filed its reply so also produced documents to justify that the structure alleged to be illegal is a legal structure and as such requested to dismiss the said complaint. Annexed hereto and marked as **annexure - N** is the copy of the reply dated 17/05/2024.

29. I say that it appears that the late father of the Appellant had applied for permission for reconstruction / development of the building in the property bearing Sy.no. 135/7 situated at Candolim vide application dated 17/11/1982.

30. Thereafter, as no further communication was received by the Appellants father it appears that the father of the Appellant again filed an application dated 20/10/1983 in terms of the application inwards on 17/11/1982 informing the panchayat that the construction has been completed by



him in accordance with the plans submitted, pursuant to which the village panchayat of Candolim vide letter dated 7/11/1983 ref. no. VP/41/45/83-84 informed the father of the Appellant that the inspection of the said construction carried out on property bearing Sy.no. 135/7 to be carried out with a prior notice from the office of the Village Panchayat of Candolim.

31. I say that I learnt about the aforesaid documents for the first time whence I received a mail from his elder sister who resides in UK informing the Appellant that she has the copies of the site plans along with the aforesaid letters based on which she has applied for the review of the aforesaid order passed by the GCZMA and that the said review application is till date pending adjudication. Annexed hereto and marked **annexure – O** colly is the copy of the plans and the applications.

32. I say that all the aforesaid documents were filed before the Deputy Director of panchayat in complaint no.

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DDPN/Candolim/Bar/64/2024 pursuant to which the learned Deputy Director of panchayat being satisfied with the aforesaid documents dismissed the complaint filed by the Petitioner. Annexed hereto and marked as **annexure - P** is the copy of the order dated 06/06/2024.

33.I say that upon the dismissal of the aforesaid complaint this Respondent withdrew the Civil Revision application no. 27/2024 filed before the Additional District Court at Panaji, however the proceedings / Civil Revision application bearing no. 06/2024 is till date pending adjudication before the Deputy Director of panchayat.

34.I say that despite dismissing the aforesaid complaint the village panchayat of Candolim i.e. the Respondent no. 7 yet again issued a demolition order dated 22/06/2024 thereby directing this Respondent to demolish the alleged illegal construction existing in property bearing sy no. 135/7 of village Candolim. Annexed hereto and marked as **annexure**

- Q is the copy of the order dated 22/06/2024 passed by the Respondent no. 7.

35. I say that being aggrieved by the aforesaid order dated 22/06/2024 this Respondent preferred an appeal before the Director of panchayat vide panchayat appeal no. ADP-1/Candolim/PA. 329/2024 and consequently obtained stay order against the impugned order passed by the village panchayat. Annexed hereto and marked as **annexure - R** is the copy of the stay order dated 25/06/2024.

36. I say that on the basis of the complaint dated 28/01/2022, the Respondent No. 2 issued a show cause Notice bearing no. GCZMA/N/ILLE-COMPL/21-22/89/168 dated 25/04/2022 seeking clarification on the violations and also directed this Respondent to show cause as to why environmental compensation and penalty should not be levied for environmental damage caused to the



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environment. Annexed hereto and marked as **annexure – S** is the copy of the show cause notice dated 25/04/2022.

37.I say that the Respondent no. 5 was served with the site inspection notice which was a notice simplicitor for a site inspection to which the Respondent no. 5 filed its reply and inwards it to the office of the GCZMA on 17/03/2022, stating that the Respondent no. 5 was infected with the coronavirus and was recovering and still in quarantine, and requested for a postponement of the site inspection on the said grounds.

38.I say that pursuant to the receipt of the show cause notice dated 25/04/2022 the Respondent filed its reply dated 27/10/2022 to the said show cause notice denying the carrying out of the construction. Annexed hereto and marked as **annexure – T** is the copy of the reply dated 27/10/2024

39.I say that vide its additional reply it was also informed by the Respondent no. 2 that some of the legal heirs / co-owners are not arraigned to the said proceedings and therefore notice ought to be issued to the legal heirs. Annexed hereto and marked as **annexure – U** is the copy of the additional reply.

40.I say that ignoring the above submissions and succumbing to the pressure tactics of the Petitioner the GCZMA in exercise of the powers conferred under Section 5 of the Environment (Protection) Act, 1986 (Central Act 29 of 1986) read with sub-rule (3) (a) of Rule 4 of the Environment (Protection) Rules 1986, and read with power vested with the GCZMA vide Order SO. 6071 (E) dated 21/03/2024 issued by the Ministry of Environment & Forests, Government of India, the GCZMA was pleased to direct the Respondent no. 5 to demolish the structures A,B,C,E,F,G,H structures shown on the survey plan dated 04/07/2022 situated in the property bearing Sy No 135/7 of

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Candolim Village; as decided in the 381* Meeting of the GCZMA held on 11/01/2024, and further to restore the land to its original condition, within 30 days from the date of receipt of this order. Annexed hereto and marked as **annexure - V** is the copy of the order dated 21/03/2024.

41. I say that being aggrieved by the order dated 27/12/2024 this Respondent preferred an appeal before the National Green Tribunal vide Appeal no. 143/24(WZ) so also filed an application for production of additional documents vide IA No. 213/2014(WZ).

42. I say that pursuant to the filing of the aforesaid appeal before the Hon'ble NGT, the said matter for taken up for hearing on 31/05/2024 on which date the Hon'ble NGT admitted the appeal and consequently issued notices to the Respondents with a returnable date on 04/07/2024. Annexed hereto and marked as **annexure - W** is the copy of the order dated 31/05/2024.



43.I say that on account of medical exigencies of the presiding judge of the NGT the matter could not be taken up for hearing on 04/07/2024 and consequently the matter is listed for hearing on 15/07/2024, however even on 15/07/2024 the matter could not be taken up as the presiding officer of the NGT was advised rest and as such the matter was posted for hearing on 14/10/2024 without the matter being actually taken up for hearing.

44.I say that there is no illegal construction carried out by this Respondent on the Survey No. 135/7 of Candolim Village. It is reiterated that the structures as were existing and or the same was constructed on the basis of the deemed permission availed off by this Respondent and that the reconstruction of the construction has been carried out way back in the year 1984 as against the false claim of the Petitioner that the reconstruction has been carried out post the year 1991.



45.I say that the Petitioner originally belonged from Mapusa and that had no occasion to know the status and or the age

of the construction of the Petitioner in as much as the Petitioner for the first time entered the Candolim village in the year 2003 as is evident from the Deed of Sale produced by this Respondent at **annexure - Q** herein above.

46. I say that the order dated 21/03/2024 is allegedly based on the report dated 26/07/2022 allegedly prepared by the GCZMA clearly shows the structure as existing structure. It is stated that the said structure was found to be existing structure so also the alleged report although disputed the same mentions that no ongoing construction was being found on the site on the date of the inspection. Annexed hereto and marked as **annexure - X** is the copy of the site inspection report along with the plan.

47. I say that there is no new construction post the year 1991 carried out by this Respondent much less an illegal construction as alleged. It is reiterated that the structure have been in existence for more than 50 years, the same are

having house numbers as allotted by the Village Panchayat of Candolim which are not recent house numbers.

48.I say that it would not be out of place to mention here that there exist properties bearing sy no. 136/10, 136/4, and 139/1 of village Candolim belonging to this Respondent and his family and that the village panchayat of Candolim always wanted to construct a road passing through the aforesaid properties for the local villagers to use the said road for Ganesh immersion and other usage, however on account of the refusal of the father of this Respondent to allow the usage as such of the said road and thereafter the refusal of this Respondent the village panchayat was always in logger heads with this Respondent and as such never adhered to any request made by this Respondent or his later father.

49.I say that the village panchayat thereafter also attempted to construct the road forcefully from the aforesaid property

and finally this Respondent had to approach the civil court vide Regular Civil Suit No. 153/2007/D which came to be filed as against the panchayat along with other villagers seeking restraining the panchayat to construct the illegal construction of the road passing through the aforesaid property. I say that the present facts are not relevant in deciding the present appeal however the said facts assumes importance whence the question as to why the panchayat refused to accept or grant construction permission when applied in the year 1984 comes in question. Annexed hereto and marked as **annexure - 7** is the copy of the Order dated 19/05/2021.

50. I say that the Petitioner is a senior citizen and has absolutely no source of income except for the compensation as received by the user of the premises.

51. I say that the Petitioner has been filing false and frivolous complaints as against this Respondent only in retaliation on



account of the Respondent no. 5 filing the aforesaid Civil Suit.

52. I say that the contents of the foregoing paragraphs are true to my personal knowledge and that no part of the same is false.

Solemnly affirmed at Porvorim.

On this 16th day of July 2024

Vernon Rodrigues
Deponent

Read over, explained & identified by

K. D. Kulkar

Adv. for the Respondent

K. D. Kulkar

R

Solemnly affirmed before me by Mr
Vernon Rodrigues who is
identified as Adv. K-D
Kulkar personally
know. Dated this 16th day
of July 2024

CB
Section Officer
High Court of Bombay
at Goa, Porvorim



Jose

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO.471 OF 2024**

JUDITH RODRIGUES

... Petitioner

*Versus*STATE OF GOA THR ITS
CHIEF SECRETARY AND 11 ORS.

... Respondents

Mr Dhaval Zaveri with Mr Sujay Kamulkar, Mr Atish Mandrekar and Mr N. Govekar, Advocates for the Petitioner.

Mr Sapna Mordekar, Additional Government Advocate for Respondent Nos.1 to 4.

Mr Kapil Kerkar, Advocate for Respondent No.5.

Respondent No.5 present in person.

Mr Manish Salkar, Advocate for Respondent No.6.

Ms Nikita Nadkarni, Advocate for Respondent No.7.

Ms Prachi Sawant, Advocate for Respondent Nos.10 and 11.

