

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE (PUNE BENCH)
ORIGINAL APPLICATION NO. 47 OF 2019(WZ)

IN THE MATTER OF:

SAGARDEEP SIRSAIKAR

...APPLICANT(S)

VERSUS

THE GOA COASTAL ZONE

MANAGEMENT AUTHORITY & ORS.

...RESPONDENT(S)

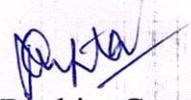
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593

Filed by



Ms. Ruchira Gupta
Counsel for Respondent No. 1
E-31 (Basement), Jangpura Extension
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Mobile No: 9810350333

Date: 16.01.2024



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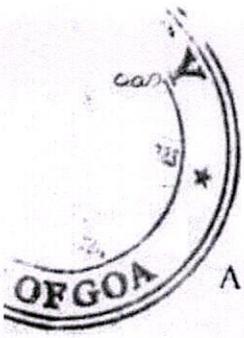
REPLY AFFIDAVIT ON BEHALF OF RESPONDENT NO.1,
GOA COASTAL ZONE MANAGEMENT AUTHORITY

I, Mr. Johnson Bedy Fernanades , major of age, presently working as the Member Secretary, of the Respondent No. 1 herein, having office at 4th floor, Dempo Tower, Patto Plaza Panaji Goa do hereby on solemn affirmation, state as under:

- 1. That I am the Member Secretary, Goa Coastal Zone Management Authority and being duly authorised and well conversant with the facts of the present case, am competent to depose by way of the present Affidavit on behalf of Respondent No. 1, GCZMA.



2. That the present Affidavit is being filed in terms of the order dated 11.09.2023 passed by this Hon'ble Tribunal. The Answering Respondent has filed its detailed affidavits dated 07.12.2020 and 23.12.2022 along with a Short Affidavit dated 28.06.2023 before this Hon'ble Tribunal, the contents whereof be treated as part of the present reply affidavit and are not being repeated herein for the sake of brevity.
3. I say that I have gone through the order passed by this Hon'ble Tribunal in Original Application No.70/2022 (WZ) titled "*Chandan SuryakantKhorjuvekar Vs. Goa Coastal Zone Management Authority & sevenothers*", whereby it was left up to the discretion of the Answering Respondent to upload the 1:4000 scale CZMP Maps on its website.
4. I say that the CZMP Maps have already been uploaded on the website of the Answering Respondent on the scale of 1:25000. That with respect to the local level maps in the scale of 1:4000, it is submitted that National Centre for Sustainable Coastal Management, Chennai (NCSCM) supplied the said maps in a PDF format to the Answering Respondent on 27.10.2023.
5. I say that these maps were overlaid on the notified survey plans of the State of Goa which have been prepared under the Goa Land Revenue Code, 1968. The Department of Environment Forest & Climate Change, Government of Goa sent a letter dated 05/10/2023 to NCSCM, Chennai stating *inter alia* that overlapping and voids at boundaries of Villages cannot be ruled out and therefore the discrepancies may be recorded on the CZMP maps in the 1:4000 scale. Hence NCSCM, Chennai was requested to update the said maps after rectifying the discrepancies.

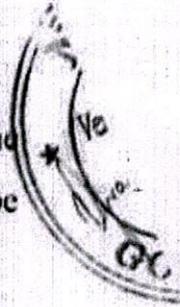


A true copy of the letter dated 05/10/2023 is annexed and is marked as ANNEXURE-R1/1 (Copy)

6. The NCSCM, Chennai responded to the aforesaid letter vide letter dated 27.10.2023 stating, *inter alia*, that no changes can be made to the Low Tide Line (LTL) /High Tide Line (HTL), Ecologically Sensitive Areas (ESA) and Coastal Regulation Zone (CRZ) without the approval of the Ministry of Environment, Forest and Climate Change (MoEF&CC).

