

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

Appeal No. 82/2025 (WZ)

In the Matter of:

Sylvester D'Souza

...Appellant

Versus

Joseph S. Rosa and Ors.

... Respondents

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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
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Appeal No. 82/2025 (WZ)

In the Matter of:

Sylvester D'Souza

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REPLY ON THE BEHALF OF RESPONDENT NO.1 (JOSEPH S. ROSA)

TO,

THE HON'BLE CHAIRPERSON

AND THE OTHER HON'BLE MEMBERS,

OF THE HON'BLE NATIONAL GREEN TRIBUNAL

It is most respectfully submitted on behalf of Respondent No. 1 as under:

1. At the outset, all the contentions, allegations and statements made by the Appellant in the present Appeal are denied and nothing therein shall be deemed to be admitted by the Respondent No. 1, by reason of non-traverse or otherwise, unless specifically admitted herein.
2. All the allegation, statements and contentions raised by the Appellant in the present appeal are false, frivolous, and baseless and much contrary to the facts and circumstances of the present case. The present reply is being filed on behalf of the Respondent No.1 seeking dismissal of the present Appeal in limine as the same is vexatious and an abuse of the process of law. It is further submitted that the Appellant in the present Appeal has suppressed material facts from this Hon'ble Tribunal with an intention to deceive this Hon'ble Tribunal, to seek favourable orders from this Hon'ble Tribunal. Vide the present reply, the Respondent No. 1 is bringing on record material facts and circumstances, which

have been intentionally suppressed by the Appellant, and are necessary for the adjudication of the present Appeal.

3. The Appellant, vide the present appeal has attempted to create an image of the Respondent No.4, whereby, the Respondent No. 4 has failed in fulfilling its duty to direct demolition of the structures owned by the Respondent No.1. Moreover, vide the present appeal, the Appellant deliberately attempts to showcase that an authority which is responsible for the upkeep and protection of the coastal region in Goa is hand in glove with the Respondent No. 1, 2 and 3 which is a preposterous contention raised by the Appellant.
4. The Appellant herein has alleged that the Impugned Properties owned by the Respondent No.1 are per se illegal and shall be demolished with immediate effect as the same are constructed in violation of various Coastal Regulations that are promulgated for the protection of the Coastal Environment in Goa. However, it is contended by the Respondent herein that the Impugned Properties have been duly validated and substantiated through multiple orders and approvals furnished by the relevant authorities. Further, the Respondent No.4, vide its site inspection report dated 26.02.2020 in Writ Petition No. 04 of 2020, has already declared the Impugned Property to be existing prior to the year 1991. It is further submitted that one Mr. Wenceslau Francis D'Souza had filed a PIL Writ Petition No. 04 of 2020 before the Hon'ble High Court of Bombay at Goa alleging construction of illegal structures within the No Development Zone of Survey No. 242/1 of village Calangute. The copy of the PIL WP No. 4/2020 filed Mr. Wenceslau Francis D'Souza is enclosed herewith as **Annexure R-1**. Vide the Order dated 22.01.2020, the Hon'ble High Court directed the Respondent No. 4 herein to carry out an inspection at the site in order to determine whether there was any prima facie merit in the allegation. This Site Inspection was undertaken pursuant to the Order dated 22.01.2020 passed by the Hon'ble High Court of Bombay at Goa in PIL Writ Petition No. 04 of 2020. The copy of the Order dated 22.01.2020 passed by the Hon'ble High Court in PIL Writ Petition No. 04/2020 is enclosed herewith as **Annexure R-2**. It is further submitted that the validity of the Inspection Report has also been duly affirmed by the Hon'ble High Court of Bombay at Goa in PIL Writ Petition No. 04 of 2020 vide order dated 24.09.2021. The copy of the Order dated 24.09.2021 passed by the Hon'ble High Court in PIL Writ Petition No. 04/2020 is enclosed herewith as **Annexure R-3**.

5. Thereafter Misc. Civil Application No. 160/2022 and Misc. Civil Application No. 1320/2022 were filed by Mr. Wenceslau Francis D'Souza before the Hon'ble High Court seeking recall of the order dated 24.09.2021. The copy of the Misc. Civil Application No. 160/2022 and Misc. Civil Application No. 1320/2022 filed by Mr. Wenceslau Francis D'Souza before the Hon'ble High Court are enclosed herewith as **Annexure R-4**. The Hon'ble High Court disposed of the Misc. Civil Application No. 160/2022 and Misc. Civil Application No. 1320/2022 vide its order dated 15.10.2022 in terms of the liberty already granted in the order dated 24.09.2021. The copy of the order dated 15.10.2022 passed in Misc. Civil Application No. 160/2022 and Misc. Civil Application No. 1320/2022 by Hon'ble High Court are enclosed herewith as **Annexure R-5**.
6. Further, the Original Application No. 116/2022 (WZ) filed before this Hon'ble Tribunal challenging the alleged Illegal Construction at the Impugned Property has been dismissed vide Order dated 09.01.2023 on the ground that the Hon'ble High Court had passed its Order dated 24.09.2021 on merits taking into consideration the Inspection Report dated 26.02.2020. The copy of the Order dated 09.01.2023 passed by this Hon'ble Tribunal in Original Application No. 116/2022 is enclosed herewith as **Annexure R-6**.
7. The Respondent No.1 vide the present reply will throw light on facts and documents that are necessary for the adjudication of the present appeal filed before this Hon'ble Tribunal. However, before proceeding with the merits of the case, the answering Respondent seeks the indulgence of this Hon'ble Court on the following facts and circumstances, which render the present Appeal to be dismissed in limine.

PRELIMINARY SUBMISSION

1. The Appellant vide present Appeal seeks to challenge the Directions dated 17.02.2025 under Ref. No. GCZMA/N/ILLE-COMP/23-24/02/1416 issued by Respondent GCZMA under Section 5 of the Environmental (Protection) Act,1986 r/w the Rules of the Environment (Protection) Rules, 1986 to the extent that these directions DISCHARGE the Show Cause Notices bearing Nos. GCZMA/N/ILLE-COMPL/23-24/02/3729 dated 09.02.2024 & GCZMA/N/ILLE-COMPL/23-24/02/1416 dated 30.07.2024 against the Respondent Nos. 1 to 3 with regards to the structures identified as A, T1, G1, J1,(Part), Z(Part), F, F1 in Survey No. 242/1; A, B, C in Survey No. 242/1-A.

2. With reference to the various structures belonging to the Respondent No.1 as mentioned in the Show Cause Notice Dated 09.02.2024, are identified with alphabets “A”, “M1”, “T1”, “N1”, “B”, “H1”, “K1” and F1”. Further, it is submitted that structures “M1”, “B”, “H1”, “K1” and “F1” were directed to be demolished. The remaining structures identified with alphabets “A”, “T1”, “N1” were discharged.
3. It is further submitted that with respect to the Show Cause Notice dated 30.07.2024, “A”, “B”, “C” are the structures belonging to Respondent No.1 and Respondent No. 4 has decided to discharge the allegations pertaining to the structures identified with the alphabets “A”, “B”, and “C” therein.
4. It is further submitted that Respondent No.4 did not grant a blanket discharge from demolition in respect of the structures belonging to Respondent No.1. After due application of mind and upon consideration of the material on record, including the Show Cause Notices, the Replies thereto, and the Site Inspection Report, Respondent No.4 specifically directed the demolition of structures marked as “M1”, “B”, “H1”, “K1” in terms of Show Cause Notice dated 09.02.2024, all of which pertains to Respondent No.1. This clearly demonstrate that the decision was not taken mechanically or arbitrarily, but was the outcome of a reasoned and partial acceptance, whereby certain structures were exempted while others were directed to be demolished based on a thorough evaluation of the facts and circumstances.
5. It is the specific case of the Respondent herein that the aforementioned structures which have been directed to be discharged from the Impugned Property belonging to the Respondent No. 1, have been existing prior to 1991 i.e. prior to the introduction of the restrictions in the Coastal Regulation Zone and are constructed after obtaining requisite permissions from the appropriate authorities.
6. For the sake of brevity and convenience, the Respondent herein is providing the description of the Impugned Property along with the structures erected which are the subject matter of the present appeal and are also mentioned in the Show Cause Notices bearing Nos. GCZMA/N/ILLE-COMPL/23-24/02/3729 dated 09.02.2024 & GCZMA/N/ILLE-COMPL/23- 24/02/1416 dated 30.07.2024:

Properties as per the Show Cause Notice bearing No. GCZMA/N/ILLE-COMP/23-24/02/3729 dated 09.02.2024 forming subject matter of the present Appeal:

- (a) Structure “A” is a sloping Mangalore tiled roofing constructed with laterite stone masonry wall built permanent base. The structure consists of 8 rooms with verandah. **DISCHARGED**
- (b) Structure “T1” is a Well with concrete parapet wall covered with G.I sheet roofing constructed on permanent base. **DISCHARGED**
- (c) Structure “N1” is a Toilet block with laterite stone masonry wall covered with G.I sheet roofing constructed on permanent base. **DISCHARGED**
- (d) Structure “M1” is a Permanent Generator Room with Beam, slab and column. **DEMOLISHED**
- (e) Structure “B” is a Structure with sloping Mangalore tile roofing constructed with laterite stone masonry wall built on permanent base. The structure consists of 2 rooms with verandah. **DEMOLISHED**
- (f) Structure “H1” is built with laterite stone masonry walls and Mangalore tile roofing constructed on permanent base. **DEMOLISHED**
- (g) Structure “K1” is covered with laterite stone masonry walls and Mangalore tile roofing constructed on permanent base. **DEMOLISHED**

Properties as per Show Cause Notice bearing Nos. GCZMAN/ILLE-COMP/23-24/02/1416 dated 30.07.2024 forming subject matter of the present Appeal:

- (a) Structure “A” is a Ground floor structure with laterite masonry plastered walls constructed on permanent walls. **DISCHARGED**
- (b) Structure “B” is Ground floor structure with laterite masonry plastered walls constructed permanent walls. The Structure partly extends in Survey No. 242/1. **DISCHARGED**
- (c) Structure “C” is a Ground floor structure with laterite masonry plastered walls constructed permanent walls. The Structure partly extends in Survey No. 242/1. The property is partly covered with concrete paver pathways/footpath and further extends in Survey No. 242/1 and bounded partly compounds wall combined with G.I pipes. **DISCHARGED**

7. Previously, the Appellant herein filed a complaint on 23.01.2023 pertaining to properties bearing Survey No. 242/1, alleging that illegal constructions have been conducted on the said survey of village Calangute and these structures i.e. “Palm Grow” cottages, “Villa Sol” and “Sea View” Cottages are constructed on these properties are within the CRZ Regulated Areas without prior permission of the authorities thereby causing environmental hazard to the Coastal Area. Further, the Appellant filed one more complaint dated 08.06.2023 regarding illegal constructions in Survey Nos. 242/1-A and 242/1-C owned and illegally constructed and operated by Respondent No. 1, 2 & 3.
8. That pursuant to these complaints the Respondent No. 4 conducted three site inspections dated 05.06.2023, 24.11.2023 and 20.05.2024 which identified the structures belonging to the Respondent No. 1 to 3. Subsequently on the basis of these Inspection Reports, the Respondent No. 4 issued Show Cause Notices dated 09.02.2024 and 30.07.2024 against the Respondent No. 1 to 3. Thereafter due deliberations and detailed hearing given to all the parties, the Respondent No. 4 vide the Impugned Order directed demolition of Structures marked as ‘M1’, ‘B’, ‘H1’ and ‘K1’. It is submitted that the Respondent No. 4 has made reasoned findings pertaining to the demolition or discharge of the structures constructed on the Impugned Property. It is further submitted that one Mr. Wenceslau Francis D’Souza had filed a PIL Writ Petition No. 04 of 2020 before the Hon’ble High Court of Bombay at Goa alleging construction of illegal structures within the No Development Zone of Survey No. 242/1 of village Calangute. Vide the Order dated 22.01.2020, the Hon’ble High Court directed the Respondent No. 4 herein to carry out an inspection at the site in order to determine whether there was any prima facie merit in the allegation (The copy of the Order dated 22.01.2020 passed by the Hon’ble High Court mentioned herein above is already Annexed as Annexure R-2). In compliance of the Order passed by the Hon’ble Court, the Respondent No. 4 filed its Site Inspection Report dated 26.02.2020 wherein it was concluded that:

“40. The structure within the NDZ of larger property under Survey No. 242/1 of Village Calangute owned by R7 and R8 indicated by the petitioners during inspection prima facie appear to be legal and existing prior to February 1991 on basis of documents made available and other reference material accessed and cited by us”.

The validity of the Inspection Report dated 26.02.2020 has also been duly affirmed by the Hon'ble High Court of Bombay at Goa in PIL Writ Petition No. 04 of 2020 vide order dated 24.09.2021 (The copy of the Order dated 24.09.2021 passed by the Hon'ble High Court mentioned herein above is already Annexed as Annexure R-3)

Further, the Original Application No. 116/2022 (WZ) filed before this Hon'ble Tribunal challenging the alleged Illegal Construction at the Impugned Property has been dismissed vide Order dated 09.01.2023 on the ground that the Hon'ble High Court had passed its Order dated 24.09.2021 on merits taking into consideration the Inspection Report dated 26.02.2020 (The copy of the Order dated 09.01.2023 passed by this Hon'ble Tribunal mentioned herein above is already Annexed as Annexure R-6).