**CORAM: M.S. KARNIK &
VALMIKI MENEZES, JJ.**

DATED: 16th July, 2024

P.C.:

1. Learned Counsel for Respondent No.5, on instructions of Respondent No.5 who is personally present in the Court, makes a statement that he will not be carrying on any commercial activities in the suit premises which are subject matter of the demolition notice. The statement is accepted as an undertaking to this Court.



Jose

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO.471 OF 2024**

JUDITH RODRIGUES

... Petitioner

*Versus*STATE OF GOA THR ITS
CHIEF SECRETARY AND 11 ORS.

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Ms Nikita Nadkarni, Advocate for Respondent No.7.

Ms Prachi Sawant, Advocate for Respondent Nos.10 and 11.

**CORAM: M.S. KARNIK &
VALMIKI MENEZES, JJ.**

DATED: 16th July, 2024

P.C.:

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9136
20/10/21

CERTIFIED COPY *245*
 on which copy applied for *29-6-21*
 Date on which application completed *29-6-21*
 Date given for taking delivery *08-7-21*
 Date on which copy was ready *08-7-21*
 Date on which copy delivered *03-9-21*
 Copying and comparing fees, etc., ₹ *68*
 In the Nazir's section under Receipt No. *15314*
29-6-21 & *49265* dt *3-9-21*

for ready

[Signature]
Superintendent



CNR No.	GANG04-000676-2007		
Presented on	19	10	2007
Registered on	19	10	2007
Decided on	19	05	2021
Duration	Y	M	D
	13	7	0

IN THE COURT OF CIVIL JUDGE JUNIOR DIVISION AT MAPUSA

(Before: Ms. Shantashri S. Sinai Kudchadkar, Civil Judge Junior Division at Mapusa.)

Regular Civil Suit No. 153/2007/D

1. Mr. Vernon Rodrigues, major in age, married.
2. Mrs. Vanessa Rodrigues Mendonca, Major in age, married, both resident of H.No. 483, Vaddy, Candolim, Bardez, Goa, 403515
3. Mrs. Marlies Rodrigues, major in age, married, wife of Plaintiff No. 1,

all resident fo H.No. 483, Vaddy,
Candolim, Bardez, Goa 403515

4. Mr. Vivian Rodrigues and his wife
5. Mrs. Yvonne Rodrigues, both
major in age, both married,
both resident of 218, Station Road,
Hayes, Middlesex, UB3 4AN,
United Kingdom
6. Mrs. Viola Lawrence and her husband
7. Mr. George Lawrence, Both major
in age, both married, both resident
of House No. 310, Britona, Bardez, Goa

..... Plaintiff

V/s

1. Mr. Lawrence Fernandes, Major in age,
Married resident of Unknown, House No.
Camotim Vaddo, Candolim, Bardez, Goa.
2. Village Panchayat of Candolim, Candolim,
Bardez, Goa.
3. Mrs. Marie Christine Rebillet,
Major in Age, Married,
resident of H.No. 511, Morod, Candolim,
Bardez, Goa.
4. Mr. Anthony alias Tony alias,
Major in age, Married, resident of Unknown
H.No. Morod, Candolim, Bardez, Goa.
5. Mr. Jude Lopes, Major in age, married,
resident of Unknown
H.No. Morod, Candolim, Bardez, Goa.
6. Flying Maya Pvt. Ltd.,
Through its director, the defendant No. 3,
herein having its registered office at
H.No. 511, Morod, Candolim,
Bardez, Goa

.....Defendant



APPEARANCES

Learned Advocate Mr. M. Viegas present for the plaintiff.

Defendant proceedings ex-parte.

JUDGMENT

(Delivered on this 19th day of month of May, 2021)

This judgment shall dispose off suit for Declaration, Injunction and consequential Reliefs.

2. **Case of the Plaintiff:** In nutshell, it is the case of the plaintiff that the plaintiffs are the owners in possession of the property admeasuring 176 sq.mts. under survey no. 139/1(part) corresponding to old survey no. 576 of Village Candolim, Bardez, originally belonging to the grandfather of the plaintiffs, namely Mateus Sebastiao Rodrigues who purchased the said property vide Deed of Sale dated 28th September, 1925.
3. That there is a house of Defendant No. 3 Marie at the distance of about 35 mts. from the suit property who allegedly purchased the property under survey No. 139/1 corresponding to old Cadastral Survey No. 572 about two years back, who is aware of the ownership of the plaintiffs of the suit property and is running a guest house by known as

RCS 153/2007/D

CNR No. GANG040006762007

Govt. Ptg. Press, Panaji-Goa-368/1,00,000-8/2020.

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'Flying Maya Guest House Pvt. Ltd.' The Defendant No. 3 and 6 have no right to the suit property nor there is any access passing through the suit property.

4. That there is a property at a distance of about 32 mtrs. On the north belonging to defendant No. 4 and 5 surveyed under No. 141/2 corresponding to old Cadastral survey No. 588 and is having a house there and a access toward the north of the said property which connects to main Candolim Beach road. However, on 13.10.2007, the Plaintiffs saw defendant No.1 the Sarpanch supervising the work of the construction of road alongwith the defendants 3, 4, 5 and labourers and had brought steam roller alongwith two drivers and forcibly and illegally sought to construct a road in the suit property which was objected to by the plaintiffs allegedly for the defendant Nos. 3 to 6. A complaint was lodged by the plaintiffs on 14.10.2007, however, on the same day, defendant No. 1, 3, 4 and 5 again came to the suit property alongwith steam roller and continued the construction of the suit road.

5. That the sarpanch had brought eight goons and started assaulting the labourers of the plaintiffs and threatened them of dire consequences and abused them. The police complaint was lodged with the Calangute Police Station. The



road sought to be constructed by the defendants is illegal and without any permission from the plaintiffs.

6. That the defendant No. 3 also intends to fence her property by excluding the suit road in the suit property illegally without any right or title and a stone fence/wall is being put up by the Defendant No. 3 on behalf of Defendant No. 6 which is being done forcibly illegally by the defendants in collusion with one another. The defendants are harassing the plaintiffs. Complaints have been also filed to the Chief Minister of Goa and Director General of Police so also to the Superintendent of Police. If the suit road is allowed to be constructed, the suit property will be totally destroyed. The plaintiffs are entitled for the reliefs claimed.

7. Case of the Defendants: That the Defendant No. 1 and 2 filed their written statement alongwith the reply inter alia contending that the plaintiffs do not have any title to the suit property and the defendant no. 1 is carrying on the work of construction of road in place of existing road which has been used by the villagers for last several years as of right which connects the existing road. The suit access passes through survey no. 139/1, and other properties. The resolution was passed by the Defendant No. 2. There was no need for any consent from the plaintiffs. The Defendant No. 2 is acting lawfully in discharge of its duty. Hence, the suit be dismissed.

RCS 153/2007/D

CNR No. GANG040006762007

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8. Defendant Nos. 3 & 6 have contested the plaintiff's case by filing their written statement along with reply inter alia contending that under the consent decree defendant No. 6, flying Maya Guest house purchased the property shown in the plan annexed to the consent decree. The plaintiffs are not the owners of the Suit property or part thereof. That there is a pathway passing through the suit property and going to other properties. The mango tree is in possession of M/s Flying Maya Guest House Pvt. Ltd. who has purchased the property including the suit property.
9. The defendants never abused the plaintiffs nor made the allegations against them. The defendants have every right to bring the materials and construct the compound wall in order to protect their property from trespass. The plaintiffs are not entitled for the reliefs claimed. Defendant No. 5 also filed written statement inter alia contending that he has been unnecessarily dragged in the court and that he does not own any property. In view of the above, it is prayed that the suit filed by the plaintiff be dismissed with cost.
10. Plaintiff in support of his case examined Vernon Rodrigues as PW1, Vanessa Rodrigues as PW2, Surveyor Prazares Gonsalves as PW3 and Richard Mendonca as PW4 and closed his evidence. On the contrary, defendants after filing written statement remained absent. As such proceeded ex-parte.



11. After considering material on record and arguments advanced by the parties, I give my reasoning on following Issues as under:

SR. NO.	ISSUES	FINDINGS
1.	Whether the plaintiffs proved that they are owners in possession of the suit property?	Yes
2.	Whether the plaintiffs proved that defendant Nos. 1 to 6 illegally and forcibly constructed suit road in the suit property?	Yes
3.	Whether the Plaintiffs prove that the consent decree dated 18.03.2006 passed in SCS No. 90/2005 is not binding on plaintiffs?	Yes
4.	What relief? What Order?	Suit is partly decreed

REASONS

AS TO ISSUE NO. 1

12. The Plaintiffs have claimed ownership to the suit property through their ancestors. In order to prove the title of the suit property, Plaintiff examined himself as PW1 and produced on record following documents:

- a) Notarised copy of Deed of Sale and purchase dated 28/09/1925.
- b) Notarised Copy of the translation of Gift Deed dated 28.09.1925 Inscription and Description Certificate.
- c) Notarised Copy of Survey Plan and Survey report.
- d) Notarised Copy of Old Cadastral Survey Plan.
- e) Notarised Copy of Survey Plan of Survey NO. 139.
- f) Notarised Copy of acknowledged Police Complaints (2 NOs.) dated 14.10.2007 and 16.10.2007.
- g) Notarised Copy of letter of Panchayat dated 15.10.2007 which is an acknowledged copy.
- h) Notarised Copy of show cause notice dated 15.07.2007.
- i) Notarised Copy of letter to electricity department dated 16.10.2007 which is an acknowledged copy.
- j) Form No. I and XIV of Survey No. 139/1.
- k) Notarised Copy of No objection certificate from Defendant No. 2 dated 20.09.2006.
- l) Notarised Copy of Registo De Agrimesor alongwith translation.
- m) Notarised Copy of two newspapers dated 13.10.2007 and 14.10.2007.
- n) Notarised Copy of three complaints acknowledged copies to the Chief Minister dated 17.07.2007, Director General Police dated 17.10.2007 and the Superintendent of Police dated 18.10.2007.
- o) Notarised Copy of Birth Certificate issued 3.07.1947 of the





Plaintiff.

