



BEFORE THE NATIONAL GREEN TRIBUNAL WITH
 ZONE BENCH PUNE

ORIGINAL APPLICATION NO. 42/2023

MR.OSWALD FERNANDES & ORS ... APPLICANT

VS.

THE GOA COASTAL ZONE

MANAGEMENT AUTHORITY AND ORS ... RESPONDENTS

REPLY AFFIDAVIT OF THE RESPONDENT NO. 1

I, Mr.Johnson Bedy Fernandes, Adult, presently serving as Member Secretary, Goa Coastal Zone Management Authority, having its office on 4th Floor, Dempo Towers Panaji-Goa do take oath and state on solemn affirmation as under :

1. I say that I am the Member Secretary of Respondent No. 1 GCZMA and I am authorised to affirm the present reply affidavit on its behalf. I have examined the relevant records available in my office in respect of the subject matter of the present application and challenged before this Hon'ble Tribunal in the above-captioned Original application and I am affirming the present Reply Affidavit based on the same. Nothing in the present Reply Affidavit may be deemed to be an admission of any of the contents of the memorandum of the above-captioned Original Application. Nothing in the memorandum of the above-captioned Application may be deemed to have been admitted for mere want of specific denial.



2. That the Applicant has filed the present Original Application under Section 14 of the National Green Tribunal Act 2010 raising the non-inclusion of Khazan lands, consisting of low-lying paddy fields, salt pans, fish ponds and the sand dunes in village Cavelossim At Taluka Salcete, Goa.
3. The Applicant is challenging the CZMP finalized by the Respondent No. 2. The same has been approved by the Respondent No. 2 i.e. MoEF and CC on 06.09.2022. I further say and submit that without prejudice to whatever stated herein above; the Respondent states that the Respondent No. 1 has followed due process of law before approving the CZMP wherein an opportunity to file objections to the draft of CZMP has been given to public at large.
4. I state that the Para 5 and Annexure I in the CRZ Notification 2011 provides guidelines for preparation of CZMP plans. I say that work of preparation of CZMP along with plans was allotted to NCSCM, Chennai.
5. I say that upon receipt of the draft CZMP the same were put in public domain seeking public views and subsequently a public hearing was also carried out at district levels and objections and suggestions were minuted.
6. I state that the CRZ Notification 2011 mandates preparation of CZMP in 1:25,000 scale. It is humbly submitted that MOEF& CC is the appropriate authority to decide on the implementation of the 1:4000 scale maps.
7. I state that additionally this Respondent had also received objections and suggestions received at large and same were considered by this Respondent and forwarded to the NCSCM for its assessment. The NCSCM has prepared the CZMP 2011 after conspicuously

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considering the suggestions and recommendations in accordance with CRZ Notification 2011.

8. I say that Para 5 clause (xi) of the CRZ Notification 2011 inter alia provides following “ *The CZMPS shall not normally be revised before a period of five year after, which, the concerned State Government or Union Territory may consider undertaking revision of maps following the above procedures.* ”
9. I say that Annexure I Para V of the CRZ Notification 2011 provides revision of CZMP plans which reads as follows : “ *1. Whenever there is a doubt the concerned State or Union Territory Coastal Zone Management Authority shall refer the matter of the National Centre for Sustainable Coastal Management who shall verify the CZMP based on latest satellite imagery and ground truthing.* ”
10. I say and submit that perusal of the Original Application goes to show that the Applicant is challenging the entire CZMP which can be challenged only under the Appellate jurisdiction of this Hon’ble Tribunal under Section 16 of the NGT Act 2010. I say that the Application under Section 14 is not maintainable for the reasons mentioned herein above considering the prayers which seeks to challenge the entire CZMP duly notified by MOEF & CC by only citing certain alleged discrepancies.
11. I state that the discrepancies pointed out by the Applicant affect classification of land and use in private properties owned by private individual/institutions. I say that it is settled principle of law that the Applicant is obliged under law to add said private parties as they are necessary parties considering their civil rights to the properties may be affected in case of any updation/change of the CZMP plan of the village as envisaged under the present Application.



- 12 Without prejudice to the above, I say that the grievances of Applicant could be considered only to update the maps by recording the discrepancies.
- 13. I say that this Respondent can only take appropriate decision with regard to issue only after MOEF & CC decides upon the aforesaid request of the Answering Respondent for correction of the discrepancies.
- 14. The Respondent therefore respectfully prays that the present Application may kindly be dismissed accordingly.

[Signature]
DEPONENT

VERIFICATION

I, the deponent above-named do solemnly affirm that all that is stated in this Affidavit is true to the best of my knowledge and belief, which is based on the records available in respect of the issue involved in the above-captioned Appeal. Nothing false has been stated herein.

Solemnly affirmed this 27th day of February 2024

at Panaji, Goa.

[Signature]
DEPONENT



Executed before me
At Panjim Tiswadi - Goa
Reg. No. 28/02/2024/P
Dated: 27/02/2024

[Signature]
Venefrada C.P.P.B. Gracias
Advocate & Notary Goa State