9. Therefore, as on 26.02.2020, once all the structures within the larger property under Survey No. 242/1 of Village Calangute have been found to be legal and existing prior to February 1991, any further challenge to the structures at the larger property under Survey No. 242/1 of Village Calangute would be Res Judicata. It is pertinent to mention that it has not been the case of the Appellant that any new construction has been undertaken at the Impugned Property after the inspection report dated 26.02.2020. Thus, the Complaints made by the Appellant are a gross misrepresentation of facts and appear to be motivated by ulterior considerations rather than any genuine concern for Coastal Regions.
10. It is therefore submitted that in view of the Inspection Report dated 26.02.2020 in Writ Petition No. 04 of 2020, it can be ascertained that the validity of the existence of the Impugned Properties have been assessed through the fair lens of the Respondent No. 4 and after taking into consideration the supporting documents exhibited by both the sides a well-reasoned analysis of the existence of the Impugned Properties has been given. Therefore, the Prayer of the Appellant seeking re-inspection of the Impugned Properties is without substance and without any reasonable differentia.
11. Further, it is pertinent to note that the Appellant has run from pillar to post to secure a favourable order which can be inferred from the fact that the Appellant even approached the Hon'ble High Court vide Writ Petition No. 904/2023 and Misc. Civil Application No. 1674 of 2024 seeking appropriate actions on his complaints dated 23.01.2023 and 08.06.2023. The Hon'ble High Court vide its Order dated 28.06.2024 and 12.07.2024 directed the Respondent No. 4 to take action on the complaints of the Appellant. The copy

of the Order dated 28.06.2024 and 12.07.2024 already forms a part of the record of the present Appeal at Annexure IV. (Page 89 and 91).

12. It is submitted that the Appellant herein had given three complaints dated 23.01.2023, 08.06.2023 and 14.03.2024 to the Respondent No. 4 authority with regard to the alleged illegal structures at the Impugned Property. In view thereof, the Respondent No. 4 conducted a total of three Site Inspections dated 05.06.2023, 24.11.2023 and 20.05.2024. Thereafter two Show Cause Notices dated 09.02.2024 and 30.07.2024 were issued by the Respondent No. 4 with regard to the illegal structures at the Impugned Property. After due deliberation and due application of mind on the documents produced by all the parties, the Respondent No. 4 passed the Impugned Order dated 17.02.2025. Even though vide the Impugned Order, the Respondent No. 1 to 3 have not been granted a blanket discharge by the Respondent No. 4 and the illegal structures have been directed to be demolished, the Appellant herein in his desperation has again approached this Hon'ble Tribunal being aggrieved by the discharge granted to the Respondent No. 1 to 3.

This indicates towards the conduct and the impatience of the Appellant to secure a complete demolition Order by hook or by crook with regard to the Impugned Properties. It is pertinent to note that even though the Impugned Properties have earlier been subjected to the scrutiny of the Respondent No. 4 on multiple occasions, however, the Appellant has vide the present Appeal not shirked away from attempting one more time in securing an inspection with regard to the Impugned Properties.

13. It is pertinent to mention here that as stated above, the Impugned Property had earlier been subjected to the scrutiny of various judicial forums. It is submitted that in view of the Site Inspection Report dated 26.02.2020, the property that was inspected by the Respondent No.4 is the very same property—which form the subject matter of the present Appeal. The Respondent No.1, during the Site Inspection conducted on 13.02.2020 by the expert members deputed by Respondent No. 4 pursuant to the directions issued by the Hon'ble High Court in Writ Petition No. 04/2020, submitted various documents in support of its claim regarding the existence of structures on the impugned property bearing Survey No. 242/1-A prior to the year 1991. The said documents included: (i) Order of Additional Collector of Goa dated 10.04.1981 issued to Luis Antonio Jose S. Pires in Case No. RB/CNV/ILG/177/80 along with receipt no. 25 dated 12.06.1981. (ii) House Tax receipts

dated 10.07.1986 of house nos. 7/2B, 7/2C & 7/2D issued by Village Panchayat of Calangute for the years 1983-84, 1984-85 and 1985-86. (iii) Survey map issued by DSLR showing existence of the three structures. . Upon due perusal and consideration of the documents so furnished, Respondent No.4 affirmed the legitimacy of the structures situated on the Impugned Property and concluded that the said structures, located within the No Development Zone, had prima facie existed prior to the year 1991 and were legal in nature. As already stated herein above, it is submitted that the validity of the Inspection Report has also been duly affirmed by the Hon'ble High Court of Bombay at Goa in PIL Writ Petition No. 04 of 2020 vide order dated 24.09.2021 (The copy of the Order dated 24.09.2021 passed by the Hon'ble High Court mentioned herein above is already Annexed as Annexure R-3). Further, the Original Application No. 116/2022 (WZ) filed before this Hon'ble Tribunal challenging the alleged Illegal Construction at the Impugned Property has been dismissed vide Order dated 09.01.2023 on the ground that the Hon'ble High Court had passed its Order dated 24.09.2021 on merits taking into consideration the Inspection Report dated 26.02.2020 (The copy of the Order dated 09.01.2023 passed by this Hon'ble Tribunal mentioned herein above is already Annexed as Annexure R-6).

14. Further, it is significant to observe that in the reply dated 04.03.2024 and 08.08.2024 to the Show Cause Notice dated 09.02.2024 and 30.07.2024, Respondent No.1 has clearly stated that the structures constructed on the Impugned Property existed prior to the year 1991 and that the validity of said structures had already been considered in the Site Inspection Report dated 26.02.2020. Accordingly, it is evident that Respondent No.1 was not, for the first time, asserting the legality of the structures on the impugned property, but had previously placed on record documents and submissions establishing the existence and legal status of the said structures prior to the year 1991. Further, Respondent No. 1, vide its Replies has yet again placed reliance on the same documents to establish the existence of the structures on the Impugned Property, which had already been taken into consideration in the Site Inspection Report dated 26.02.2020. It is noteworthy that the said documents, relied upon to substantiate the validity of the structures, have effectively attained legal sanctity, having been duly examined and accepted by the Hon'ble High Court in Writ Petition No. 04/2020 as well as by this Hon'ble Tribunal in Original Application No. 116/2022.

15. It is respectfully submitted that the Order of Discharge dated 17.02.2025 issued by Respondent No. 4, whereby the property belonging to Respondent No.1 was discharged from further scrutiny, was passed only after due consideration of documents possessing legal sanctity and evidentiary value sufficient to validate the existence of the structures in question. It is further submitted that Respondent No.4 has not arbitrarily discharged the Impugned Property or the structures situated thereon. On the contrary, Respondent No.4 has carefully examined each and every document produced to establish that the structures existed prior to the year 1991. Significantly, while certain structures were discharged from further proceedings, Respondent No. 4 has also directed demolition of those structures whose existence could not be adequately substantiated through documentary evidence. Thus, the Order dated 17.02.2025 reflects a reasoned decision, rendered after comprehensive consideration of the material placed on record and after due application of mind. It is reiterated that Respondent No.1, Joseph S. Rosa, has diligently responded to the proceedings and has placed on record sufficient documentary evidence demonstrating that her structures existed well before the issuance of the CRZ Notification of 1991. The said structures are either permanent in nature and duly approved by the competent authorities prior to 1991, or constitute temporary and functional extensions which do not contravene any of the provisions under the CRZ Notification, 2011.
16. It is submitted that the Respondent herein for ease of convenience is providing a tabular representation of the structures directed to be discharged and demolished at the Impugned Property, and the documents that are relied by the Respondent No.1 to ensure the validity of the Structures in view of the Show Cause Notice dated 09.02.2024 and the Show Cause Notice dated 30.07.2024:

AS PER SHOW CAUSE NOTICE DATED 09.02.2024

Sr.No	Impugned Property	Impugned Structure for Respondent No.1	Finding as per Order dated 17.02.25 of Respondent No.1	Documents relied on
1.	Survey No. 242/1	Structure "A" is a sloping Mangalore tiled roofing constructed with laterite stone masonry wall built permanent base. The structure consists of 8 rooms with verandah.	Discharged	<p>(a) License issued by Municipal Council of Bardez dated 18.11.1970 under no.55. The copy of the License issued by Municipal Council of Bardez dated 18.11.1970 under no.55 is enclosed herewith as Annexure R-7.</p> <p>(b) This structure is reflected in the Survey Plan promulgated in the year dated 1971-1972.</p> <p>(c) The Registration Certificate of Establishment for Sea View Cottages dated 13.03.1981. The copy of the Registration Certificate of Establishment for Sea View Cottages dated 13.03.1981 issued by the Labour Inspector Mapusa, Goa is enclosed herewith as Annexure R-8.</p> <p>(d) Certificate of registration of Hotel "Sea View Cottages" issued by the Department of Tourism, Government of Goa issued on 22.10.2019. The copy of the Certificate of registration of Hotel "Sea View Cottages" issued by the Department of Tourism, Government of Goa issued on 22.10.2019 is enclosed herewith as Annexure R-9.</p> <p>(e) Site Inspection Report dated 26.02.2020 filed in Writ Petition No. 04/2020 filed before the Hon'ble High court of Bombay. Structure 'A' of the Site Inspection Report dated 26.02.2020 corresponds to structure 'A' of the Show Cause Notice dated 09.02.2024.</p>

2.		Structure "N1" is a Toilet block with laterite stone masonry wall covered with G.I sheet roofing constructed on permanent base	Discharged	<p>(a) The Site Plan of the Site Inspection Report dated 26.02.2020 filed in Writ Petition No. 04/2020 filed before the Hon'ble High court of Bombay, reflects this structure existing prior to the year 1991.</p> <p>(b) This structure is reflected in the Survey Plan promulgated in the year dated 1971-1972.</p>
3.		Structure "T1" is a Well with concrete parapet wall covered with G.I sheet roofing constructed on permanent base.	Discharged	<p>(a) Permit for sinking well under Section 5(4) of the Goa Ground Water Regulation Act, 2002 granted to Pires Luis Antonio Permit No. 1578/2019 dated 04.04.2019. The copy of the Permit No. 1578/2019 dated 04.04.2019 issued by the Ground Water officer, Water Resource Department is enclosed herewith as Annexure R-10.</p> <p>(b) Water Resource Development Receipt for payment to government dated 04.04.2019. The copy of the Water Resource Development Receipt for payment to government dated 04.04.2019 issued by the Ground Water officer, Water Resource Department is enclosed herewith as Annexure R-11.</p> <p>(c) No objection granted by the Office of the Village Panchayat, Calangute dated 02.05.2019 for sinking open well. The copy of the NOC dated 02.05.2019 bearing No. VP/Cal/F-13/19-20/190 issued by the Office of Village Panchayat, Calangute is enclosed herewith as Annexure R-12.</p>
4.		Structure "M1" is a Permanent Generator Room with Beam, slab and column.	Demolished	
5.		Structure "B" is a Structure with sloping Mangalore tile roofing constructed with laterite stone masonry wall built on permanent base. The structure consists of 2 rooms with verandah	Demolished	

6.		Structure "H1" is built with laterite stone masonry walls and Mangalore tile roofing constructed on permanent base	Demolished	
7.		Structure "K1" is covered with laterite stone masonry walls and Mangalore tile roofing constructed on permanent base	Demolished	

AS PER SHOW CAUSE NOTICE DATED 30.07.2024

Sr.No	Impugned Property	Impugned Structure for Respondent No.1	Finding as per Order dated 17.02.25 of Respondent No.1	Documents relied on
1.	Survey 242/1-A	Structure "A" is a Ground floor structure with laterite masonry plastered walls constructed on permanent walls	Discharged	(a) This structure is reflected in the Survey Plan promulgated in the year dated 1971-1972. (b) Conversion Order dated 26.07.1977 passed by The Collector, North-Goa at Panaji, on an Application filed by Mr. Mario Pires for conversion of 3760 Sq.mtr of Survey No. 242/1 for Commercial Purpose. The Copy of the Conversion Order dated 26.07.1977 passed by Collector, North-Goa at Panaji is

enclosed herewith as **Annexure R-13.**

- (c) The Construction License dated 28.06.1978 bearing Reference No. VPT/CAL/78-79/F-13AC/404 obtained by the uncle of the Respondent No.1 viz. Mr. Mario Pires from the Gram Panchayat, Calangute, Bardez, Goa.

The Copy Construction License dated 28.06.1978 bearing Reference No. VPT/CAL/78-79/F-13AC/404 issued by the Gram Panchayat, Calangute, Bardez, Goa is enclosed herewith as **Annexure R-14.**

- (d) License for Construction of House dated 20.06.1979 issued by the Gram Panchayat, Calangute.