- p) Notarised Copy of certificate issued by Directorate of Settlement of Records dated 2.11.2007 with reference NO. VP/C/18/5/3182/07-08 dated 20.03.2008.
- q) Notarised Copy of letter from defendant No. 3 to the Defendant No. 1 alongwith cover note of the Defendant No. 2 bearing reference NO. VP/C/18/5/3182/07-08 dated 20/03/2008.
- r) Notarised Copy of a resolution No. 8(1) passed in V.P. meeting held on 28.09.2007 alongwith cover note of defendant No. 2 dated 20.03.2008 bearing reference NO. VP/C/18/5/3181/07-08.
- s) Letter form Defendant No. 2 bearing reference No. VP/C/18/5/215/08-09 alongwith two letter enclosures both dated 04/04/08.
- t) Inscription Description certificate along with translation
- u) Registo Do Agrimensor with respect to Cadastral No. 576 along with Translation.
13. It is the claim of the plaintiff that the suit property originally belonged to his grandfather known as Mr. Mateus Sebastiao Rodrigues alias Mathias Rodrigues. Upon death of his grandfather the suit property was devolved upon his father Mr. Victor Anthony Rodrigues and after his death the same is devolved upon plaintiff and other heirs.



- 14. The heirship as described above has been duly proved by plaintiff through PW1/Vernon Rodrigues who has produced his Birth Certificate at exhibit 144. PW1/Vernon Rodrigues has also produced Baptism Certificate of his father Victor Anthony Rodrigues at exhibit C-160 and so also death and burial certificate of his father Victor Anthony Rodrigues at Exhibit C-161.
- 15. Upon perusal of the above documents I.e. his Birth Certificate at Exhibit C-144, it is seen that the fathers name in the said Birth Certificate is recorded as Victor Anthony Rodrigues and his mothers name is recorded as Valeria Rodrigues Nee Lobo. Further, upon perusal of documents at exhibit 160 & 161, it is confirmed that late Mateus Rodrigues was the Grandfather of the plaintiff.
- 16. Now as regards the Suit property is concerned the entire contention of the Ld. Adv. For Plaintiff is that the suit property was earlier bearing old cadastral No. 576 and was an independent property, however, inadvertently at the time of survey operation of new survey numbers, survey NO. 139/1 was commonly allotted to Cadastral No. 572 as well 576. In order to prove his claim plaintiff herein has duly produced Deed of Purchase and Sale dated 28/09/1925 at exhibit 130. In the said Sale Deed name of Mateus Sebastiao Rodrigues is shown in the original document as purchaser who has purchased property "Ponguerach vadi" Peguena with the





dwelling house existing therein, "Vaddi Pequeno" and "Quelachy gally" situated in the village Candolin and described in the land registration office under number 2924, 2925 and 2927 of book b new 8.

17. Upon perusal of inscription certificate bearing no. 20235 at Folio 175 of G 26, it is confirmed that name of the plaintiff's grandfather is found recorded therein as the owner of the said property. Plaintiff has also produced Registor de Agreemensor at Exh. 141, which shows the name of the grandfather of the Plaintiff. The plaintiff herein has also produced old Cadastral Survey plan at Exhibit 133 which shows the location of the suit property bearing old cadastral survey no. 576 *vis-a-vis* the new survey plan at exhibit 134.

18. The plaintiff in order to prove that a old cadastral survey no. 576 is itself part of survey no. 139/1 has produced on record corresponding certificate at exhibit 145 which confirms the fact that old cadastral no. 576 corresponds to survey no. 139/1 (part). Plaintiff also examined the expert surveyor PW3/Prazares Gonsalves who has confirmed that Cadastral survey no. 576 forms part of survey no. 139/1 and is correctly depicted as suit property.

19. Besides, the above expert, plaintiff has also examined independent witness Mr. Richard Mendonca as PW4 who has affirmed that the suit property belonged to the plaintiff and he had seen the plaintiff being in possession of the same.

20. The plaintiffs have thus abundantly proved before this Court that suit property bearing old cadastral survey No. 576 is an independent property and the same is wrongly surveyed under new Survey No. 139/1(part) alongwith other property bearing old cadastral survey No. 572. It is also proved by the plaintiffs through valid title documents and examining expert that they are owner in possession of suit property. In view of the above reasoning, I return my finding to **Issue no. 1 in affirmative.**

AS TO ISSUE NO. 2

21. It is contended by the plaintiffs that defendants had forcefully and illegally constructed suit road in the suit property. In order to prove illegal construction the plaintiff herein has produced on record photographs as exhibit 139 colly, Complaint made to various authorities at exhibit 143 colly, and also information obtained under right to information Act.
22. The main contending defendants in the present case were defendant nos. 2, 3 and 6 who had originally filed their respective Written statement, however, thereafter, they have not contested the proceedings and have not let any evidence in the matter. Therefore they proceeded ex parte. Defendant NO. 3 and 6 have contended to have purchased the suit property. The Defendant NO. 2 is the village panchayat of Candolim and they have sought to allege that the suit road was constructed for the benefit of the villagers.





It was their contention that the suit road was used by villagers for time immemorial. However, these defendants have failed to appear before the Court and prove the said plea.

23. It was also the case of the defendant that it was the only access available to them. However, upon perusal of the written statement, it is seen that they themselves in the written statement have stated that there is another access but at distant place.
24. In order to prove their case, the plaintiffs have produced, photographs at exhibit 149 colly showing the suit road being constructed in the suit property. Upon perusal of the same, it is also seen that the said photographs show the suit road is without tar.
25. Plaintiff has vehemently argued that the process of construction of road was conducted by Defendant no. 2 without following due process of law. It is also submitted that there is no permission for the construction the suit road from the concerned authorities. The complaints at exhibit 135 colly 136, 143 colly goes to show as to how the said defendant 1 and 2 i have illegally constructed the suit road. It was contended by defendant no. 4 that the road was constructed after a valid resolution in the Gram Sabha on 28/09/07. It is necessary to state here that the falsity of defendant no. 2 is brought before the court by the plaintiff



by producing document that is reply dated 24.04.08 at exhibit 147 issued by office of Village Panchayat Candolim. In the said reply it is clearly stated by the Public Information officer that Panchayat did not hold Gram Sabha on 28.09.07. So called resolution of defendant no. 2 does not bear any details such as, date, reference number etc. and as such it is established by the plaintiff without any doubt that the said road was constructed without following any due process of law.

26. It is also necessary to state here that construction of the said road affects the proprietary rights of the plaintiffs adversely as the said road consumes most of the part of the suit property, thereby reducing efficacy or utility of the suit property. The same is also observed by PW3/Surveyor Prazares Gonsalves in his report.
27. Hon'ble Bombay High Court in the case of **Ramesh Shriram Wani vs. State of Maharashtra 2012(3) AIR Bom R 502** has held that "*Even the State is not empowered to take possession of a Citizen's land without following due process of law. The State is expected to follow the provisions under Land Acquisition Act. Even in case of urgency State cannot take possession of Land without following provisions of Land Acquisition Act.*"
28. Although the above decision refers to Land Acquisition matters, the same is also applicable in the present case as

22



the Defendant No.2 being Government body had to compulsorily follow all the legal procedures before construction of the road.

29. Plaintiff in his suit has also sought for demolition of compound wall which comes within the suit property. PW1/Vernon in his evidence has deposed that the Defendants have constructed compound wall in the suit property. This statement of the PW1/Vernon is also supported by the Photographs at Exh. 149 Colly. Thus, the plaintiffs are entitled for relief of demolition of the compound wall constructed in the suit property
30. From the above evidence plaintiffs have successfully established that the said road is not constructed by following due process of law. Further, defendants also have failed to establish that it is the sole access available to the defendants. Thus, this court holds that the said road constructed as illegal. Hence I return to my finding as to **Issue no. 2 in the affirmative.**

AS TO ISSUE NO. 3

31. As regards issue no. 3, it is contended by plaintiff that consent decree dated 18.03.2006 passed in special civil suit no. 90/2005 is not binding on the plaintiffs. It is admitted position that the plaintiffs were not party to the said suit. Hence, the order in said case is otherwise not binding on the plaintiffs.

23

32. It is pertinent to note that the application of the plaintiff to add parties of SCS 90/2005 in this case was dismissed by the predecessor of this Court. The said Order being not challenged before any higher forum has become final. The plaintiff in the prayer in this suit have prayed that consent decree dated 18.03.2006 in the said suit being declared as null and void. However, since the parties in the said consent decree are not before the court, plaintiff is not entitled for such declaration. Thus, this court comes to the conclusion that the Decree in SCS 90/2005 is not binding on the plaintiffs as they were not the parties in the said suit. However, this court rejects the relief claimed by the Plaintiffs to declare the Judgment and Decree in SCS 90/2005 as null and void, hence I return my finding to **issue no. 3 in Affirmative.**

33. In view of the above, I pass following:

ORDER

This suit is partly decreed.

It is hereby declared that plaintiffs are owners in possession of the suit property i.e. property bearing old cadastral number 576 corresponding to new survey no. 139/1 (part) of village Candolim, Bardez, Goa.

It is also hereby declared that the suit road constructed by defendant 1 and 2 is illegal. Defendant No.2 is hereby directed to demolish the suit road and to return





the suit property to its original condition.

Defendant No. 3 & 6 are hereby directed to demolish the compound wall constructed in the suit property and handover vacant possession of the same to the Plaintiffs.

Decree to be drawn accordingly

Proceedings closed.

Pronounced via video conference.