A copy of letters dated 27/10/2023 and 14/12/2023 issued by NC.SCM, Chennai are annexed herewith as ANNEXURE R1/2

7. That a perusal of the maps received from NCSCM, Chennai and the aforesaid letters indicate that there may be certain discrepancies in the 1:4000 scale CZMP Maps prepared by the NCSCM, Chennai.
8. It is humbly submitted that MoEF&CC is the appropriate authority to decide on the implementation of the 1:4000 scale maps. Therefore, the Answering Respondent is in the process of approaching the MoEF&CC requesting them to prevail upon the NCSCM, Chennai to rectify the discrepancies/errors as the plans/maps shared by them are not matching with the notified survey plans of the State of Goa and this discrepancy came to light only when the maps/plans were shared in the scale of 1:4000.
9. The Answering Respondent undertakes to take an appropriate decision w.r.t the issue after MoEF& CC decides upon the aforesaid request of the Answering Respondent for correction of the discrepancies.



10. That in light of the aforesaid, it is most respectfully submitted that the present reply affidavit be taken on record and the subject matter be disposed of as nothing survives in the Application.

11. That the annexures to the present affidavit are true copies of their respective originals.

[Handwritten Signature]
DEPONENT





VERIFICATION:

Verified at Panaji on this 16th day of January, 2024 that the contents of the above affidavit are true and correct to the best of my knowledge and as per the official records. No part of it is false and nothing material has been concealed therefrom.



[Handwritten Signature]
DEPONENT

Executed before me
At Panjim Tiswadi - Goa
Reg. No. 27/01/2024
Dated: 16/01/2024

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



Government of Goa
Department of Environment & Climate Change
4th Floor, Dempo Tower, Patto, Panaji-Goa
Phone Nos.: 0832-2951089 e-mail: dir-env.goa@gov.in

No. 15-5-2022/DIR/ENV & CC/ 905

Date: 5/16/2023

To,
The Director,
National Centre for Sustainable Coastal Management,
Anna University Campus,
Chennai 600025.

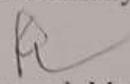
Sub: Shape file of CZMP 2011 of State of Goa in 1:4000 Scale.
Ref : No.NCSCM/CZMA/Goa/23-395/EDC dated 04/09/2023.

Sir,

Enclosed herewith is the communication received from the Department of Settlement & Land Records, Panaji-Goa. As stated in said letter overlapping and voids at boundaries of villages cannot be ruled out therefore a discrepancies may be recorded on the CZMP maps in 1:4000 Scale as follows "CZMP 2011 map is subject to variation if there are alteration carried out of village boundaries by the State of Goa, which updation shall be further done in CZMP 2011 by NCSCM".

The CZMP maps in 1:4000 scale may be updated by your Institution with latest village wise shape file prepared by State of Goa and shared with you on 7/7/2023. Accordingly the delineation on LTL/HTL should also be appropriately updated in the CZMP map in 1:4000 scale as per shape files provided on 7/7/2023. The letter from DSLR dated 3/10/2023 is enclosed for your reference.

Yours faithfully


(Dr. Levinson J. Martins)
Director (Environment & CC)

o/c

Encl: As above.

Copy to:

1. The O.S.D to Hon'ble Minister for Environment & Climate Change, Secretariat, Porvorim-Goa.
2. P.A. to Secretary (Environment & Climate Change), Secretariat, Porvorim-Goa.



GOVERNMENT OF GOA

Director/Jt. Secretary (ENV)
Intend No.: 2165
Date: 03/10/2023

6/6

**DIRECTORATE OF SETTLEMENT AND LAND RECORDS,
PANAJI - GOA.**

Phone: (0832) - 2422036, 2422453 Fax: 2234360 Email: dir-land.goa@nic.in

No.19/DSLRL/Re- Cell/ NCSM/138/14 | 2023

Date: 03/10/2023

To,
The Director,
Directorate of Environment and Climate Change,
4th Floor, Dempo Towers,
Panaji-Goa.