The Copy of the Construction License dated 20.06.1979 issued by the Village Panchayat of Calangute is enclosed herewith as **Annexure R-15.**

- (e) The Registration Certificate of Establishment for Sea View Cottages dated 13.03.1981. (Already annexed hereinabove)

- (f) Order dated 10.04.1981 issued by the. The Copy of the Order dated 10.04.1981 issued by the Court of Additional Collector, Goa in Case No. RB/CNV/ILG/177/80 is enclosed herewith as **Annexure R-16.**

- (g) Receipt for payment of penalty of amount of Rs. 231 dated 12.06.1981 in terms of order dated 10.04.1981 passed by the Court of Additional Collector Goa. The copy of the Receipt for

				<p>payment of penalty of amount of Rs. 231 dated 12.06.1981 issued by the Office of the Collector, Goa is enclosed herewith as Annexure R-17.</p> <p>(h) House Tax Receipts dated 10.07.1986 for the year 1983-1986 for the House No. 7/2D. The copy of the House Tax Receipt for House No. 7/2D dated 10.07.1986 issued by the Office of Village Panchayat, Calangute is enclosed herewith as Annexure R-18.</p> <p>(i) Certificate of registration of Hotel “Sea View Cottages” issued by the Department of Tourism, Government of Goa issued on 22.10.2019. (Already annexed hereinabove)</p> <p>(j) Site Inspection Report dated 26.02.2020 filed in Writ Petition No. 04/2020 filed before the Hon’ble High Court of Bombay. Structure ‘C’ of the Site Inspection Report dated 26.02.2020 corresponds to structure ‘A’ of the Show Cause Notice dated 30.07.2024.</p> <p>(k) The copy of the letter dated 09.07.2025 issued by the office of the Village Panchayat, Calangute. The Copy of the letter dated 09.07.2025 issued by the office of the Village Panchayat, Calangute is enclosed herewith as Annexure R-19.</p>
2.		Structure “B” is Ground floor structure with laterite masonry plastered walls constructed permanent walls. The Structure	Discharged	<p>(a) This structure is reflected in the Survey Plan promulgated in the year dated 1971-1972.</p> <p>(b) Conversion Order dated 26.07.1977 passed by The Collector, North-Goa at Panaji,</p>

		partly extends in Survey No. 242/1		<p>on an Application filed by Mr. Mario Pires for conversion of 3760 Sq.mtr of Survey No. 242/1 for Commercial Purpose. (Already annexed hereinabove)</p> <p>(c) The Construction License dated 28.06.1978 bearing Reference No. VPT/CAL/78-79/F-13AC/404 obtained by the uncle of the Respondent No.1 viz. Mr. Mario Pires from the Gram Panchayat, Calangute, Bardez, Goa. (Already annexed hereinabove)</p> <p>(d) License for Construction of House dated 20.06.1979 issued by the Gram Panchayat, Calagute. (Already annexed hereinabove)</p> <p>(e) The Registration Certificate of Establishment for Sea View Cottages dated 13.03.1981. (Already annexed hereinabove)</p> <p>(f) Order dated 10.04.1981 issued by the Court of Additional Collector of Goa imposing penalty of Rs. 231. (Already annexed hereinabove)</p> <p>(g) Receipt for payment of penalty of amount of Rs. 231 dated 12.06.1981 in terms of order dated 10.04.1981 passed by the Court of Additional Collector Goa. (Already annexed hereinabove)</p> <p>(h) House Tax Receipts dated 10.07.1986 for the year 1983-1986 for the House No. 7/2C. The copy of the House Tax Receipts for the House No. 7/2C dated 10.07.1986 issued by the Office of the Village Panchayat,</p>
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				<p>Calangute is enclosed herewith as ANNEXURE R-20.</p> <p>(i) Certificate of registration of Hotel “Sea View Cottages” issued by the Department of Tourism, Government of Goa issued on 22.10.2019. (Already annexed hereinabove)</p> <p>(j) Site Inspection Report dated 26.02.2020 filed in Writ Petition No. 04/2020 filed before the Hon’ble High court of Bombay. Structure ‘D’ of the Site Inspection Report dated 26.02.2020 corresponds to structure ‘B’ of the Show Cause Notice dated 30.07.2024.</p> <p>(k) The copy of the letter dated 09.07.2025 issued by the office of the Village Panchayat, Calangute. (Already annexed hereinabove)</p>
3.		<p>Structure “C” is a Ground floor structure with laterite masonry plastered walls constructed permanent walls. The Structure partly extends in Survey No. 242/1. The property is partly covered with concrete paver pathways/footpath and further extends in Survey No. 242/1 and bounded partly compounds wall combined with G.I pipes.</p>	Discharged	<p>(a) This structure is reflected in the Survey Plan promulgated in the year dated 1971-1972.</p> <p>(b) Conversion Order dated 26.07.1977 passed by The Collector, North-Goa at Panaji, on an Application filed by Mr. Mario Pires for conversion of 3760 Sq.mtr of Survey No. 242/1 for Commercial Purpose. (Already annexed hereinabove)</p> <p>(c) The Construction License dated 28.06.1978 bearing Reference No. VPT/CAL/78-79/F-13AC/404 obtained by the uncle of the Respondent No.1 viz. Mr. Mario Pires from the Gram Panchayat, Calangute, Bardez, Goa. (Already annexed hereinabove)</p>

			<p>(d) License for Construction of House dated 20.06.1979 issued by the Gram Panchayat, Calagute. (Already annexed hereinabove)</p> <p>(e) The Registration Certificate of Establishment for Sea View Cottages dated 13.03.1981. (Already annexed hereinabove)</p> <p>(f) Order dated 10.04.1981 issued by the Court of Additional Collector of Goa imposing penalty of Rs. 231. (Already annexed hereinabove)</p> <p>(g) Receipt for payment of penalty of amount of Rs. 231 dated 12.06.1981 in terms of order dated 10.04.1981 passed by the Court of Additional Collector Goa. (Already annexed hereinabove)</p> <p>(h) House Tax Receipts dated 10.07.1986 for the year 1983-1986 for House No. 7/2B. The copy of the House Tax Receipts for House No. 7/2B dated 10.07.1986 issued by the Office of the Village Panchayat, Calangute is enclosed herewith as ANNEXURE R-21.</p> <p>(i) Certificate of registration of Hotel "Sea View Cottages" issued by the Department of Tourism, Government of Goa issued on 22.10.2019. (Already annexed hereinabove)</p> <p>(j) Site Inspection Report dated 26.02.2020 filed in Writ Petition No. 04/2020 filed before the Hon'ble High Court of Bombay. Structure 'E' of the Site Inspection Report dated 26.02.2020 corresponds to</p>
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				<p>structure 'C' of the Show Cause Notice dated 30.07.2024.</p> <p>(k) The copy of the letter dated 09.07.2025 issued by the office of the Village Panchayat, Calangute. (Already annexed hereinabove).</p>
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17. Apart from the facts stated hereinabove, it is submitted that originally, the property bearing 242/1 was owned by Mr. Luis Antonio Sarto Pires which he had inherited from his Late Father, Mr. Anthony Joseph Pires. The said Mr. Luis Antonio Sarto Pires allowed his brother Mr. Mario Pires to construct various structures, comprising of rooms which were used as a source of income. The Construction License dated 28.06.1978 bearing Reference No. VPT/CAL/78-79/F-13AC/404 was obtained by the uncle of the Respondent No.1 viz. Mr. Mario Pires from the Gram Panchayat, Calangute, Bardez, Goa.
18. The said Construction License, which was initially granted in favour of Mr. Mario Pires was later transferred in the name of the Answering Respondent.
19. The Collector, North-Goa at Panaji, with regard to the Survey No.242/1 had passed a Conversion Order dated 26.07.1977 on an Application filed by Mr. Mario Pires for conversion of 3760 Sq.mtr. of Survey No. 242/1 for Commercial Purpose. It is therefore submitted that the Respondent No.1 has obtained all the requisite permissions for the existing structures.
20. It is submitted that in compliance of the directions passed in the Impugned Order dated 17.02.2025 by the Respondent No.4, the demolition of Structures "M1" "B" "H1" "K1" has been undertaken. A copy of the Compliance report dated 02.09.2025 issued by the Goa Coastal Zone Management Authority is enclosed herewith as **Annexure R-22**.
21. In view of the submissions made herein above, it is most respectfully submitted that the Respondent No. 1 has all valid and legal permissions pertaining to the structures which have been discharged by the Respondent No. 4 vide the Impugned Order and all those structures have been constructed prior to 1991. Thus, there is no substance in the argument of the Appellant herein that the Impugned Structures have been constructed after 1991, without any permissions from the relevant authorities.

22. Therefore, it is submitted that the present Appeal is not driven by any bona fide environmental concerns but is motivated purely by personal vendetta and an attempt to settle private disputes. Moreover, the subject matter of the present Appeal has already been adjudicated upon and disposed of by the Hon'ble High Court of Bombay at Goa. As such, the same is barred by the doctrine of *res judicata*. The Appellant herein has wilfully failed to disclose this material fact, thereby misleading this Hon'ble Tribunal. Furthermore, the Appellant has been targeting only the Respondents while several similarly placed structures and violations in the immediate vicinity have been conveniently ignored. This shows the mala fide intent behind the present proceedings. It is therefore submitted that the present Appeal ought to be dismissed in limine by imposing Exemplary costs on the Appellant.
23. Moreover, it is brought to the attention of this Hon'ble Tribunal, that with regard to the demolition of the structures belonging to the Answering Respondent present on Survey No. 242/1, the Village Panchayat, Calangute while exercising its power under Section 66 (4) of GPRA vide its Order bearing No. V.P./Cal/F-20/11-12/7006 dated 27.12.2011 ordered the demolition of the structures on Survey No. 242/1. It is submitted that these are the same structures which formed a part of the scrutiny of the Respondent No.4 vide the Impugned Order in terms of the Show Cause Notice dated 09.02.2024 and 30.07.2024. The Copy of the Order bearing No. V.P./Cal/F-20/11-12/7006 dated 22.12.2011 passed by the Village Panchayat, Calangute is enclosed herewith as **Annexure R-23**.
24. It is submitted that, challenging the Demolition Order dated 27.12.2011 passed by the Village Panchayat, Calangute, the Respondent No.1 preferred Appeal bearing No. ADP-I/Calangute/P.A./141/2025 before the Appellate Authority i.e. Additional Director of Panchayats-I, Panaji under section 66(7) of the GPRA Act. Further, as there was delay in filing the Appeal before the Appellate Authority, the Respondent No.1 had also preferred an Application for condonation of delay in filing the Appeal bearing No. ADP-I/Calangute/P.A./141/2025 which was allowed by the Appellate Authority vide its order dated 12.08.2025.
25. It is submitted that being aggrieved by the Order dated 12.08.2025 condoning the delay in filing the Appeal bearing No. ADP-I/Calangute/P.A./141/2025, the Appellant herein preferred Writ Petition No. 2241/2025 before the Hon'ble High Court of Bombay at Goa. The Hon'ble High Court vide its Order dated 22.08.2025 passed in Writ Petition No.

2241/2025 restrained the Appellate Authority, before which the Appeal bearing No. ADP-I/Calangute/P.A./141/2025 is pending, to proceed with the Appeal until the disposal of the Writ Petition No. 2241/2025. The Copy of the Order dated 22.08.2025 passed by the Hon'ble High Court of Bombay at Goa in Writ Petition No. 2241/2025 is enclosed herewith as **Annexure R-24**.

26. Thereafter, the Writ Petition No. 2241/2025 was listed before the Hon'ble High Court on 26.09.2025, wherein the Hon'ble High Court was pleased to list the matter on 07.11.2025. The Copy of the Order dated 26.09.2025 passed by the Hon'ble High Court of Bombay at Goa in Writ Petition No. 2241/2025 is enclosed herewith as **Annexure R-25**.
27. It is submitted that subsequently when Writ Petition No. 2241/2025 was listed before the Hon'ble High Court of Bombay at Goa on 07.11.2025, the Hon'ble High Court directed the parties to complete the pleadings. The Copy of the Order dated 07.11.2025 passed by the Hon'ble High Court of Bombay at Goa in Writ Petition No. 2241/2025 is enclosed herewith as **Annexure R-26**.
28. It is submitted that although, the pendency of the Writ Petition No. 2241/2025 has no bearing to the present case as the alleged violations under the CRZ Notification are independent and not in conflict with any other law, the answering Respondent by way of abundant caution is bringing complete facts before this Hon'ble Court.
29. It is respectfully submitted that Respondent No. 4, in its reply dated 30.07.2025, has categorically admitted that Structures A, N1 and T1 as referred to in the show cause notice dated 09.02.2024, and Structures A, B and C, as referred to in the show cause notice dated 30.07.2025, were in existence prior to the year 1991. In view thereof, the impugned order dated 17.02.2025 has been rightly passed upon due consideration of the material on record and with complete application of mind.
30. Further, the Directorate of Settlement and Land Records, Government of Goa has prepared a Survey Plan bearing reference No. 8603 dated 09.05.2025 for Survey No. 242/1. The said Survey Plan also depicts the Impugned Structures to be existing prior to the year 1991. The copy of the Survey Plan bearing reference No. 8603 dated 09.05.2025 for Survey No. 242/1 prepared by the Directorate of Settlement and Land Records, Government of Goa is enclosed herewith as **Annexure R-27**.

PARA WISE REPLY

1. The contents of Para No. 1 of the present Appeal needs no reply as it is a matter of fact.
2. The contents of Para No. 2 of the present Appeal needs no reply as it is a matter of fact.
3. With regard to Para No. 3, it is respectfully submitted that the allegations made by the Appellant in the Complaint letters dated 23.01.2023 and 08.06.2023 are false, frivolous, and baseless and are completely contrary to the facts and circumstances of the present case. Further, it is pertinent to note that one Mr. Wenceslau Frances D'Souza had previously instituted Original Application No. 116/2022 before this Hon'ble Tribunal, seeking demolition of the very same structures that are the subject matter of the present Appeal, which arises out of the Impugned Order dated 17.02.2025 passed by Respondent No. 4, discharging the alleged structures. It is respectfully submitted that this Hon'ble Tribunal, vide orders dated 02.01.2023 and 09.01.2023 in the said Original Application, upheld both the Inspection Report submitted by Respondent No. 4 pursuant to the directions of the Hon'ble High Court in PIL WP No. 04/2020 and the orders of the Hon'ble High Court itself, having found them to be the result of due application of mind and supported by cogent and well-reasoned findings.
4. With regard to Para No. 4, it is submitted that the Appellant emphasizes on the Site Inspection dated 05.06.2023 and Mapping dated 24.11.2023, however, the Appellant has only annexed the 24.11.2023 mapping, which does not conclude the structures on the Impugned Property to be in violation of the CRZ Notification, 1991.
5. With regard to Para No.5 of the present Appeal needs no reply as it is a matter of fact.
6. With regard to Para No.6 of the present Appeal needs no reply as it is a matter of fact.
7. With regard to Para No.7 of the present Appeal needs no reply as it is a matter of fact.
8. With regard to Para No.8 of the present Appeal needs no reply as it is a matter of fact.
9. With regard to Para No.9 of the present Appeal needs no reply as it is a matter of fact.
10. With regard to Para No.10 of the present Appeal needs no reply as it is a matter of fact.
11. With regard to Para No.11 of the present Appeal needs no reply as it is a matter of fact.
12. With regard to Para No.12 of the present Appeal needs no reply as it is a matter of fact.
13. With regard to Para No. 13, it is submitted that the Appellant has invited the attention of this Hon'ble Tribunal to two orders of the Village Panchayat of Calangute viz. Order dated 28.01.2010 and 15.10.2012 directing demolition of structures on Survey No. 242/1 which

is owned by Nalini Da Rosa herein called as Respondent No. 2. Since the answering Respondent has no concern with the said structures, the same needs no reply.