Place: Mapusa-Goa
Date: 19.05.2021

(Shantashri S. Sinai Kudchadkar)
Civil Judge, Junior Division
'D' Court, Mapusa Goa

Sr



Checked with Original Documents

CERTIFIED TRUE COPY

[Signature]
31/05/2021
Superintendent/Head Clerk
Senior Civil Judge & J.M.F.C.
Mapusa-Goa

Handwritten text, possibly a signature or date, located in the middle of the page.

Small, illegible text or markings along the bottom edge of the page.



25



CERTIFIED COPY 245

Date on which copy applied for 29-6-21

Date on which application completed 29-6-21

Date given for taking delivery 08-7-21

Date on which copy was ready 08-7-21

Date on which copy delivered 03-9-21

Copying and comparing fees, etc., ₹ 245314

In the Nazir's section under Receipt No. 29-6-21 49265 dt 3-9-21

9136
30/10/21

Superintendent

Presented on : 19.10.2007

Registered on: 19.10.2007

Decided on : 19.05.2021

Duration : Years Months Days

13 07 00

IN THE COURT OF CIVIL JUDGE JUNIOR DIVISION 'D' COURT AT
MAPUSA

Regular Civil Suit No. 153/2007/D

CNR NO. GANG-04-000676-2007

1. Mr. Vernon Rodrigues,
major in age, married,
2. Mrs. Vanessa Rodrigues Mendonca,
Major in age, married, both resident
of H. No.483, Vaddy, Candolim,
Bardez, Goa, 403515
3. Mrs. Marlies Rodrigues, major in age,
married, wife of Plaintiff No.1
all resident of H.No. 483, Vaddy,
Candolim, Bardez, Goa 403515

230

2

4. Mr. Vivian Rodrigues and his wife
5. Mrs. Yvonne Rodrigues,
both major in age, both married
both resident of 218, Station Road,
Hayes, Middlesex, UB3 4AN,
United Kingdom
6. Mrs. Viola Lawrence and her husband
7. Mr. George Lawrence,
both major in age, both married
both resident of House No. 310,
Britona Bardez, Goa.

Plaintiffs.

v/s

1. Mr. Lawrence Fernandes, Major in age,
Married resident of Unknown, h. No.
Camotim Vaddo, Candolim, Bardez Goa.
2. Village Panchayat of Candolim,
Candolim, Bardez Goa.
3. Mrs. Marie Christine Rebillet,
Major in Age, Married,
resident of H. No 511, Morod,
Candolim Bardez, Goa.
4. Mr. Anthony alias Tony Lopes,
Major in age, Married,
Resident of Unknown h.No.
Morod, Candolim, Bardez, Goa.
5. Mr. Jude Lopes,
Major in age, married,
Resident of Unknown h.No.
Morod, Candolim, Bardez, Goa.

25A





6. Flying Maya Pvt. Ltd.,
 Through its director, the defendant No.3
 herein having its registered office at
 H. No. 511, Morod, Candolim, Bardez, Goa. ... Defendants.

DECREE

This is a suit for Declaration, Injunction and Consequential Reliefs filed by the plaintiffs against the defendants for the following reliefs:-

- a) for the declaration that plaintiffs are the owners in possession of the suit property.
- aa) For a declaration that the suit road is being constructed illegally and forcibly by the defendants No.1 and 2, in the suit property without the consent of the plaintiffs, in collusion with the other defendants.
- ab) For a declaration that the suit wall is being constructed illegally and forcibly by the defendant no.3 and defendant no.6 and through its director, in the suit property and without the consent of the plaintiffs.
- ac) For an order of temporary injunction/interim relief restraining the defendant no.3 and defendant no.6 and through its director,

their agents, servants or any person purporting to act on their behalf from constructing/completing, plastering the suit wall, pending the hearing and final disposal of the present suit.

ad) for an order of temporary mandatory injunction/interim relief against the defendant no.3 and defendant no.6 and /through its directors for demolition/removal of the suit wall.

ae) For an order of mandatory against the defendant no.3 and defendant no.6 and/ through its director, for demolition of the suit wall and to return the suit property to its original condition.

b) Temporary injunction/interim relief restraining the defendants, their agents, servants or any person purporting to act in their behalf from proceeding/completing tarring the suit road, pending the hearing and final disposal of the present suit.

c) Temporary injunction/interim relief restraining the defendant, their agents, servants, or any person purporting to act in their behalf from interfering with suit property in any manner whatsoever, pending the hearing and final disposal of the present suit.

d) Permanent injunction in terms of prayer clause (b), (f) and (ac)

e) For recovery of possession of the area of the suit road to the extent that it falls in the suit property and the area of the suit wall to the extent that it falls in the suit property.





f) Mandatory injunction for demolition of the suit road and to return the suit property to its original condition.

fa) For the declaration that the consent decree dated 18.3.2006 passed by the Civil Judge Senior Division at Mapusa in Special Civil Suit No.99/2005/C is null and void and not binding on the plaintiffs.

g) Mesne profits.

h) Ad interim ex-parte relief in terms of prayer clause (b),(c) and (f)

This suit coming on this day for final disposal before Mrs. Shantashri S. Sinai Kudchadkar, Civil Judge, Junior Division "D" Court, Mapusa, in the presence of Ld. Advocate Mr. M. Viegas present for the plaintiffs and Defendants proceeding ex-parte.

It is ordered that :-

This suit is partly decreed.

It is hereby declared that plaintiffs are owners in possession of the suit property i.e. property bearing old cadastral numbers 576 corresponding to new survey no. 139/1 (part) of village Candolim, Bardez, Goa.

It is also hereby declared that the suit road constructed by defendant no.1 and 2 is illegal. Defendant No.2 is hereby directed to demolish the suit road and to return the suit property to its original condition.

Defendant no.3 and 6 are hereby directed to demolish the compound wall constructed in the suit property and hand over vacant possession of the same to the plaintiffs.

BILL OF COSTS

Sr. No.	Plaintiff	Defendant
1. Stamp Plaintiff	800.00	00.00
3. Stamp for power	04.00	30.00
4. Stamp for exhibits	66.00	26.00
5. Process fee	55.00	00.00
6. Pleaders fees	250.00	00.00
Total	1175.00	56.00

GIVEN under my hand and the seal of the Court, this 19th day of May, 2021.



(Ms. Shantashri S. Sinai Kudchadkar)
Civil Judge Junior Division 'D' Court
Mapusa - Goa.

Prepared by :

[Signature]
(U.D.C)

Checked by :

[Signature]
(Head clerk)

[Signature]
Advocate for Plaintiffs

[Signature]
Advocate for Defendant no.1a

Defendant no.2a ex parte

[Signature]
Checked with Original Documents

CERTIFIED TRUE COPY

[Signature]
51/01/2021
Superintendent/Head Clerk
Senior Civil Judge & J.M.F.C.
Mapusa-Goa

From: -

Mr. Vernon Rodrigues,
R/o. H.no.483, Vadi,
Candolim, Bardez-Goa-403 515.
Phone no. 8766516560

Village Panchayat Candolim	
Entry No. 1202	File No. 33
Dated 12/07/24	

Dated: - 10/07/2024

To,

The Public Information officer,
Village Panchayat Candolim
Candolim, Bardez-Goa.

Sub: Application for information under the Right to Information Act, 2005.

Ref to:- Letter dated 26/04/1979 vide ref no.
VP/CAN/41/54/79-30.

Sir / Madam,

Be pleased to issue the following information under the Right to Information Act, 2005: -

1. Inspection of the entire file.
2. Copy of the Permission granted for the construction of well as referenced in the letter dated 26/04/1979.
3. Copy of the approved plan associated with the construction of well.
4. Copy of the resolution taken for grant of above permission.

The Applicant is an Indian National and necessary process fees for the furnishing the above said information will be paid as and when called for or at the time of collecting the said information.

Your faithfully


Mr. Vernon Rodrigues



Ph: 2489061

Village Panchayat CandolimBardez-Goa
403 515

Ref. No.: VPC/33/2024-25/1092

Date: 02/08/24

To,
Shri. Vernon Rodrigues,
H. No. 483, Vadi,
Candolim, Bardez, Goa.

Sub:- Application dated 10/07/2024 under Right to Information Act, 2005.

Sir,

With reference to your application dated 10/07/2024, received in this office on 12/07/2024, on the above cited subject, I am submitting herewith the required information sought by you as under:

1. As per point No. 1..... Not available as the records are old.
2. As per point No. 2..... Same as point no. 1.
3. As per point No. 3..... Same as point no. 1.
4. As per point No. 4..... Same as point no. 1.

Yours faithfully,

[Signature]
P.I.O. P. Secretary
Public Information Officer
V P Secretary
V P Candolim
Bardez Goa



M
 P/o . H no, 485, Vadi
 Candolim Bardo, Goa
 403515
 PH 9822858887
 dt - 03/02/2024

Village Panchayat Candolim	
Entry No. 1464	File No. 33
Dated 03/02/2024	

To
 The Public Information Officer,
 Village Panchayat Candolim,
 Candolim Bardo, Goa

Sub: Application for Information Under the Right To Informa
 Act 2005.

Sir,
 Be pleased to issue the following Information
 Under the Right to Information Act 2005.

- 1) Inspection of any file in the years 1970's - 1980's
 Onwards.
- 2) Certified true copy of the entire file, which include
 approved plans, associated with the construction.
- 3) Certified true copy of the permissions taken for
 the grant of Permission.

The Applicant is an Indian citizen and necessary
 fees will be paid by me.

Yours faithfully,

M. D. D. D.

Village Panchayat CandolimBardez- Goa
403 515

Ref. No.: VPC/33/2024-25/1183

Date: 12/08/24

To,
 Shri. Vernon Rodrigues,
 H. No. 483, Vadi,
 Candolim, Bardez, Goa.


Sub:- Application dated 03/08/2024 under Right to Information Act, 2005.

Sir,

With reference to your application dated 03/08/2024, on the above cited subject, I am submitting herewith the required information sought by you as under:

1. As per point No. 1..... Inspected the construction file of Mrs Aurora Mascarenhas of the year 1984-1985.
2. As per point No. 2..... Enclosed copy.
3. As per point No. 3..... Enclosed copy.