Sub: Shape file of CZMP 2011 of State of Goa in 1:4000 scale.
Ref: Letter No.2-84-2023/ENVT & CC/DIR/782 dated 11/09/2023.

Madam,

With reference to the above we have to submit that in order to prepare the CZMP maps in the scale of 1:4000 the following steps may be adhered

- 1) The delineation line of the LTL/HTL be over laid on the latest village wise shape files prepared by the State of Goa and shared with NCSCM on 07/07/2023. It would be appropriate to update the CZMP maps as per these shape files so that there are no major discrepancies.
- 2) The possibilities of overlapping and voids at boundaries of the villages cannot be ruled out. The State of Goa undertakes to carry out the corrections of these boundaries on case to case basis as and when such omissions are pointed out to us by affected parties.
- 3) The updation of CZMP maps may be done as per revenue village boundaries and by taking into consideration amended CRZ Notification 2011 which amendment is dated 25/05/2020 as per survey boundaries contained in the shape file plans prepared by the State of Goa.
- 4) A disclaimer may also be added by the NCSCM that the CZMP 2011 map is subject to variation if there are alterations carried out to village boundaries by the State of Goa, which updation shall be further done in CZMP 2011 by NCSCM.

The above steps if initiated shall enable NCSCM Chennai to prepare the CZMP 2011 maps in 1:4000 scale.

Yours Faithfully,

(Johnson Bedy Fernandes)
Director

Settlement & Land Records

Copy To

- 1) PA To Secretary (Revenue), Secretariat, Porvorim Goa.
- 2) OSD to Hon'ble Minister for Environment & Climate Change, Secretariat, Porvorim Goa
- 3) Jt. Secretary (Revenue), Secretariat, Porvorim Goa.
- 4) Under Secretary (Revenue I), Secretariat, Porvorim Goa.



No. NCSCM/CZMA/Goa/23- 476 /EDC

dated 27/10/2023

TO

The Director, Environment & Climate Change,
Department of Environment & Climate Change,
Government of Goa,
4th Floor, Dempo Towers, Patto, Panaji, Goa – 403 001.

SUB: SUBMISSION OF 1:4000 SCALE DRAFT CZM MAPS BASED ON SHAPEFILES OF CADASTRAL DATA PROVIDED BY DSLR TO NCSCM ON 7/07/2023 - REG.

Ref: 1. NCSCM email dated 18/08/2023 regarding errors observed in the modified downloaded cadastral data of Goa.

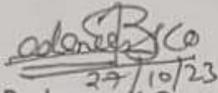
2. Your letter No. 15-5-2022/DIR/ENVT & CC/905 dated 5/10/2023.

With reference to your letter dated 5/10/2023 cited above, the pdf copies of the draft CZM maps (2011) of Goa on 1:4000 scale prepared by replacing the Cadastral data layer with the georeferenced shapefiles of cadastral data provided by DSLR, Goa to NCSCM on 7/07/2023, with discrepancies in the Shapefiles of overlapping and voids at village boundaries on the approved CZMP data, are enclosed herewith. Kindly confirm for submitting the hard copy prints.

For any such discrepancy or other discrepancies in the maps which may arise due to the discrepancies in the Shapefiles of DSLR of overlapping and voids at village boundaries, the office of DSLR, Goa will alone be responsible and all questions in this regard should be addressed to DSLR, Goa.

With reference to your request at para 2 of your letter No. 15-5-2022/DIR/ENVT & CC/905 dated 5/10/2023, that the delineation on LTL/HTL should also be appropriately updated in the CZMP map in 1:4000 scale as per shapefiles provided on 7/7/2023, it is stated that the LTL/HTL, ESA and CRZ have already been approved by the MoEF&CC as part of the CZMP of Goa and no changes can be made to LTL/HTL, ESA and CRZ, without the approval of MoEF&CC, New Delhi. In this regard, you are requested to kindly approach MoEF&CC, New Delhi, to update/change the HTL/LTL etc.