14. With regard to Para No. 14, it is submitted that the alleged properties and structures belong to Respondent No.2 and hence need no reply by Respondent No. 1.
15. With regard to the contents of Para No. 15, the contents therein have no concern with Answering Respondent and hence needs no reply.
16. With regard to the contents of Para No. 16 of the present Appeal, it does not pertain to structures claimed by Respondent No. 1, hence no reply needed.
17. With regard to the contents of Para No. 17 of the present Appeal, it is submitted that the Application for regularisation does not pertain to structures claimed by Respondent No. 1 and therefore this para needs no reply.
18. With reference to the contents of Para No. 18 and 19 of the present Appeal, it is submitted that the contents therein do not concern the Answering Respondent and therefore needs no reply.
19. With reference to Para No. 20, it is once again reiterated that one Mr. Wenceslau Francis D'Souza had filed a PIL Writ Petition No. 04 of 2020 before the Hon'ble High Court of Bombay at Goa alleging construction of illegal structures within the No Development Zone of Survey No. 242/1 of village Calangute. Vide the Order dated 22.01.2020, the Hon'ble High Court directed the Respondent No. 4 herein to carry out an inspection at the site in order to determine whether there was any prima facie merit in the allegation. In compliance of the Order passed by the Hon'ble Court, the Respondent No. 4 filed its Site Inspection Report dated 26.02.2020. The validity of the Inspection Report dated 26.02.2020 has also been duly affirmed by the Hon'ble High Court of Bombay at Goa in PIL Writ Petition No. 04 of 2020 vide order dated 24.09.2021. Further, the Original Application No. 116/2022 (WZ) filed before this Hon'ble Tribunal challenging the alleged Illegal Construction at the Impugned Property has been dismissed vide Order dated 09.01.2023 on the ground that the Hon'ble High Court had passed its Order dated 24.09.2021 on merits taking into consideration the Inspection Report dated 26.02.2020 During the said inspection, Respondent No.1 produced several documents evidencing that the structures on the Impugned Property existed prior to the year 1991. It is further submitted that the documents relied upon by Respondent No.1 during the said inspection are also relied by

the Respondent No. 1 in its Reply dated 04.03.2024 and Reply dated 08.08.2024 submitted to Respondent No.4.

20. In context of Para 21, it is submitted that the contents therein do not concern the Answering Respondent and therefore needs no reply.
21. With reference to Para No. 22, it is submitted that the Appellant has placed reliance on the Survey Plan issued by the RSI, Hyderabad. However, it is submitted that the said Survey Plan, in fact, accurately reflects the status of the properties on the Impugned Property and substantiates the existence of the structure thereon prior to the year 1991. Therefore, the said document does not support the case of the Appellant but rather affirms the contention of Respondent No.1 regarding the pre-1991 existence of the structure on the Impugned Property.

REPLY TO THE GROUNDS/CHALLENGE

22. With reference to Para No. 23, it is submitted that the Appellant herein has merely reiterated the grounds for filing the present Appeal. However, the Respondent No.1 respectfully places reliance on the foregoing submissions and the Para -wise reply hereinabove to effectively controvert and rebut the grounds raised by the Appellant.
23. With reference to Para No. 23.1, the Appellant has mislead the Hon'ble Tribunal by stating false and frivolous facts which are contrary to the findings of the Respondent No.4 made in the Impugned Order. It is pertinent to note that the construction of the afore-mentioned Structures as enumerated in the Show Cause Notice Dated 09.02.2024 and 30.07.2024 undertaken by the respondent herein are well within the domain of law as the structures that are discharged in terms of the Impugned Order have proper permissions which are issued by the Relevant Authorities.
24. With reference to Para No. 23.2, the Appellant has deliberately sought to mislead this Hon'ble Tribunal and create confusion by grossly exaggerating the number, nature, and use of the structures in question, as well as the number of rooms therein. Therefore, to refute the false, frivolous, and unsubstantiated allegations made by the Appellant regarding the purported illegality of the commercial use of the said structures, the Respondent herein has produced various permissions which are mentioned in the Table of the Preliminary submissions herein-above. The said permissions substantiate the legitimacy of the

commercial use and demonstrates that the requisite permissions are in place. The baseless nature of the Appellant's allegations not only calls into question the credibility of the statements made but also indicates that such assertions are retaliatory in nature.

25. With reference to Para No. 23.3, it is submitted that the contents therein do not concern the Answering Respondent and therefore needs no reply.
26. With reference to Para No. 23.4, it is respectfully submitted that it is the case of the Appellant herein that the reliance of the Answering Respondent on the approval from the Municipal Camara de Bardez is misplaced as the said Approval is in respect of some Umtavaddo Property and not the subject property which is Sauntawaddo. In this regard, it is submitted that the permission of Municipal Camara de Bardez erroneously mention Umtavaddo instead of Sauntawaddo as the same is a typographical error. It may be noted that there is no such property viz. Umtavaddo in Calangute, Goa. It is therefore submitted that the said in view of the typographical error, the permission from the Municipal Camara de Bardez dated 18.11.1970 is concerning the Impugned Property. With regard to the allegation of the Appellant herein that there is no WRD or Local Body permission, it is submitted that the Appellant herein relies on the permit for Sinking Well dated 04.04.2019, Water Resource Development Receipt dated 04.04.2019 as well as the No objection Certificate dated 02.05.2019 from the Village Panchayat Calangute (already annexed hereinabove). With regard to the contention of the Appellant that the permission of Village Panchayat of Calangute dated 28.06.1978 was for construction of a house and septic tank and not for 8 rooms, it is submitted a penalty of Rs. 231 was imposed by the Court of Additional Collector of Goa (Annexed herein as Annexure R-16). In compliance of the same, the Penalty amount of Rs. 231 was paid on 12.06.1981 with the office of Additional Collector of Goa. Therefore, it is submitted that with regard to Structures A, B and C as per Show Cause Notice Dated 30.07.2024, the Answering Respondent has rightly relied on the permission of Village Panchayat of Calangute dated 28.06.1978.
27. The Contents of Para No. 23.5 of the present appeal do not pertain to structures claimed by Respondent No. 1, hence need no reply.
28. The Contents of Para No. 23.6 of the present appeal do not pertain to structures claimed by Respondent No. 1, hence need no reply.

29. The Contents of Para No. 23.7 of the present appeal do not pertain to structures claimed by Respondent No. 1, hence need no reply.
30. The Contents of Para No. 23.8 of the present appeal do not pertain to structures claimed by Respondent No. 1, hence need no reply.
31. The Contents of Para No. 23.9 of the present appeal do not pertain to structures claimed by Respondent No. 1, hence need no reply.
32. With reference to Para No. 23.10, it is submitted that the structures A, B, C in Survey No. 242/1-A in terms of the Show Cause Notice dated 30.07.2024 pertain to structures C, D, E of the Site Inspection Report dated 26.02.2020. Further, the said structures are also shown in the Survey Map of 1971-1972 and therefore, the said structure are existing prior to the year 1991.
33. The Contents of Para No. 23.11 of the present appeal do not pertain to structures claimed by Respondent No. 1, hence need no reply.
34. The Contents of Para No. 23.12 of the present appeal do not pertain to structures claimed by Respondent No. 1, hence need no reply.
35. With reference to Para No. 23.13, it is respectfully submitted that the Appellant has repeatedly advanced the contention that the order passed by the Goa Coastal Zone Management Authority (GCZMA) is solely based on the Inspection Report 26.02.2020. It is submitted that the impugned order of the GCZMA is a reasoned and speaking order rendered after due consideration of multiple factors, including but not limited to the inspection report. It is further submitted that all structures alleged by the Appellant to be illegal are, in fact, duly supported by documentary evidence establishing their existence prior to the year 1991. Additionally, the said structures have obtained all requisite statutory approvals and clearances from competent authorities. Accordingly, the allegations of illegality and CRZ violations as advanced by the Appellant are baseless and devoid of merit.
36. For the Contents of Para No. 23.14, it is submitted that there is no legal ground over which the Appellant is raising objections over the inspection report and asking for a fresh inspection over the subject properties structure. Further, there is no new cause of action or an illegal construction carried out by the Respondent herein that can be the subject matter of a new inspection over the said structures. The inspection reports made the by concerned

authorities have clearly state and read every document and facts given by the Respondents and have concluded correctly over the said structures. All these are just frivolous attempts by the Appellant to purse this case further and unnecessarily prolong this litigation. The Appellant should be put to strict proof to show any illegality in the Impugned Order upon asking for new inspection.

37. With reference to Para no. 23.15, it is humbly submitted that the present appeal is a result of the Impugned Order passed by the GCZMA dated 17.02.2025 based upon the two Show Cause Notice against the Respondent No. 1 to 3 dated 09.02.2024 and 30.07.2024. A plain reading of these documents clearly reveals that there is no direction, observation, or indication therein suggesting that any form of compensation is to be imposed upon Respondent No. 2. Furthermore, it is pertinent to note that the issue of compensation was never raised by the Appellant in any of the previous proceedings. In any event, such a question—if at all maintainable—ought to have been properly addressed to Respondent No. 4, i.e., the Goa Coastal Zone Management Authority (GCZMA), which is the competent authority vested with the statutory discretion to determine whether compensation is warranted, and if so, in what manner and quantum and not by the Appellant. The imposition or quantification of compensation cannot be unilaterally dictated or suggested by the Appellant and lies solely within the jurisdictional domain and discretion of the appropriate regulatory authority.

38. The Contents of the Para No. 23.16 needs no reply.

REPLY TO ENVIRONMENTAL DAMAGE COMPENSATION

39. With reference to Para No. 24, it is respectfully submitted that the present appeal arises from the Impugned Order dated 17.02.2025 passed by the Goa Coastal Zone Management Authority (GCZMA), pursuant to the issuance of two Show Cause Notices dated 09.02.2024 and 30.07.2024 against Respondents No. 1 to 3. A plain and careful reading of the said documents reveals that there is no direction, observation, or indication therein that any form of compensation is to be imposed upon Respondent No. 1. It is further submitted that the issue of compensation was never raised by the Appellant in any of the previous proceedings and does not form part of the original cause of action. Even assuming without admitting that such a plea is maintainable, the same is clearly misdirected, as the authority

competent to examine and determine such matters is Respondent No. 4, i.e., the GCZMA. It is within the exclusive statutory discretion of the GCZMA to decide whether compensation is warranted, and if so, to determine the manner, extent, and quantum of such compensation. Moreover, the Appellant has no authority, locus, or jurisdiction to direct or dictate to the competent authority the imposition or quantification of any amount to be recovered as compensation. Any such attempt by the Appellant amounts to a clear overreach and is legally unsustainable. The power to initiate, evaluate, and impose compensatory liability vests solely with the statutory authority, and not with a private party to the proceedings. Accordingly, the Appellant's contentions in this regard are wholly devoid of merit and liable to be rejected.

REPLY TO OTHER LITIGATION PENDING BEFORE THE PARTIES.

40. The Contents of the Para No. 25 of the present Appeal need no reply.

REPLY TO LIMITATION

41. With reference to Para No. 26, it is submitted that the Appellant herein has claimed that the Impugned Order was received by the Appellant only on 19.02.2025 and therefore the present Appeal as filed on 21.03.2025 is within the period of limitation. In this regard, it is submitted that the Appellant has not provided any proof of documents to show that the Impugned Order was served to the Appellant only on 19.02.2025. It is therefore submitted that the present Appeal challenging the Impugned Order dated 17.02.2025 ought to have been filed within a period of 30 days i.e. by 19.03.2025. It is therefore submitted that the present Appeal is beyond the period of limitation as stipulated under Section 16 of the National Green Tribunal Act, 2010 and therefore ought to be dismissed on grounds of delay.

REPLY TO JURISDICTION

42. With reference to Para No. 27, it is respectfully submitted that the contents of the said paragraph do not warrant any specific response. However, in view of the specific facts and

circumstances mentioned hereinabove, this Hon'ble Tribunal ought not to interfere with the well-reasoned Impugned Order passed by the Respondent No.4.

43. The contents of Para No. 28 to 32 of the present Appeal need no reply.

REPLY TO PRAYERS

44. In view of the submissions made herein above, it is most respectfully submitted that the Respondent No. 1 has all valid and legal permissions pertaining to the structures which have been discharged by the Respondent No. 4 vide the Impugned Order and all those structures have been constructed prior to 1991. Thus, there is no substance in the argument of the Appellant herein that the Impugned Structures have been constructed after 1991, without any permissions from the relevant authorities.

45. Therefore, it is submitted that the present Appeal is not driven by any bona fide environmental concerns but is motivated purely by personal vendetta and an attempt to settle private disputes. Moreover, the subject matter of the present Appeal has already been adjudicated upon and disposed of by the Hon'ble High Court of Bombay at Goa. As such, the same is barred by the doctrine of *res judicata*. It is therefore submitted that the present Appeal ought to be dismissed in limine by imposing Exemplary costs on the Appellant.