Yours faithfully,


 P.I.O./V.P. Secretary
 Public Information Officer
 V P Secretary
 V P Candolim
 Bardez Goa



VF/41/5/692/84-25

6.10.1984.

To,
Mrs. Aurora Mascarenhas,
Escrivao Vaddo, Candolim,
Bardez, Goa.

Subj: Proposed reconstruction of the existing house.
Ref: Your application dated 13.7.1984.

Madam,

With reference above, I am to inform you that the licence is hereby issued to you for the proposed reconstruction of your existing house and septic tank with soak pit at Escrivao Vaddo, Candolim, as per the approved plans, subject to the following conditions:-

- 1) In no case you will deviate from the approved plans.
- 2) You have to inform this office and the Technical Officer at the following stages of the construction.
 - a) Upon commencement of the construction.
 - b) Upon completion of the plinth level and before erection of the walls.
 - c) Upon total completion of the work authorised by the building permit and before occupancy.
- 3) That the roof should be sloping with mangalore tiles.
- 4) That the soak pit is placed at a lower level than the existing well water and away by 20 meters.

You are advised to follow the above instructions strictly failing which action will be taken against you as per the Notification No. CDB/VPI/486/69/Clause 37 (1) & (2) of Govt. of Goa, Daman & Diu.

The permission shall be valid for a period of one year i.e. from 6.10.1984 to 5.10.1985. She has paid the respective construction fees of Rs. 55/- by receipt No. 3106 dated 3/10/84. One copy of the plan is retained in this office for office records.

Yours faithfully,

(T. Gardo),
Chairman.

N.B.: - Rex

This licence is issued as per the unanimous decision taken in the monthly meeting held on 29.9.1984 and the no objection given by the owner, Shri. Emanuel D'Souza.



Ref. No. DB/6572/4455-784
 Town and Country Planning Department
 Government of Goa, Daman and Diu,
 Panaji, Goa. 22/9/84
 Dated: -

(240)

862	419
27-9-84	

To,

The Sarpanch,
 Village Panchayat Candolim,
 Bardes.

Sub: Application by Smt. Aurora Mascarenhas for the proposed reconstruction of a residential house in S.No. 156 at Candolim.

Ref: No. R&B/SDII/WDII/Const/266/84-85 dated 27.8.84.

Sir,

With reference to the subject cited above, this is to inform you that as seen on site as well as in the Cadastral Survey Plan, there is no required side setback available. The applicant may be asked to submit a plan of the existing house with dimensions of the existing plinth and showing setbacks etc; and also the revised building plans after leaving the necessary 3m side and front set backs from the boundary of the plat and within the existing plinth.

The file is returned herewith after keeping one set for our office records.

Yours faithfully,

J.A. D'Souza
 (J.A. D'Souza)
 Chief Town Planner.

Encl: As above (Original file).

Copy to:- Assistant Engineer,
 W.D.II, S.D.II,
 P.W.D.,
 Mapusa.

/mf.
 21.9.84.



*Placed in the country hold
 in 29/9/84. Record to
 me to use
 (in 29/9)*

VP/41/9/604/84-85.

4.8.1984.

To,
Smt. Aurora Mascarenhas,
Escrivao Vaddo, Candolim,
Bardez, Goa.

Madam,

With reference to your application dated 13.7.84 for the reconstruction of your existing house, I am to inform you that the inspection of the site will be held on Wednesday, the 8th. August 1984 at 3.30 p.m.

You are requested to remain present without fail.

Yours faithfully,

[Signature]
(T. Cardoso).
Chairman.

Copy for information to:-

- 1) Mr. Lomnic Rodrigues,
Escrivao Vaddo, Candolim.
- 2) Mr. Jose Manue D'Souza
Escrivao Vaddo, Candolim.

They are requested to remain present as mentioned above.

Emanuel de Souza



54048

OFFICE OF THE V. P. Candolim

Ref: No. VP/41/9/618/84-85

Taluka Bardes

Date 9/8/84

To,
The Medical Officer,
P.H.C.
Candolim, Goa

Sub.:- Submission of plans for issue of N. O. C.

Sir,

I am submitting herewith plans in quintuplicate along with other documents pertaining to the proposed construction of the existing house and septic tank with soak pit by Shri. Vm. Aurora Mascunhas at Escuro Vaddo, Candolim, Bardes, Goa

You are therefore requested to issue necessary approval from your end for the said proposed construction if found feasible from Sanitary point of view.

J.A. Malcauskal

Yours faithfully,

[Signature]

Encl. as above



Village Panchayat, Candolim

Entry No. 659 No. 419

Date 9-8-84

PANCHANAMA

The inspection of the house of Smt. Aurora Mascarenhas was held on 8th August, 1984 at 3.30 p.m. in the presence of :-

1. Tomazinho Cardozo - Sarpanch
2. Dominic Rodrigues - member
3. Emmanuel D'Souza - landlord
4. Aurora Mascarenhas - member
5. Subash Candekar - peon of the Panchayat

It is observed that as per the proposed reconstruction the width from North to South of the reconstruction is reduced by 1.10 metres i.e. instead of 10 metres, it is 8.90 metres. The length from East to West is increased by about 1 metre in parts i.e. the length is 13 metres instead of 11.5 metres at some places and over 13 metres at others thereby the total area occupied by the proposed reconstruction will remain less than what is occupied by the existing house i.e. 120.15 instead of 125 square metres.

We inquired with the landlord Shri D'Souza if he has any objection for the reconstruction. Shri D'Souza has stated that he has no objection for the said reconstruction.

1. Tomazinho Cardozo
2. Dominic Rodrigues
3. Emmanuel D'Souza
4. Aurora Mascarenhas - A. Mascarenhas
5. Subash Candekar - S. Candekar



553 418
28-7-84

From: Smt. Aurora Mascarenhas
Camli. Vadolo
Candolim,
Bardz. Lya
House No 2/9
Dated 13th July 1984

To
The Sarpanch
Village Panchayat - Candolim
Bardz. Lya.

Sub. Proposed construction on
the existing plinth.

Sir,
I am submitting herewith the file
of the proposed construction on the
existing plinth for your approval
and the necessary license may please
be issued to me
Thanking you.

Yours faithfully
* Aurora Mascarenhas
(AURORA MASCARENHAS)

Report on
8/8/84
No objection
Jat 7 to P.H.C
for 9/8



IN THE COURT OF THE JOINT MAMLATDAR OF BARDEZ
MAPUSA-GOA.

Case No. MND/SR-29(4)/CAN/613/83

Smt. Aurora Mascarenhas
r/o, H.No.2/9, Escrivaovaddo Applicant
Candolim, Bardez-Goa.

Shri V/s

Shri Jose Emanuel Souza,
r/o Escrivaovaddo, Opponent
Candolim Bardez Goa.

O R D E R

This is an application under section 29(4) of the Goa, Damru & Dud Mundkar (Protection from eviction) Act, 1975, for registration of the name of applicant as Mundkar of the dwelling house No.2/9, situated in the property of opponent/Chakkar at Escrivaovaddo, Candolim Revenue village, surveyed under No. 156/8.

The opponent has admitted the claim of the applicant.

I, therefore, order that the name of the applicant/s be registered as Mundkar of the opponent in respect of the suit dwelling house/structure. The area of the dwelling house/structure will be ascertained later on by site inspection.

Proounced in the open court, this 9th day of December, of 1983.

sd/-

Seal

(J. A. Satardekar)
Joint Mamlatdar of Bardez Taluka
Mapusa-Goa.

Forwarded to the Talathi of Candolim, he should fix the copy of this order on the Notice Board of Village Panchayat of Candolim, and report compliance immediately.

C E R T I F I E D C O P Y

Copy applied on: 1/1/84 Typed by: S. M. ...
Copy ready on: 1/6/84 ordered by: ...
Copy delivered on: 1/15/84 Checked by: ...

An amount of Rs. 0.70/- (Rupees ...) has been credited in the State Bank of India ... Challan No. 112 ...



HEED CLERK



CANDOLIM

BARDEZ

156/

Scale 1:1000

[Handwritten signature]



N

S. No 157
SURVEY No 156



[Handwritten signature]

25-1-84

Candolim

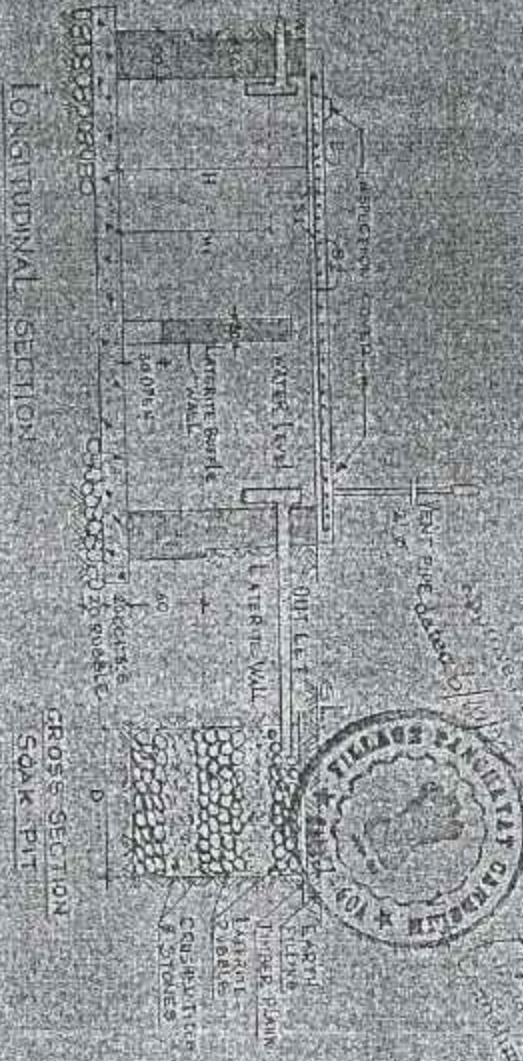
J. V. Rodrigues

25-1-84



Handwritten: Ananta Mathanath

SEPTIC TANK FOR PERSONS.