This completes the contract for preparation of CZM maps of Goa (2011) on 1:4000 scale. Kindly note that the CZM maps of Goa (2011) on 1:4000 scale approved by the GCZMA were submitted by the GCZMA to MoEF&CC on 23/08/2022 and the Shapefiles of the same CZM maps of Goa (2011) on 1:4000 scale were submitted by NCSCM in a CD vide NCSCM letter No. NCSCM/CZMA/Goa/23-395/EDC dated 4/09/2023.

A handwritten signature in black ink, appearing to read 'Badarees K O', with the date '29/10/23' written below it.

Dr. Badarees K O
For Director, NCSCM.

Encl: pdf copies of the draft CZM maps (2011) of Goa on 1:4000 scale.

Copy to: The Secretary (Environment & Climate Change), Secretariat, Porvorim, Goa.

No. NCSCM/CZMA/Goa/23-568/EDC

dated 14/12/2023

TO
The Director, Environment & Climate Change &
Member Secretary, GCZMA,
Department of Environment & Climate Change,
Government of Goa,
4th Floor, Dempo Towers, Patto, Panaji, Goa – 403 001.

Director, Jt. Secretary (Env)
Inward No. 3098
Date: 18/12/2023

Madam,

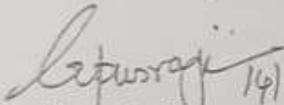
SUB: CORRECTION OF SHIFT OF KHAZAN, MANGROVE AND WATER BODIES
LAYERS WHEN OVERLAID ON THE BHUNAKSHA PLANS.
Ref: Your email dated 11/12/2023.

Kind attention is invited to your email dated 11/12/2023 mentioning that there is a shift of Khazan, Mangrove and Water bodies layers when this data is overlaid on the Bhunaksha plans and requesting NCSCM to correct these shifts. Similar request was also received to update the delineation of the HTL vide your letter No. 15-5-2022/DIR/ENVT & CC/905 dated 5/10/2023.

In this regard, it is submitted that MoEF&CC, Government of India, have already approved the CZMP of Goa on 1:25,000 scale, including HTL, LTL, CRZ, ESAs, Khazan etc and no change can be made to LTL/HTL, ESA, CRZ etc, without the approval of MoEF&CC, New Delhi.

You are, therefore, requested to kindly approach MoEF&CC, New Delhi, to update/change/ correct the HTL/LTL, ESA, CRZ etc in the approved CZMP.

Yours Sincerely


14/12/23
Dr. Purvaja Ramachandran
Director, NCSCM.

Urgent please
action
hclou

Copy to:

1. The Secretary (Environment & Climate Change), Secretariat, Porvorim, Goa.
2. The Joint Secretary, Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Jor Bag Road, New Delhi-110003.





Harshita Sharma <harshitasharma@chambersofrg.com>

SERVICE IN- O.A. 47/2019- SAGARDEEP SIRSAIKAR V/S GCZMA & ORS

1 message

Harshita Sharma <harshitasharma@chambersofrg.com>

17 January 2024 at 18:30

To: Aagney Sail <aagneysail@gmail.com>, "sirsaikarsagardeep@gmail.com" <sirsaikarsagardeep@gmail.com>, reyazmama@hotmail.com, reyazmama@me.com

Dear Sir(s)

I am writing to you on behalf of the Respondent No. 1, GCZMA in the captioned matter.

In light of the directions passed by the Hon'ble NGT, Pune Bench vide order dated 11.09.2023, please find attached the Reply Affidavit along with the annexures filed in the subject matter.

*This is for your kind information and record.***Regards**
Harshita Sharma, Advocate**CHAMBERS of**
Ruchira GuptaE-31, Basement, Jangpura Extension,
New Delhi - 110014 L 011-43562646

 **REPLY AFFIDAVIT IN OA 47 OF 2019.pdf**
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