46. In light of the foregoing submissions, it is most respectfully submitted that the present Appeal is devoid of merit and is liable to be dismissed, with exemplary costs imposed upon the Appellant, so as to discourage the institution of such frivolous and vexatious litigation.

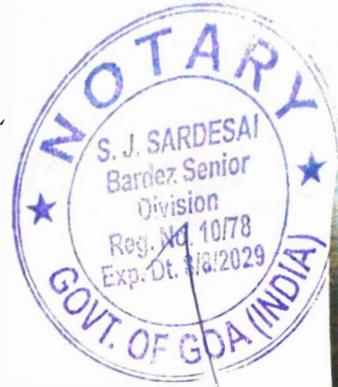


Place: Pune
Date: 17.11.2025

Sangram Singh R. Bhonsle, Samridhi S. Jain & Chaitanya Dixit
ADVOCATES FOR RESPONDENT NO. 1
A-10, LGF, Lajpat Nagar III,
New Delhi-110024
samridhi12318@gmail.com
Mobile: 9890210579

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

Appeal No. 82/2025 WZ



IN THE MATTER OF:

SYLVESTER D'SOUZA

.....APPELLANT

VERSUS

JOSEPH S. ROSA AND ORS.

.....RESPONDENTS

AFFIDAVIT

I, Mr. Joseph S. Rosa, aged about 69 years, Indian National, businessmen, presently residing at Saunta Waddo, Calangute, Bardez - Goa, do hereby solemnly affirm and state as under:

1. That I am the Respondent No. 1 in the present Appeal. I am conversant with the facts and circumstances of the case and as such competent to swear the present Affidavit.
2. That the contents of the present Reply are facts true to my knowledge and contains submissions and prayers to this Hon'ble Court based on legal advice and the same is believed to be true and correct.
3. That the annexures filed along with the present Reply are the true copies of their respective originals.

S. J. Sardeesai
DEPONENT

VERIFICATION

Verified at Mapusa on this 14th day of November, 2025 that the contents of the present affidavit are true and correct and nothing material has been concealed therefrom.

[Signature]

DEPONENT

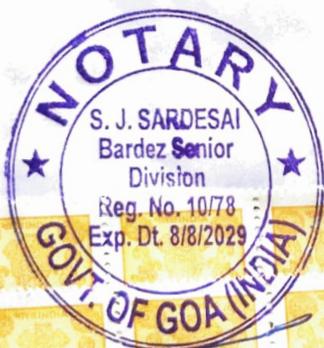
(I declare for his Adhar Card
6813 1449 8500)



BEFORE ME
MAPUSA - GOA ON 14 NOV 2025

[Signature]

S. J. SARDESAI
ADVOCATE - NOTARY
MAPUSA GOA



Reg. No. 13034/2025

ANNEXURE R-1

IN THE HIGH COURT OF BOMBAY AT GOA

Rule 4(E) of the Bombay High Court Public Interest
Litigation Rules, 2010

P. I. L. Writ Petition No. 04 /2019

1. Mr. Wenceslau Francis D'Souza

R/o H. No. 23/9, Ward No. IX

Ansabhat Mapusa

Bardez Goa

Phone No. 9850167437

Fax No. Nil

PAN Number: Nil

Aadhar Card No.: Nil

Email: Nil

Income: 60, 000 p.a

2. Mr. George Bengamin Fernandes

R/o H. No. 4/43 (1701/2)

Porba Waddo, Calangute

Bardez Goa

Phone No. 9850025499

Fax No. Nil

PAN Number: AAFPF9369Q

Aadhar Card No.: Nil

Email: Nil

Income: 1, 20, 000 p.a

...Petitioners

v/s

1. The State of Goa

- Through Chief Secretary
Secretariat Porvorim
Bardez Goa
2. Goa Coastal Zone Management Authority
Through its Member Secretary
1st Floor, Pandit Deendayal Upadhyay Bhavan
Pundalik Nagar Porvorim Goa
3. The Village Panchayat of Calangute
Through its Secretary
Calangute Bardez Goa
4. Dy. Collector & SDO of Bardez
Office of the Dy. Collector & SDO
Mapusa Goa
5. Assistant Engineer
Electricity Department
Division VI, O & M
Mapusa Goa
6. The Executive Engineer
Works Division-XVII, Public Works Department
Government of Goa
Porvorim Goa
- ✓ 7. Ms. Nalini Da Rosa Fernandes
Saunta Waddo, Calangute,
Bardez- Goa
8. Joseph S. Rosa
Saunta Vaddo, Calangute
Bardez Goa
9. The Director
Department of Tourism
Paryatan Bhavan
Patto Panaji Goa
10. The Director
Directorate of Food and Drugs

Government of Goa

Altinho Panaji Goa

11. The Senior Town Planner

Town and Country Planning Department

Mapusa Goa

12. Mrs. Lalan Jacques

Saunta Waddo Calangute

Bardez Goa

... Respondents

- All registered addresses.

PUBLIC INTEREST LITIGATION PETITION

I. Particulars of the cause/order against which the Petition

is made: -

1. This Petition is filed to bring to the notice of this Hon'ble Court the failure and inaction, on part of the respondents No. 2 and 3 to demolish the illegal structures namely "Palmgrove Cottages" and "Seaview Cottages" in the property bearing survey no. 242/1 of Village Calangute, Bardez Goa which fall within the No Development Zone i.e. within 200 mts of the High Tide Line constructed by the Respondents no. 7 and 8 herein.

II. Particulars of the Petitioners

2. Petitioners are public spirited citizens interested in maintaining and preserving the ecology and the environment. The petitioners seek to once again bring

through the present petition serious violations of the CRZ regulations by the respondents 7 and 8 in the property bearing survey No. 242/1 of village Calangute, Bardez-Goa within 200 meters of the high tide line.

3. The petitioner No. 2 is a member of the Organization known as "Calangute United (Kongottcho Ekvott) Social and Cultural Association" having registration No.348/Goa/2007 which is actively involved in environmental and social issues effecting the village of Calangute. The said Non-Government Organization has taken up matters relating to the environment and have filed representations before the Village Panchayat of Calangute and have been actively involved in stopping projects being built over the sand dunes and those projects blatantly violating the coastal zone regulations. The petitioner No. 2 along with the NGO has taken up issues pertaining to the illegal constructions, hotels and projects which have been illegally constructed the green fields and other areas without the approvals and permission from the Village Panchayat and the town and country planning department. The petitioner No, 2 is a Right to Information activist and has helped various local villagers who have sought his aid.

III. Declaration and undertaking of the Petitioners: -

4. The Petitioners have filed this petition to once again bring to the notice of this Hon'ble Court, the blatant violation of the Coastal Zone regulations committed by the respondents 7 and 8 by constructing permanent constructions within 200 meters of the high tide line and causing extensions therein without the required permission and approvals from the local authorities of two buildings known as "Palmgrove Cottages" and "Sea View Cottages" comprising of 29 illegal rooms and 42 rooms respectively which have been constructed with the 100 metres of the High Tide Line.

5. That the entire litigation costs, including the advocate's fee and other charges are being borne by the Petitioners.

6. That a thorough research has been conducted in the matter based on which the grounds are raised in the petition.

7. That to the best of the knowledge of the Petitioners and research done by them the issues raised in this petition were not dealt with or decided in any other petition and that a similar or identical petition was not filed earlier by them apart from the P.I.L. bearing PIL WP No. 26 of 2012 which came to be disposed of by this Hon'ble Court vide order dated 22.04.2014 which was not complied with by the Respondents No. 2 and 3 herein.

8. That the Petitioners has understood that in the course of hearing of this petition the court may require any security

PALMGROVE COTTAGES :
29 ILLEGAL ROOMS
SEA VIEW COTTAGES
42 ROOMS

to be furnished towards costs or any charges and the Petitioners shall comply with such requirements.

9. That to the knowledge of the Petitioners there is no civil or criminal litigation pending with regard to the subject matter of this petition before any other Court.

10. The Petitioners has no personal interest in the present matter.

IV. Facts in brief, constituting the cause:-

11. The Petitioners had previously filed a Public Interest Litigation bearing PILWP No. 26 of 2012 before this Hon'ble Court against violations of the CRZ Notification 1991, by Respondents no. 7 and 8 herein in the property bearing survey no. 242/1 of Village Calangute, Bardez Goa within the No Development Zone i.e. within 200 mts of the High Tide Line.

The subject matter of the PIL Petition were illegal constructions in the form of hotels/guest house, namely, "Palmgrove Cottages" and "Seaview Cottages" comprising of 29 and 42 rooms respectively, both of which lie within 200 mts of the High Tide Line and are within the No Development Zone.

In addition to these two hotels, there exists another hotel which is run by the Respondent No. 12, in the name and style of "Village Sol beach resort" consisting of 10

107 147 filed in 26/2012?

VILLAGE SOL BEACH RESORT
10 ROOMS
(RESP NO. 12)

rooms which also falls within the NDZ under CRZ Notification 1991.

12. Briefly, the case set out by the Petitioners in the abovementioned PIL is delineated as under:

- a. It was the case set out by the Petitioners in the abovementioned PIL was that the Respondent no. 7 illegally constructed 29 rooms in the name and style of 'Palmgrove Hotels' in the said property which falls within 200 mts of the High Tide Line and therefore within the NDZ under the CRZ Notification, 1991 without any permissions/licenses from the Respondent no. 2 and 3.

It was further the Petitioners' case that the Respondent no. 8 constructed additional 10 rooms to the structure consisting of 16 rooms known as 'Seaview cottages' without any permissions from any authorities.

- b. All the structures in the said property bearing survey no. 242/1 owned and constructed by the Respondents no. 7, 8 and 9 and their predecessors are illegal as they fall within the No Development Zone under the CRZ Notification, 1991.

c. The Respondents no. 7 and 8 have illegally constructed around 71 rooms in their hotels i.e. "Palmgrove Cottages" (29 rooms) and "Sea View Cottages" (42 rooms). The Respondent no. 12 has illegally constructed 10 rooms and is running the business of hotel under the name and style of "Village Sol Beach Resort"

Annexed hereto and marked as Annexure – A are photos of the illegal structures

d. The Respondent no. 7 initially started with 3 rooms in the year 1996, and thereafter constructed an additional 20 rooms illegally without obtaining any licenses/permissions whatsoever particularly from the respondent no. 2 and 3.

e. In the year 1996, the respondent no. 7 was granted permission for starting paying guest facility in 3 rooms and certificate of registration of hotel by the Respondent no. 9. The said registration was renewed time to time for the said 3 rooms although the respondent no. 7 kept on extending the structure and constructing more rooms in her hotel.

When the respondent no. 7 applied for renewal of registration in the year 2011, she

informed the Tourism Department that she has constructed an additional 20 rooms in the said property attached to the building Palmgrove Cottages and the requested the department to reinspect the guest house and register the rooms as part of the guest house.

- f. Subsequently, the Assistant Tourist Trade Officer requested her to produce clearances from the respondent no. 2 and Goa State Pollution Control Board. The Respondent no. 7 failed to produce the same as she didn't have any such approvals from the respondent no. 2.

Thereafter, an inspection was carried out by the officials of the Department of Tourism on 20.04.2012 and it was noticed that the respondent no. 7 had constructed 29 illegal rooms in the said property as part of the Palmgrove Cottages and subsequently a show cause notice dated 08.06.2012 was issued to the respondent no. 7 to produce relevant documents for registration of the additional rooms within 10 days of receipt failing which the premises would be sealed and arrears would be recovered from her. This action was taken by the respondent no. 9 only upon receipt of a complaint

made by the petitioner dated 25.04.2012. No further action was taken by the respondent no. 9 thereafter.

Annexed hereto and marked as Annexure – B (colly) are copies of show cause notice dated 08.06.2012 and the complaint dated 25.04.2012

g. The Respondent no. 3 too had conducted a Panchanama of the illegal structures constructed by the Respondent no. 7 way back on 16.07.2009 and it was found that the Respondent no. 7 had undertaken illegal construction which was an extension to an earlier existing structure and subsequently it issued a show cause notice dated 23.07.2009 to the Respondent no. 7. No further action was taken against the said illegal structures thereafter.

Annexed hereto and marked as Annexure – C (colly) are copies of the Panchanama dated 16.07.2009 and the show cause notice dated 23.07.2009

h. The respondent no. 8, who is the brother of the respondent no. 7, initially had constructed 16 rooms under the name and style of 'Sun View Cottages' and thereafter he constructed an additional 10 rooms illegally without obtaining any licenses/permissions whatsoever particularly from the respondent no. 2 and 3.

When the respondent no. 9 had inspected the Sea View Cottages in the year 1987, they had 16 rooms and when the said hotel was re inspected on 07.01.2002, it was found that the hotel had a total of 28 rooms along with a restaurant.

The respondent no. 9 had in fact sought the intervention of the Police Inspector, CID CB to investigate into the said illegal hotel project belonging to the respondent no. 8. The site inspection and verification of the said illegal project revealed that the said project had a newly built construction on either side of a swimming pool with a capacity of 48 rooms and that the same were without any construction license

Annexed hereto and marked as
Annexure - D (colly) are copies
of the correspondence between

respondent no. 9 and PI, CID

Crime Branch

i. A notice dated 08.06.2012 was issued to the Respondent no. 8 by the respondent no. 9 stating that upon inspection of its illegal structures, it was found that there existed 42 rooms instead of 16 rooms as claimed by the respondent no. 9 and that he would be liable for punishment under the Goa (Prohibition on Construction) Act, 2005 and also that if he was unable to produce relevant documents/licenses/permissions within 10 of receipt of the letter, they would be at liberty to seal the premises of M/s. Sea View Cottages and recover the cost as arrears of land revenue apart from initiation of civil and criminal proceedings.