SCALE 1:50



OWNER

SEPTIC TANK'S DIMENSIONS										
L1	1.20	1.40	1.60	1.80	2.40	3.00				
L2	0.60	0.70	0.80	0.80	1.20	1.50				
B	0.50	0.90	0.90	1.00	1.20	1.50				
D	1.00	1.10	1.20	1.30	1.50	1.60				
H1	1.20	1.50	1.40	1.50	1.85	2.00				
H	1.50	1.60	1.70	1.90	2.15	2.50				
E	0.10	0.10	0.10	0.10	0.10	0.10				

Handwritten: Francis J. S. J.

Handwritten: [Signature]

CHIEF ENGINEER

GOVERNMENT ENGINEERS' REGISTRATION BOARD

CHENNAI

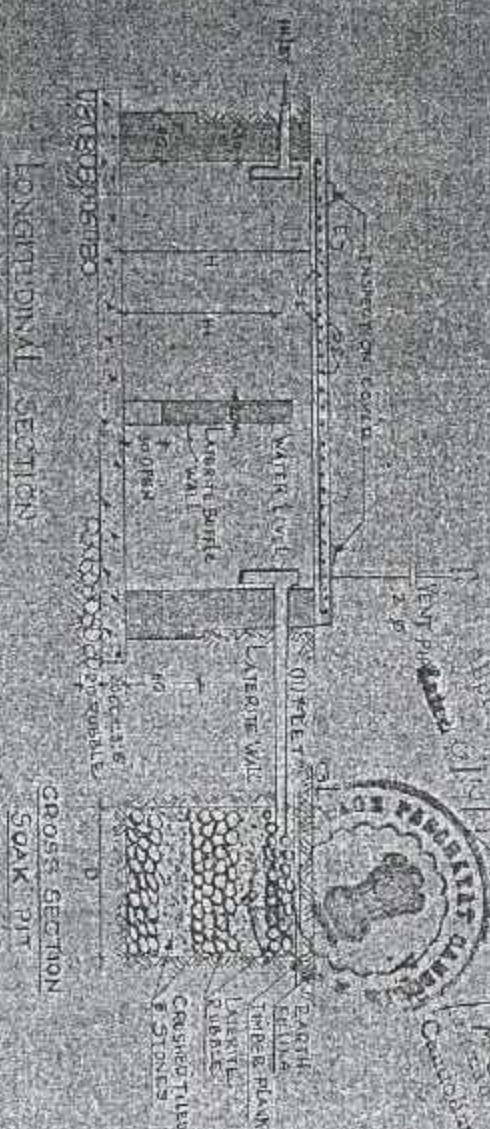
NO. 2, 17/1

GOVERNMENT ENGINEERS' REGISTRATION BOARD

CHENNAI

SEPTIC TANK FOR PERSONS.

OWNER



SCALE 1:50



M. S. ...

SEPTIC TANKS DIMENSIONS	
L	2.0
B	0.90
D	1.0
H	1.50
E	0.10

Thomas J. ...
 CIVIL ENGINEER
 No. 245
 GODDAR, MYSORE, GOA

Primary Health Centre Candolim,
 HO/PCC/VP/702/84-85,
 Dated:- 13.8.84


Village Panchayat, Candolim
 File No. 650 11.11.9
 17.8.84

To,
 The Chairman,
 Village Panchayat,
 Candolim

Ref. V.P/619/617/84-85 dt. 7.8.84

Sir,

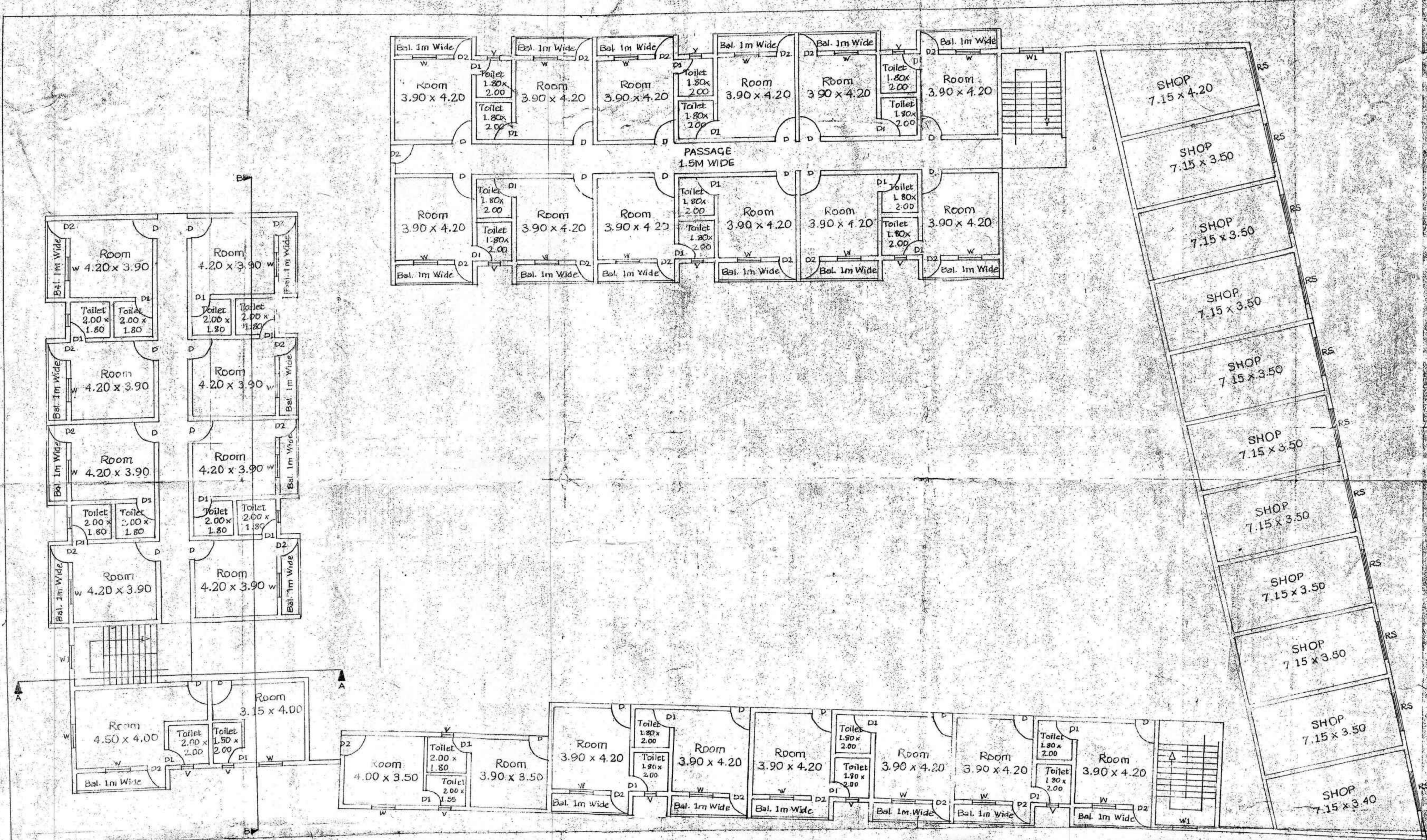
With reference to the letter cited above, I am to inform you that there is no objection on sanitary point of view for the construction of a wash and urinal at Green Cross roads, Candolim by Shri/Smt. Anura K. Menon provided the soak pit is constructed 20 metres away from the drinking water well.

Yours faithfully,

 (Dr. Rakha Dhungat)
 Medical Officer I/C.

Encl:- as above.