Annexed hereto and marked as

Annexure - E is a copy of the

letter dated 08.06.2012

j. In the course of the hearing of the said PI, the Respondent no. 7 stated in her affidavit dated 14.01.2013, that she has filed an application for regularization before the Respondent no. 3 herein i.e. the Village Panchayat of Calangute on 24.09.2003 and that her application

was forwarded by the Village Panchayat to the GCZMA, the Respondent no. 2 herein. She further stated that upon consideration of her application in its meeting held on 01.09.2005, the GCZMA decided that an inspection shall be carried out to consider the case for regularization vis a vis CRZ norms. She further stated in her affidavit that her application for regularization is pending.

Annexed hereto and marked as Annexure -F is a copy of the affidavit in reply filed by the Respondent no. 7 in PILWP 26/2012.

k. When the said PILWP No. 26 of 2012 came up for hearing before this Hon'ble Court on 06.03.2014, the learned Addl. Government Advocate submitted that the application for regularization is under consideration before the concerned authorities and final decision is awaited within three weeks from that day.

Annexed hereto and marked as Annexure - G is a copy of the order dated 06.03.2014

- l. During the course of hearing of the said PILWP, the Respondent no. 7 and 8 pleaded before this Hon'ble Court that their application for regularization is pending with the respondent no. 2 herein and that therefore peremptory direction of demolition of their structures cannot be passed
- m. It is in view of this pleading on behalf of the Respondent no. 7 and 8 that the said PIL writ petition came to be disposed of vide order dated 22.04.2014. While disposing of the said Petition, the Court observed that in case the regularisation is not allowed, the authorities i.e. Respondent nos. 2 and 3 herein, shall take action in accordance with law with regard to the disputed structures as expeditiously as possible without prejudice to the remedy if available to the private Respondents in law. Pursuant to the order dated 22.04.2014, the Village Panchayat of Calangute conducted site inspection of the illegal structures constructed by the Respondents no. 7 and 8 and found two buildings comprising of 29 and 18 rooms respectively on the site; However, the Village Panchayat of Calangute didn't take any further action in the matter.

Annexed hereto and marked as Annexure –
H (colly) are copies of the order dated
22.04.2014, site inspection notice and
Panchanama dated 11.12.2012

- l. The application for regularization of the illegal structures, referred to in the said PILWP 26/2012, was made by the Respondents no. 7 and her

predecessors i.e. Late Fr. Mario Pires and his
brother Mr. Luis Pires on 24.09.2003.

The said application for regularization was
made by the Respondent no. 7 and her predecessors
only to postpone the demolition of the patently
illegal structures in the said property i.e. all the
rooms in the Hotel Sea View Cottages (42 rooms),
Palmgrove Cottages (29 rooms) and Village Sol
Beach Resort (10 rooms), however, in view of the
statement made on her behalf, this Hon'ble Court
was pleased to dispose of the Petition.

- o. The Respondent no. 2 has deliberately and
mischievously kept the application of regularization
of the Respondent no. 7 pending for over 16 years
now.
- p. It is apparent that the respondent nos. 7 and 8 in
collusion with the respondent no. 2 have kept the
said application for regularization pending and this
is gross abuse of justice.
- q. The respondent No. 7 has subsequently made
another application dated 23.03.2018 to the
respondent no. 2 for regularization of the said
structures and the same upon being discussed in the
176th meeting of the respondent no. 2, has been
referred to the Ministry of Environment, Forest and

Climate Change and that too is apparently pending

This is yet another attempt to abuse the process of law and continue to run their business illegally.

- r. Part of the illegal structures constructed by the Respondent no. 7 have also been the subject matter of two writ Petitions filed before this Hon'ble namely Writ Petition No. 749 of 2014 and Writ Petition No. 764 of 2015.

A structure described as an 'illegal construction consisting of ground + two floors and a swimming pool' was ordered to be demolished by the Respondent no. 3 vide demolition order dated 15.10.2010 was the subject matter of Writ Petition No. 749 of 2014 and another structure described as 'illegal structure in the form of second floor in the building opposite to the ground + two floors' was the subject matter of Writ Petition No. 764 of 2015.

s. This Hon'ble Court vide orders dated 26.02.2018 confirmed the action of demolition against the said structures.

It is pertinent to note that part of the illegal structures in this Petition also formed part of Writ Petition No. 749/2014 and this Hon'ble Court confirmed the demolition of those structures which

was subsequently upheld by the Hon'ble Apex Court.

Annexed hereto and marked as Annexure – I (colly) are copies of the orders dated 26.02.2018

- t. The Respondent no. 7 thereafter exhausted all her remedies by filing reviews applications before this Hon'ble Court, SLP(s) before the Hon'ble Apex Court and Review Applications before the Hon'ble Apex Court, all of which were dismissed against her.

Annexed hereto and marked as Annexure – J (colly) are copies of the orders passed in r
 3, SLP(s) and Review Application before the Apex Court

- u. Recently, the Respondent no. 7, in purported compliance of the order dated 28.02.2019 passed by this Hon'ble Court in Writ Petition No. 1186 of 2018, claims to have demolished the illegal structures which were the subject matter of the Writ Petition No. 1186 of 2018 which were also the

subject matter of Writ Petition No. 749 of 2014 and Writ Petition No. 764 of 2015. (Structure described as the 'illegal construction consisting of ground + two floors and a swimming pool' and 'illegal structure in the form of second floor in the building opposite to the ground + two floors').

However, it is apparent that the Respondent no. 7 has only demolished a small part of the offending structures and the said illegal structures continue to stand and the Respondent no. 7 continue to run her hotel business in the said structures.

v. Notwithstanding her partial demolition of the illegal structures, the Respondent no. 7 and 8 continue to carry on their business of hotel and are enjoying water and electricity supply illegally without the sanction of the Electricity Department. Respondent no. 7 and 8 had obtained electricity connection for their domestic use and they use the same electricity to power the illegal rooms.

w. The entire project comprising of "Palmgrove Cottages" and "Seaview Cottages" is being run by the Respondent no. 7 and 8 illegally in the absence of any permission/license from the Respondent no. 2 and 3. The Hotel "Village Sol Beach Resort"

which is owned by the Respondent no. 12 too is being run illegally.

x. All the three hotels, namely, "Palmgrove Cottages", "Seaview Cottages" and "Village Sol Beach Resort" fall within the NDZ under the CRZ Notification 1991 and as such as are liable to be demolished.

y. In fact, the Petitioners have now learnt that, the respondent no. 3, i.e. the Village Panchayat of Calangute had carried out site inspection way back on 20.07.2011 of the illegal structures i.e. (1) Sea View Cottages consisting of 42 rooms and (2) Village Sol Beach Resort consisting of 10 rooms, belonging to the Respondent no. 8 and 12 respectively and it was found that the Respondent no. 8 and 12 have constructed structures in gross violation of the CRZ Notification 1991.

It was further noticed that sand dunes were cut to an extent of 20 metres for carrying out the illegal construction. It was also noticed 4 wells have been contracted within 200 mts of the HTL and solar heater systems were erected. It was further noticed that the Respondent no. 8 and 12 have constructed septic tanks. A Panchanama was

24
accordingly drawn up and attached to the site inspection report.

Annexed hereto and marked as Annexure – K (colly) are copies of the Site inspection report dated 20.07.2011

z. Subsequently, the respondent no. 3 issued Show Cause Notices dated 02.08.2011 to the respondent no. 8 and 12 to show cause as to why their illegal structure not be demolished by the Panchayat.

Annexed hereto and marked as Annexure – L (colly) are copies of the show cause notices dated 02.08.2011

aa. Thereafter, on 21.12.2011, the responded no. 3 i.e. the Village Panchayat of Calangute issued Orders of demolition each to the Respondent no. 8 and 12 directing them to demolish the illegal structures in their property within a period of 7 days from receipt of the notice failing which the Panchayat would demolish the structures themselves.

Annexed hereto and marked as Annexure – M (colly) are copies

of the orders of demolition dated
21.12.2011

bb. Thereafter, the Respondent no. 3 also requisitioned
for demolition squad to demolish the illegal
structures referred to in the demolition orders.

Annexed hereto and marked as
Annexure – N (colly) are copies
of the requisition dated
06.01.2012.

cc. Intriguingly, the matter died down thereafter and no
action whatsoever was taken to demolish the said
illegal structures in accordance with the Order of
demolition dated 21.12.2011. It is pertinent to note
that these demolition orders were never challenged
by the Respondent no. 8 and 12 and as such have
attained finality and it was the duty of the
Respondent no. 3 to implement such orders of
demolition which were passed as long as in the year
2011.

The Respondent no. 8 and 12 in collusion
with the Respondent no. 3 have surreptitiously
buried the said orders of demolition dated
21.12.2011 in gross abuse of law.

dd. Further, the Petitioners have come into possession of a list of illegal structures dated 16.04.2010 prepared by the Respondent no. 2 in the Bardez, Pernem, Tiswadi and Bicholim Talukas which was submitted to the Additional Collector-II, North Goa District in order to conduct summary inquiry in each matter.

ee. The structures belonging to Respondent no. 8 and 12 find mention at Sr. No. 14 and Sr. No. 21 of the said list. The Construction of Respondent no. 8 was stated to be within 50 mts of the High Tide Line and the construction of the Respondent no. 12 was stated to be within CRZ limits. The illegality in respect of Respondent no. 8 was stated to be 'illegal construction of cottages, illegal excavation of Foundation' and the illegality in respect of Respondent no. 12 was stated to be illegal construction of 10 rooms, compound wall and a septic tank as well as illegal cutting sand dunes.

Annexed hereto and marked as
Annexure – O is a copy of the
letter dated 16.04.2010

V **Source of Information:-**

13. The intonation gathered by the Petitioners is based on their personal knowledge of the facts of the case, since the petitioner No. 1 is a public spirited citizen, the petitioner no. 1 is familiar with the village of Calangute and has a fondness for the village particularly the beach and is concerned about its protection. The petitioner No. 2 being a Member of an NGO is a resident of Calangute wherein the illegal constructions have been carried out by the respondents 7 and 8. The documents annexed to this Petition have been obtained by the Petitioner under the Right to Information Act from the office of the Respondent no. 2 and 3.

VI Nature of the injury caused / apprehended & Grounds:-

14. Aggrieved by the inaction of the Respondents no. 2 and 3 in failure to demolish the said illegal structures in compliance of the order of this Hon'ble Court, the Petitioners prefers the present Petition on the following amongst other grounds taken without prejudice to one another.

The PIL WP No. 26/2012 filed by the Petitioners was disposed of by this Hon'ble Court on the understanding that Respondent no. 7 and 8 had filed an application for regularization of the illegal construction and that the same was likely to be examined by the authorities on 25.04.2014 i.e. three days after the petition was disposed of.

Vide Order dated 22.04.2014 passed in PIL WP No. 26/2012, this Hon'ble Court disposed of the Petition under the impression that the application would be decided as soon as possible and the matter would proceed further in accordance with law.

However, the Respondent no. 7 and 8 managed to pull a fast one on this Hon'ble Court upon submitting that their application for regularization would be examined by the authorities shortly and in that light the petition may be disposed of.

However, this Hon'ble Court had categorically observed in the same order that in case the regularization is not allowed, the authorities i.e. the Respondent no. 2 and 3 herein shall take action in accordance with law with regards to the disputed

structures as expeditiously as possible without prejudice to the remedy available to the private Respondents in law.

Therefore, it was incumbent upon the Respondent no. 2 i.e. the GCZMA to decide upon the application for regularization of structures as expeditiously as possible. The Respondent no. 2 has sat over the application for over 16 years now and this is nothing short of travesty of justice and gross negligence on part of the Respondent no. 2.

The Respondent no. 3 also ought to have proceeded to demolish the said structures in light of the order passed by this Hon'ble Court in PILWP 26/2012 dated 24.04.2014.

It is pertinent to note that part of the illegal structures in this Petition also formed part of Writ Petition No. 749/2014 and this Hon'ble Court confirmed the demolition of those structures which was subsequently upheld by the Hon'ble Apex Court. Therefore, it is apparent that the structures are patently illegal and cannot be allowed to continue. They should therefore ought to be demolished by the Respondent no. 2 and 3 forthwith. Every authority entrusted with law and

order is liable to act in facilitating and implementing the such demolition.

ii.

Despite there being Demolition orders being passed against the illegal structures against the Respondent no. 8 and 12, the Respondent no. 3 i.e. Village Panchayat has not enforced its own order for over 8 years now.

The demolitions orders dated 21.12.2011 passed by the Respondent no. 3 against the illegal structures constructed by the Respondent no. 8 and Respondent no. 12 i.e. the Hotel "Sea View Cottages" and "Village Sol Beach Resort" were never challenged by the Respondent no. 8 and the Respondent no. 12 and thereby have attained finality.

It is the duty of the of the Respondent no. 3 to demolish the illegal structures which the Respondent no. 3 itself found to be illegal and the Respondent no. 3 is grossly failed in its duty to enforce its own order. This amounts to severe dereliction of duties on part of the Respondent no. 3.

It is therefore the structures ought to be demolished forthwith by the Respondent no. 3 in compliance of its own demolition orders.

iii.

The failure and inaction on the part of the Respondent no. 5 and 6 to disconnect the electricity and water supply to the offending structures, also amounts to disobedience to order dated 24.04.2014 passed this Hon'ble Court in PILWP 26/2012.

The Respondents no. 7 and 8 obtained electricity connection for their domestic use and thereafter transmitted the same electricity unauthorizedly and illegally to the illegal rooms constructed by them which are used commercially. The respondent no. 5 ought to have realized this and disconnected the electricity connection to the said illegal structures.

iv.