*For info
 P.W.D.
 17/8/84*





GROUND FLOOR
SCALE 1:100

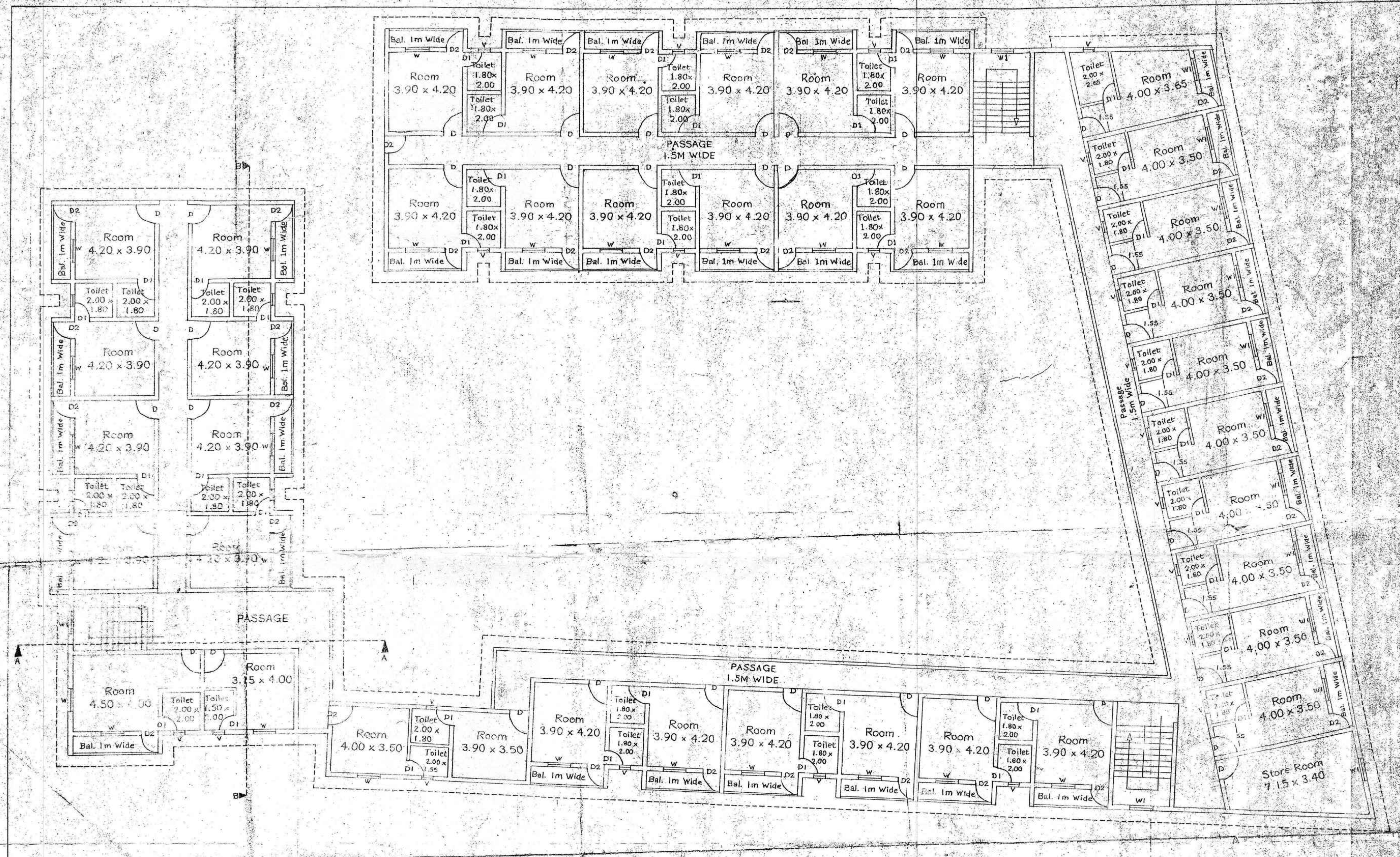
TITLE: PROPOSED CONSTRUCTION OF ROOMS AND SHOPS IN SURVEY NO. 135/1 IN CANDOLIM VILLAGE OF BARDEZ TALUKA FOR VICTOR RODRIGUES

SHEET NO 1

OWNERS SIGN:
Rodrigues
VICTOR RODRIGUES
ENGINEERS SIGN:
Shree
A. R. S. A. DEBURY & ARCH (DOM) ANA
ARCHITECT
342, MARCELA
GOA-403107
PDR REG. NO. 110



Handwritten signature or mark at the bottom right corner of the page.



FIRST FLOOR
SCALE 1:100

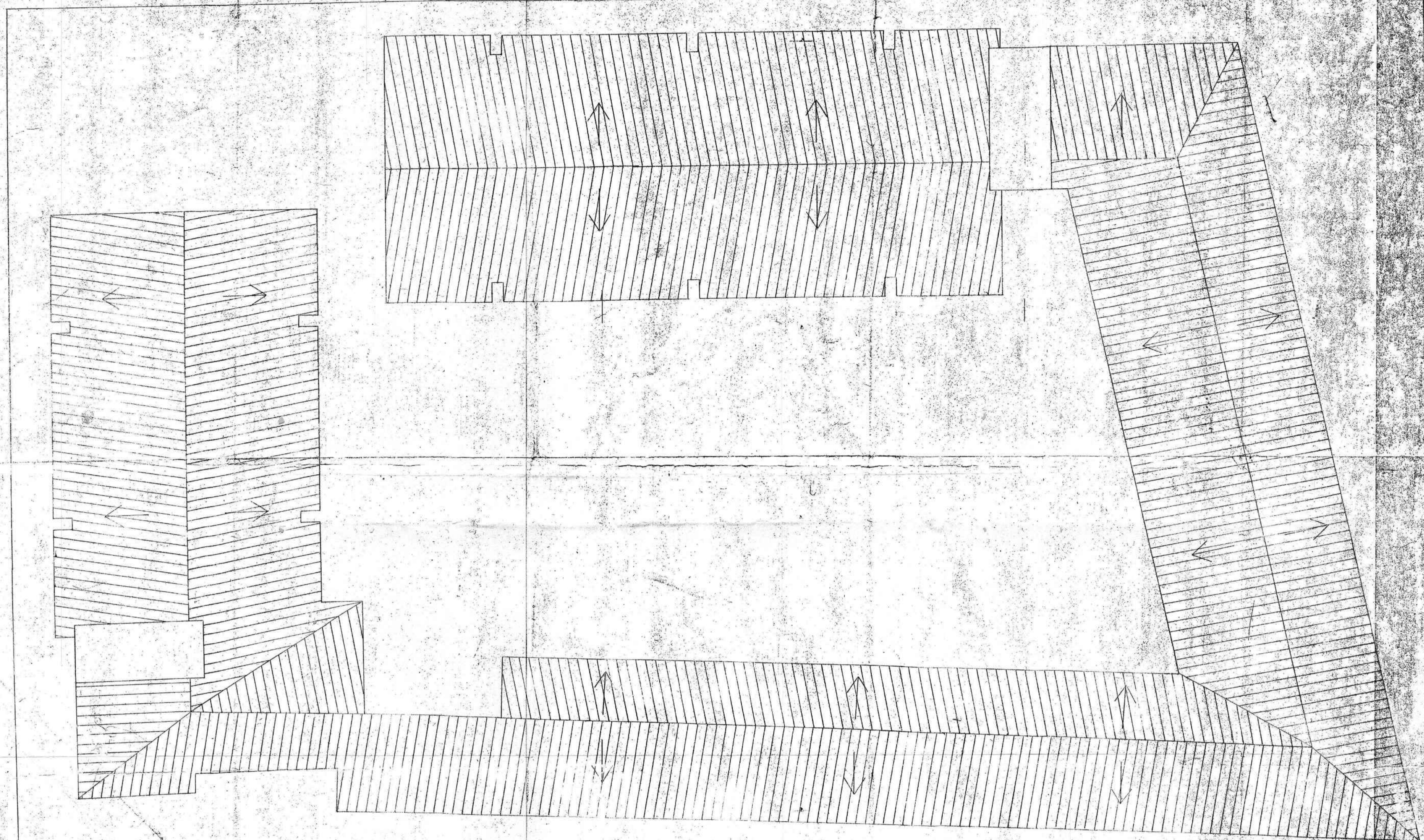
TITLE: PROPOSED CONSTRUCTION OF ROOMS AND SHOPS IN SURVEY NO. 135/1 IN CARDOLIM VILLAGE OF BARDEZ TALUKA FOR VICTOR RODRIGUES

SHEET NO: 2

OWNERS SIGN:
Victor Rodrigues
VICTOR RODRIGUES

ENGINEERS SIGN:
A. R. S. A. Deuri
A. R. S. A. DEURI ARCHITECT
342, MARCELA
GOA-403107
PDR REG. No. 110





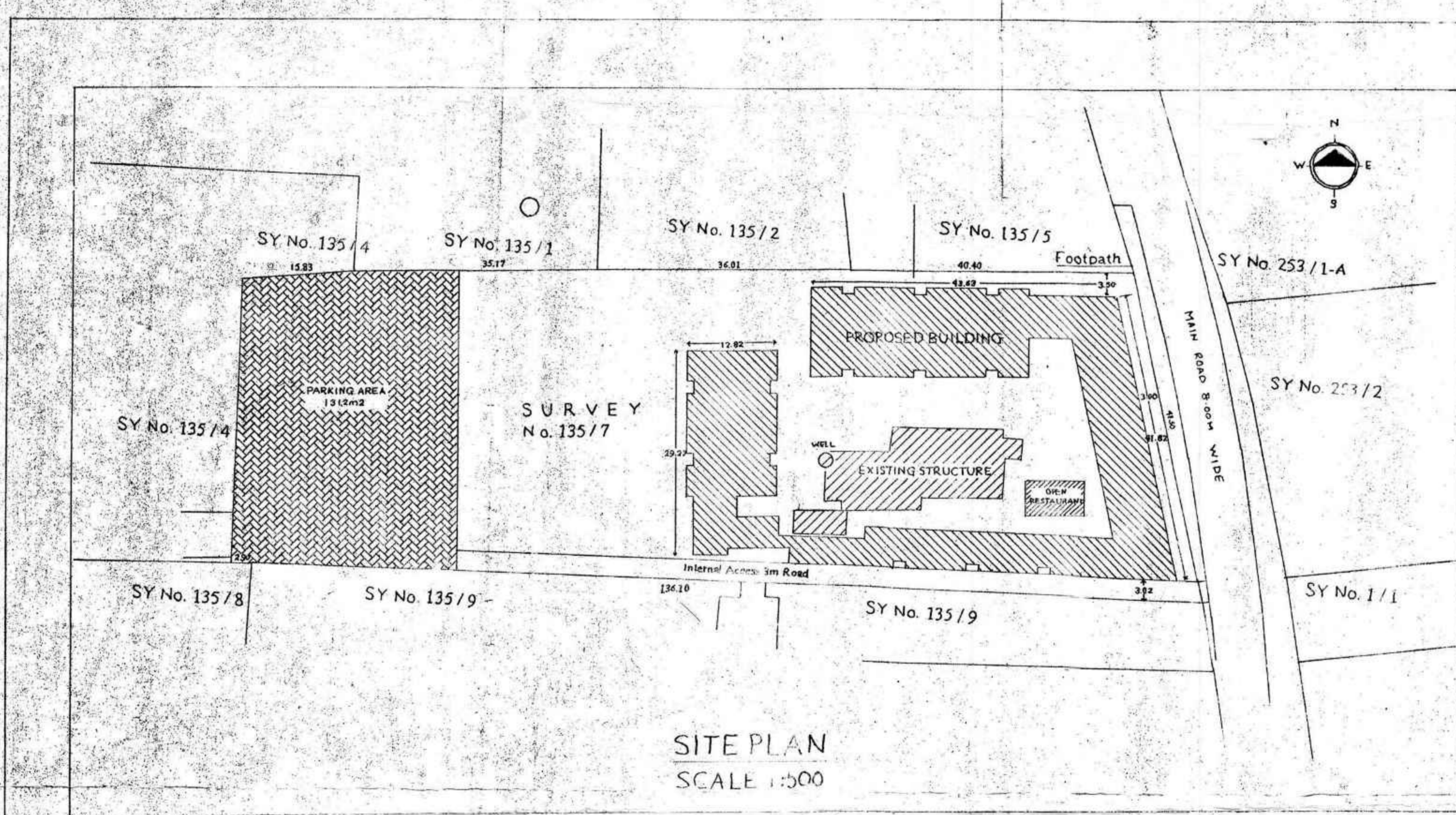
ROOF PLAN
SCALE 1:100

TITLE: PROPOSED CONSTRUCTION OF ROOMS AND SHOPS IN
SURVEY NO. 13517 IN CANDOLIM VILLAGE OF BARDEZ
TALUKA FOR VICTOR RODRIGUES