The Respondent no. 7 and 8 have till date not obtained any regularization of their illegal structures and their so called pending applications (for 16 years) ought to be deemed as dismissed and therefore in accordance with the order dated

24.04.2014 of this Hon'ble Court passed in PILWP 26 of 2012, the Respondent no. 2 and 3 ought to proceed demolition of the said illegal structures.

v.

The Respondent no. 2 has culpably failed and neglected in their duty to firstly, decide the application and keep it pending for over 16 years and secondly, in proceeding with demolition in the event it had not allowed the regularization application of the Respondent no. 7 and 8. The respondent no. 3 has remained a mute spectator with regards to the illegal structures which are the subject matters of this Petition. The Respondent no. 3 ought to have passed an order of demolition in respect of the said illegal structures in the absence of licenses/permissions from itself and regularization from the Respondent no. 2.

vi.

Any other grounds as may be advanced in the course of arguments.

VII. Any representation etc. made: -

15. The Petitioner has brought the issue to the notice to the various authorities right from the year 2012 onwards

requesting them to demolish the said illegal structures and to stop the illegal operation of the hotel business run in the said illegal structures i.e. "Palmgrove Cottages", "Sea View Cottages" and "Village Sol Beach Resort"

VIII. Delay, if any, in filing the Petition and explanation thereof: -

16. The Petitioners submit that there is no delay in filing the present Petition.

IX. Jurisdiction and Alternative legal remedies: -

17. This Hon'ble Court has every jurisdiction to entertain, try and dispose of the present petition.

18. The Petitioner has not filed any other petition on the subject matter of the present petition, in this Hon'ble Court or in the Supreme Court of India.

19. The Petitioner has no alternate legal remedy available on the subject matter of the present petition, and the reliefs sought herein if granted, will meet the ends of justice.

X. Documents relied upon: -

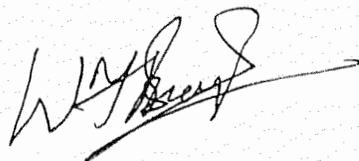
20. The documents at Annexure-A to Annexure-O herein above mentioned.

XI Relief's Prayed For: -

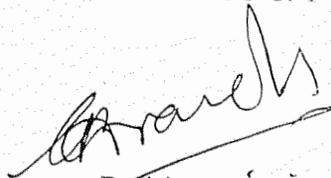
- a. A writ of Mandamus, or any other writ, order or direction in the nature of mandamus, or any other appropriate Writ, order or direction, directing the Assistant Engineer, Electricity Department, Division VI, O & M, Mapusa Goa and the Executive Engineer, Works Division-XVII, Public Works Department to forthwith disconnect the Electricity and water supply to the offending structures respectively in a time bound manner.
- b. A writ of Mandamus, or any other writ, order or direction in the nature of mandamus, or any other appropriate Writ, order or direction, directing the Village Panchayat of Calangute to demolish the said offending structures with all necessary assistance from the Respondent no. 4 in a time bound manner.
- c. Interim reliefs in terms of prayer clauses (a) and (b).
- d. Any other Order this Hon'ble Court may deem fit in facts and circumstances of the case.

† **XII. Caveat: -**

No notice of caveat has been received by the Petitioner till the filing of this PIL Writ Petition.



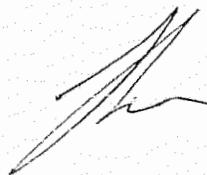
Petitioner No. 1



Petitioner No. 2

Place: Panaji Goa

Date: 25/04/2019



Advocate for the Petitioner

Adv. J. Karn



TRUE COPY



IN THE HIGH COURT OF BOMBAY AT GOA

PUBLIC INTEREST LITIGATION WP NO. 4 OF 2020

WENCESLAU FRANCIS D'SOUZA AND
ANR.,

... Petitioners

Versus

THE STATE OF GOA, THR. CHIEF
SECRETARY AND 11 ORS.,

... Respondents

Mr. N. Amonkar, Advocate for the Petitioners.

Mr. Manish Salkar, Government Advocate for Respondent Nos.
1, 2, 4, 5, 6, 9, 10 and 11.

Coram:- M. S. SONAK &
SMT. M. S. JAWALKAR, JJ.

Date:- 22nd January, 2020

P.C.

Heard Mr. Amonkar, the learned Counsel for the petitioners.

2. Issue notices to the respondents, returnable on 17.02.2020.

3. Mr. Salkar, the learned Government Advocate waives service on behalf of respondent nos. 1, 2, 4, 5, 6, 9, 10 and 11.

4. In addition to the usual mode of service, private service is permitted. Petitioners to file affidavit of service.

5. Further, we direct the respondent no. 2 to carry out inspection at the site, in order to determine whether, there is any prima facie

merits in the allegations of the petitioners that the structures, which are subject matter of present Petition, are indeed in violation of CRZ notification, or not.

6. Respondent no. 3 to file affidavit in this matter on or before the next date by service of advance copy of the same to the learned Counsel appearing for the petitioners.

7. Stand over to 17.02.2020.

SMT. M. S. JAWALKAR, J.

M. S. SONAK, J.

EV



TRUE COPY

*Esha*

IN THE HIGH COURT OF BOMBAY AT GOA

PIL WRIT PETITION NO. 4 OF 2020

WENCESLAU FRANCIS D'SOUZA
 AND ANR., ...PETITIONERS

Versus

THE STATE OF GOA, THR. CHIEF
 SECRETARY AND 11 ORS., ...RESPONDENTS

None for the Petitioners.

Mr. Manish D. Salkar, Government Advocate *for Respondent Nos. 1, 2, 4, 5, 6, 9, 10 and 11.*

Ms. Siddhiya Arlekar, Advocate holding for Mr. Nikhil Pai, Advocate *for Respondent No. 3.*

Mr. Yogesh V. Nadkarni with Ms. Divya Shirgam, Advocates *for Respondent No. 7.*

Mr. Neelesh A. Takkekar, Advocate *for Respondent No. 8.*

Mr. Valmiki Menezes, Advocate *for Respondent No. 12.*

**CORAM: MANISH PITALE &
 M. S. JAWALKAR, JJ.**

DATED: 24th SEPTEMBER 2021

P.C:

1. This Petition was filed in public interest, seeking directions for demolition of certain alleged offending structures of respondents 7, 8 and 12, on the allegation that these structures violate the various requirements of law including the coastal zone Regulation. While issuing notice in this Petition, a direction was given to respondent no. 2-Goa Coastal Zone Management Authority (GCZMA) to carry out the site inspection to determine

as to whether there were any merits in the allegations levelled by the petitioners.

2. In pursuance of the said direction, a site inspection was carried out on 13.02.2020 by the GCZMA and a report dated 26.02.2020 was prepared. It is recorded in the said report that both the petitioners along with their Counsel were present at the site when the inspection was undertaken.

3. The findings and recommendations relevant for the present Petition read as follows:

FINDINGS AND RECOMMENDATIONS:

39. The two demolition orders of the Village Panchayat of Calangute dated 28.01.2010 and 12.10.2012 have been fully complied with by the R7 Nalini da Rosa Fernandes.

40. The structures within the NDZ of larger property under Sry. no. 242/1 of village Calangute owned by R7 and R8 indicated by the petitioner's during inspection prima facie appear to be legal and existing prior to February 1991 on basis of documents made available and other reference material accessed and cited by us.

41. The structure claimed to be owned by R12 Lalan Jacques is outside the NDZ. Besides, it appears to be built between 1994 and 1998 on land that was converted under LRC for commercial purposes prior to 1991.

4. As recorded in the order dated 17.09.2021, the petitioners have not been appearing in this Petition. In fact, in the said order, it was recorded that the present Petition would be taken up for final disposal today.
5. Even today, when the Petition is called for hearing, none has appeared on behalf of the petitioners.
6. The site inspection report submitted by the GCZMA does indicate that the structures in respect of which allegations were made in the present Petition, have been found to be in compliance with the requirements of law. There are no objections raised by the petitioners. Hence, we are of the opinion that the present Petition need not remain pending before this Court. By taking the findings and recommendations of the GCZMA on record as aforesaid, the present Petition is dismissed. Needless to say that the petitioners would be at liberty to take such steps as available in law in respect of the aforesaid report submitted by the GCZMA.

M. S. JAWALKAR, J.

MANISH PITALE, J.

VAIGANKAR ESHA SAINATH
Digitally signed by
VAIGANKAR ESHA SAINATH
Date: 2021.09.24 17:04:31
+05'30'



o/c

IN THE HIGH COURT OF BOMBAY AT GOA

(F) 1320/2022

Misc. Civil Application No. /2022

In

PIL Writ Petition No. 4/2020

1. Mr. Wenceslao Francis D'Souza

59 years of age

R/o H.No. 23/9, Ward No. IX,

Ansabhat Mapusa Bardez Goa

Phone No. 9850167437

Fax No: NIL

PAN Number: NIL

Adhar Card No. NIL

Email Id: NIL

Income : 60,000 p.a.

2. Mr. George Bengamin Fernandes

68 years of age

R/o H.No. 4/43 (1701/2)

Porba Waddo, Calangute,

Bardez Goa

Phone No. 9850025499

Fax No: AAFPF9369Q

PAN Number: NIL

Adhar Card No. NIL

Email Id: NIL

Income: 1,20,,000 p.a. . . . Applicants

Versus

1. The state of Goa

Through Chief Secretary

Secretariat Porvorim

Bardez Goa.

2. Goa Coastal Zone Management Authority

Through its Member Secretary

1st floor, Pandit Deendayal Upadhyay Bhavan

Pundalik Nagar Porvorim Goa.

3. The Village Panchayat of Calangute
Through its Secretary
Calangute Bardez Goa.

✓ 4. Dy. Collector and SDO of Bardez
Office of the Dy. Collector & SDO
Mapusa Goa.

✓ 5. Assistant Engineer
Electricity Department
Division VI, O & M
Mapusa Goa.

✓ 6. The Executive Engineer
Works Division-XVII, Public Works
Department Government

of Goa Porvorim.

7. Ms. Nalini Da Rosa Fernandes

Sauta Waddo, Calangute

Bardez Goa.

8. Joseph S. Rosa

Sauta Waddo, Calangute

Bardez Goa.

9. The Director

Department of Tourism

Paryatan Bhavan

Patto Panaji Goa.

10. The Director

Directorate of Food and Drugs

Government of Goa

Altinho Panaji Goa.

✓ 11. The Senior Town Planner
Town and Country Planning Department
Mapusa Goa.

12. Mrs. Lalan Jacques
Saunta Waddo Calangute
Bardez Goa. . . . Respondents

**Above mentioned are major in age.*

**Above mentioned are registered addresses of
Parties.*

APPLICATION FOR RECALL OF ORDER

DATED 24/09/2021

MAY IT PLEASE YOUR LORDSHIP

The Applicant state and submit as under:

1. The Present application is filed for recall of order dated 24/09/2021 of this Hon'ble Court in PILWP 4/2020 whereby the petition was disposed of with an observation that appropriate action has been taken.

Annexed hereto as Annexure A is a copy of the Order dated 24/09/2021.

2. The PILWP 4/2020 was filed to seek enforcement of demolition order dated 6/1/2012 of the GCZMA pertaining to illegal construction carried out by Respondent no. 8. The Petitioner also sought enforcement of demolition order dated 21/12/2011 and 22/12/2011 pertaining to illegal construction carried out by Respondent No. 7.

3. The said illegal structures are been used to operate commercial hotel business in village

Calangute and are shown in the photograph annexed at page 33 – 40 of the said Petition.

4. The Applicant states that purported compliance report dated 26/02/2020 has been filed by the Respondents. The said report itself does not state that all illegal structures which were subject matter of the said demolition have been demolished.

*Annexed hereto as **Annexure B** is a copy of the Report dated 26/02/2020.*

5. It is humbly submitted that the observation that appropriate action has been taken is incorrect and the illegal structure continue to exist and are being used for commercial activity.
6. It is submitted that the Applicants Advocate lost track of the matter and did not appear from 26/08/2021 onwards and consequently the

order dated 24/09/2021 was passed disposing of Writ Petition.

7. It is submitted that the illegal structures which are subject matter of the said demolition orders are still exist and no action has been taken for implementation of the demolition order.

8. It is submitted therefore that the order dated 24/09/2021 disposing the Writ Petition is liable to be recalled and PILWP 4/2020 may be revived so that the authorities can be directed to ~~perform their public duty and enforce the~~ demolition orders.

9. **PRAYER-** It is therefore humble prayed that Order dated 24/09/2021 disposing of the PILWP 4/2020 may be recalled and the said

Petition may be listed for admission and further consideration.

Porvorim

17/06/2022

APPLICANT NO. 2

ADV. FOR APPLICANTS

AFFIDAVIT

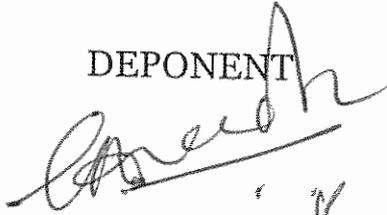
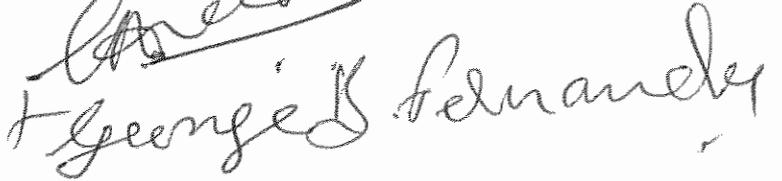
I, **MR. GEORGE BENGAMIN FERNADES**,
age years, married, R/o H.No. 4/43
(1701/2), Porba Waddo, Calangute, Bardez Goa,
the Applicant No. 2 herein being conversant
with the facts of the case do hereby solemnly
verify and state that the contents of paragraphs
1-8 are true to my own knowledge and contents

of paragraphs 9 is in the nature of the legal submissions based on legal knowledge which I believe to be true.