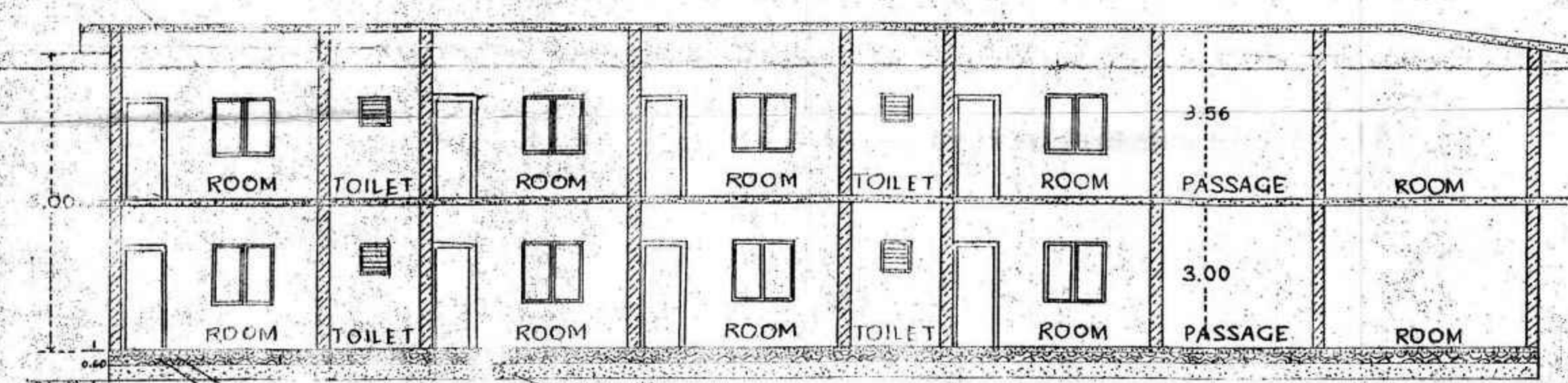
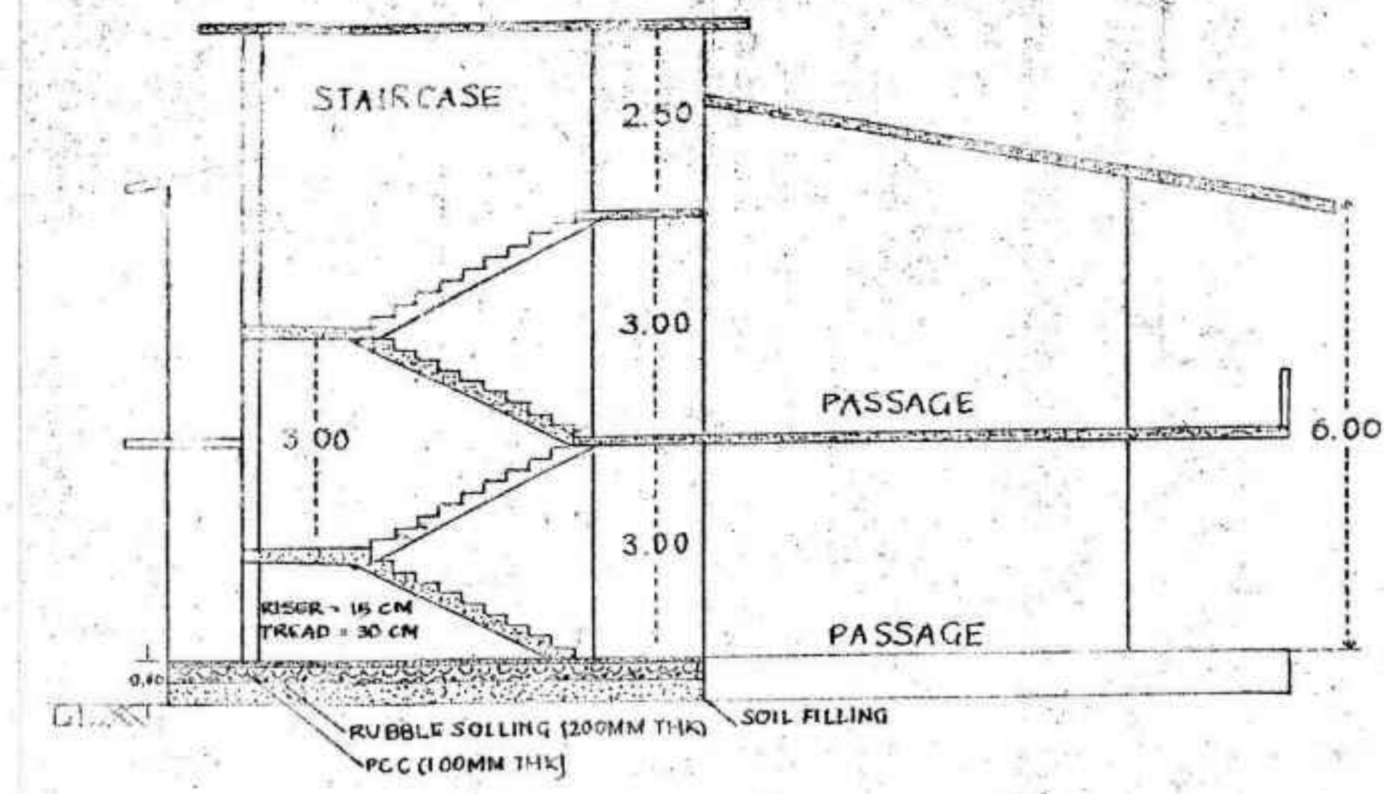
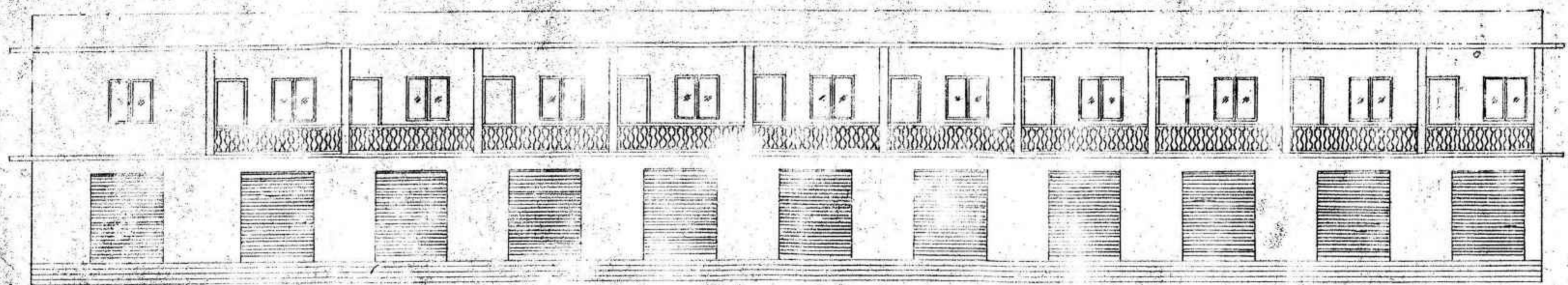
SHEET NO: 3

OWNERS SIGN:
Victor Rodrigues
VICTOR RODRIGUES
ENGINEERS SIGN:
A. R. S. A.
A. R. S. A. DEBURI & ANON (PUNJ) PRA
ARCHITECT
342, MARCELA
GOA-403107
PDR REG. No. 110





AREA STATEMENT	
1. AREA OF PLOT	5:00 M ²
2. PROPOSED COVERED AREA	1543.71 M ² (26.16 %)
3. FRONT SETBACK	3.00 M
4. SIDE SETBACK	3.00 M & 3.50 M
5. FLOOR AREA USED	
GROUND FLOOR F.A.R	1235.68 M ²
FIRST FLOOR F.A.R	1235.68 M ²
EXISTING BUILDING F.A.R	251.38 M ²
TOTAL F.A.R USED	2722.74 M ² (46.14 %)
6. PARKING AREA	1312.00 M ²



SCHEDULE OF OPENINGS

SYMBOLS	SIZE
D	1.00 X 2.10
D1	0.75 X 2.10
D2	0.90 X 2.10
W1	1.20 X 1.20
V	0.60 X 0.60

TITLE: PROPOSED CONSTRUCTION OF ROOMS AND SHOPS IN SURVEY NO. 135/7 IN CANDOLIM VILLAGE OF BARDEZ TALUKA FOR VICTOR RODRIGUES

SHEET NO: 4

OWNERS SIGN:

Victor Rodrigues

VICTOR RODRIGUES

ENGINEERS SIGN:

A. R. S. A. Dehuri

A. R. S. A. DEHURI B. ARCH (DOM) MIA
ARCHITECT
342, MARCELA
GOA-403107
PDA REG. No. 110