Verified at Porvorim on this 17th day of June , 2022.

DEPONENT

Identified by

o/c

IN THE HIGH COURT OF BOMBAY AT GOA

(F) 1369 /2022
Misc civil Application No. 160/2022

WITH

Misc civil Application (F) 1320/2022

IN

PIL Writ Petition No. 4/2020

Mr. Wenceslau Francis D'Souza

And Anr. . . . Applicants

Versus

State of Goa and 11 Ors. . . . Respondents

INDEX

Sr.No.	Particulars	Annex	Pg.No.
1.	Memo of application for Condonation of delay along with supporting Affidavit		1-10

2.	Copy of Order dated 24/09/2021 passed by this Hon'ble High Court	A	11-13
3.	Copy of Order dated 10/01/2022 passed by the Supreme Court	B	14-16

Date: 23/06/2022

Place: Porvorim

Adv. for Applicants

IN THE HIGH COURT OF BAOMBAY AT GOA

Misc civil Application No. /2022

WITH

Misc civil Application (F) 1320/2022

IN

PIL Writ Petition No. 4/2020

1. Mr. Wenceslau Francis D'Souza

59 years of age

R/o H.No. 23/9, Ward No. IX,

Ansabhat Mapusa Bardez Goa

Phone No. 9850167437

Fax No: NIL

PAN Number: NIL

Adhar Card No. NIL

Email Id: NIL

Income : 60,000 p.a.

2. Mr. George Bengamin Fernandes

68 years of age

R/o H.No. 4/43 (1701/2)

Porba Waddo, Calangute,

Bardez Goa

Phone No. 9850025499

PAN Number: AAFPF9369Q

Fax No : NIL

Adhar Card No. NIL

Email Id: NIL

Income : 1,20,000 p.a. . . .Applicants

Versus

1. The state of Goa

Through Chief Secretary

Secretariat Porvorim

Bardez Goa.

2. Goa Coastal Zone Management Authority

Through its Member Secretary

1st floor, Pandit Deendayal Upadhyay Bhavan

Pundalik Nagar Porvorim Goa.

3. The Village Panchayat of Calangute

Through its Secretary

Calangute Bardez Goa.

4. Dy. Collector and SDO of Bardez

Office of the Dy. Collector & SDO

Mapusa Goa.

5. Assistant Engineer

Electricity Department

Division VI, O & M

Mapusa Goa.

6. The Executive Engineer

Works Division-XVII, Public Works
Department Government of Goa
Porvorim.

7. Ms. Nalini Da Rosa Fernades

Sauta Waddo, Calangute
Bardez Goa.

8. Joseph S. rosa

Sauta Waddo, Calangute
Bardez Goa.

9. The Director Department of Tourism

Paryatan Bhavan
Patto Panaji Goa.

10. The Director

Directorate of food and Drugs
Government of Goa
Altinha Panaji Goa.

11. The Senior Town Planner

Town and Country Planning Department

Mapusa Goa.

12. Mrs. Lalan Jacques

Sauta Waddo Calngute

Bardez Goa. . . . Respondents

**Above Mentioned are major in age.*

**Above mentioned are registered addresses of Parties.*

**APPLICATION FOR THE CONDONATION OF
DELAY OF 19 DAYS IN FILING APPLICATION
FOR RECALL OF ORDER DATED 24/09/2021**

MAY IT PLEASE YOUR LORDSHIP

The Applicant state and submit as under:

1. The Applicants have filed an Application for the recall of the Order dated: 24/9/2021 in PILWP

on 4/2020 whereby the Petition was disposed off.

Annexed hereto as Annexure A is a copy of the Order dated 24/9/2021.

2. The Applicants are the Petitioners in the said PIL. The Applicants were represented by an Advocate in the said proceeding and the Applicant was in regular contact with the said Advocate during the initial stages of the Petition.

3. However since about the month of August 2021,

the Applicants could not contact their Advocate on account of the personal difficulty.

4. In the first week of June, the Applicant no.2 had a meeting with Mr. Shawn Martins , the Sarpanch of the village Calangute. During the said meeting , the Sarpanch casually mentioned

that the remaining illegal structures of the Respondents nos.7,8 and 12 need not be demolished, as the Hon'ble High Court had not ordered for the same.

5. The Applicants after being alerted by the Sarpanch inquired with their Advocate who informed them on 13/6/2022 that the PIL had been disposed off.
6. The Applicants thereafter corrected the file and an NOC from the said Advocate and instructed the present Advocate to file the present application for recall.
7. There is a delay of 19 days in filing the present Application. The period from 15/3/2020 to 28/2/2022 is excluded from limitation by an Order of the Hon'ble Supreme Court.

8. The Supreme Court Judgment dated 10/01/2022 also states that in cases where the Limitation would have expired during the period between 15-3-2020 till 28-2-2022, notwithstanding the actual balance period of limitation remaining, all persons shall have a limitation period of 90 days from 01-03-2022.

*Annexed hereto as **Annexure B** is a copy of the Supreme Court Order dated 10/01/2022.*

~~9. The Applicants submits that the delay was caused as the Applicants were unaware of passing of the said Order and has filed the present Application at the earliest on becoming aware of the same.~~

10. The Applicants submit that there are certain illegal structures which were the subject

matter of the PIL and have still not been demolished; and therefore in the interest of Justice the delay of 79 days is required to be condoned.

11. The reasons stated in the above Application constitute sufficient cause for condoning the delay.

12. **PRAYER-** It is therefore prayed that the delay of 19 days in filing the present Application, may be condoned and the Application for Recall of Order dated 24/9/2021 may be heard and decided on merits.

Date: 24/06/2022

Place: Porvorim

Applicant No. 2

Adv. for the Applicants



TRUE COPY

Jose

IN THE HIGH COURT OF BOMBAY AT GOA

**MISC. CIVIL APPLICATION NO.1320 OF 2022 (F)
IN
P.I.L. WRIT PETITION NO.4 OF 2020**

WENCESLAU FRANCIS
DSOUZA AND ANR.

... Applicants

Versus

THE STATE OF GOA, THR.
CHIEF SECRETARY AND 11 ORS.

... Respondents

Mr. J.J. Mulgaonkar with Ms. Rupa Banaulikar, Advocates *for the Applicants.*

Mr. Devidas Pangam, Advocate General with Mr. Manish Salkar, Government Advocate *for Respondent Nos.1, 2, 4, 5, 6, 9, 10 and 11.*

Mr. P.A. Kamat, Advocate *for Respondent No.3.*

Mr. Sangramsingh R. Bhonsle with Ms. S. Jain and Mr. Saish Mandrekar, Advocates *for Respondent No.7.*

Mr. Neelesh Takkekar, Advocate *for Respondent Nos.8 and 12.*

**CORAM: G.S. KULKARNI &
BHARAT P. DESHPANDE, JJ.**

DATED: 15th October, 2022

P.C.:

1. After the application was heard for some time, learned Counsel for the Applicants seeks leave to withdraw this application as already a liberty has been provided to the Applicant in the order dated 24.09.2021 passed by a Coordinate Bench of this Court while disposing of the said petition.

2. Learned Counsel for the Applicants, on instructions, submits that the Applicant No.2 is present in Court.
3. Application is disposed of. No costs.

BHARAT P. DESHPANDE, J.

G.S. KULKARNI, J.



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Item No.5

(Pune Bench)

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE**

(By Video Conferencing)

ORIGINAL APPLICATION NO.116 2022 (WZ)

Mr. Wenceslau Francis D'souza and another Applicants

Versus

State of Goa and othersRespondents

Date of hearing: 09.01.2023

**CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER**Applicants : Ms. Rupa Banaulikar, Advocate holding for
Mr. Jagannath Mulgaonkar, Advocate**ORDER**

1. From the side of the applicants, learned counsel Ms. Rupa Banaulikar, holding for Mr. Jagannath Mulgaonkar, learned Counsel, has appeared today and not learned counsel Mr. Mulgaonkar who had appeared earlier on 02.01.2023. Mr. Mulgaonkar, learned counsel for the applicants, who had appeared earlier on 02.01.2023, had sought time till today to seek instructions from the applicants as to whether this Original Application is to be pressed or not, because of the view expressed by us in paragraph No.6 of our order dated 02.01.2023 wherein we had made it clear that the order dated 24.09.2021 passed by the Hon'ble High Court appears to have been passed on merits taking into consideration the inspection report which was got submitted from GCZMA at their instance and after having relied upon the same, the said PIL Writ Petition was dismissed. Thereafter, the recall application was also moved but the same was not pressed. We had expressed our view that there was no

clarity in the order of the Hon'ble High Court mentioned above granting the liberty to the applicants to approach this Tribunal. Therefore, this Original Application is not entertainable by us because if we entertain it, there could be a possibility of conflicting order being passed by us as the order passed by the Hon'ble High Court appears to have been passed on merits.

2. Accordingly, we dismiss this Original Application at the admission stage itself.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

January 09, 2023
O.A. No.116 of 2022 (WZ)
NPJ



TRUE COPY

Câmara Municipal de Bardez

Reg. sob o No. 176/1129

No.

Ano de 19 60

Alvará de Concessão de Licença

Taxa de construção no perímetro de 84,0 metros..... 21-00 p.

Taxa de

Taxa de aprovação de projecte 20-00

Taxa de abertura e construção do poço

Taxa da ocupação da área de para guardar materiais por tempo de a contar de

Emolumentos

0-50

Total 41-50

Pagou o Sr. Fr. Marie Sarte Aires

de Calangute a quantia supra, de quarenta e uma rupias e cinquenta p.

nos termos da tabela do Regulamento de Edificações da Postura Municipal em vigor, para construir um edificio para residência dos vizinhos com fossa séptica prefabricada para 20 pessoas no seu prédio, situado no bairro Untavado, da dita, segundo o projecte aprovado pela Câmara, na sua sessão de 27-9-1968.

com as cláusulas de concluir a obra no prazo de 18 meses e comunicar a Rep. Técnica a sua conclusão e obedecer os alinhamentos que por ela forem dados e cumprir a seguinte condição imposta pelo Town P. Committee: "....The proposed construction may be permitted if both the living rooms and dining rooms on either side of the centre line/are constructed only as one room and the dining room at either end have light and ventilation as required in the bye-law."

Paços do Concelho de Bardez, em Mapuça, 7 de Setembro de 1968

O Presidente da Camara,

[Signature]

O Chefe da Secretaria,

[Signature]

O Tesoureiro,



colated by me, 25/9/68

Faithfull translation of the document "Alvará de Concessão de Licença"
from Portuguese Language to English Language.

(Model No. 16)

MUNICIPAL COUNCIL OF BARDEZ

Reg. under No. 176/1129	No.	Year of 1968
	Grant of License	
Tax for construction in the perimeter of 84,0 metres ...		21-00P.
Tax of-----		
Tax for approval of the project -----		20-00"
Tax for for opening and construction of well-----		
Tax for occupation of area _____ for keeping materials for a period of _____ beginning from _____		
Fees-----		0-50"
	Total	41-50"

Paid by Fr. Mario Sarto Pires of Calangute an amount supra of forty one rupee and fifty paise.- in terms of the schedule in the Building Regulation of the municipal Council in force, to construct a residential building for the residence of the venerables with a prefabricated septic tank for 20 persons in your property situated in ward Untavado of said second and project approved by the Council in their meeting of 27-9-968 (sic). With clauses to conclude the work within 18 months and communicate to the Technical Department of the conclusion and obey the alignments given by them and comply with the following condition imposed by Town P. Committee ".....The proposed construction may be permitted if both the living rooms and dining rooms on either side of the centre line/ are constructed only as one room and the dining rooms at either end have lighth (sic) and ventilation as required in the bye-laws.

Municipality of Bardez in Mapuca, 7 of October of 1968

The President of Municipal Council

V.P. Vawkar

The Head of Department.

Sd/- illegible

The Treasurer
Seen a signature(illegible) on
Revenue stamp of 10 P.



Serial No. 2626 Place of vend Mafra
 Value of stamp paper Rs. Three 000 Date 15-11-70
 Name of the purchaser: Fr. M. J. Pinto
 Being of Calangute son of A. J. Pinto
 Sign of the vendor.

Signature of purchaser
Fr. M. J. Pinto

CÂMARA MUNICIPAL DE BARDEZ

CERTIDÃO N.º 515

la por
 g. Corp

---Gastão António Carneiro de Oliveira Nogar, Superintendente do quadro geral dos Serviços de Administração Civil, Chefe de Secretaria da Câmara Municipal de Bardez.---

---Certifico, em virtude do despacho da Presidência, de dezassete do corrente mês, exarado no requerimento de Padre Mario Pires, de Calangute, que teve entrada na Secretaria desta Câmara sob o número três mil e quatrocentos, em dezasseis do corrente mês, revendo os duplicados de alvarás de licenças, e deles constar o seguinte:---

---CÂMARA MUNICIPAL DE BARDEZ---

---Registado sob o número cento setenta e seis traço mil cento vinte e nove.---

---Número---

---Ano de mil novecentos sessenta e oito.---

---Alvará de Concessão de Licença---

---Taxa de construção no perímetro de oitenta e quatro vírgula zero metros...

.....vinte e uma rupias.---

---Taxa de.---

---Taxa de aprovação do projecto.....vinte rupias.---

---Taxa de abertura e construção do poço.---

---Taxa da ocupação da área de.....para guardar materiais por tempo de.....

....a contar de.....

-----Emolumentos.....cinquenta paysê.....

-----Total.....quarenta e uma rupias e cinquenta paysê.....

-----Pagou o Senhor Fr. Mario Sarto Pires, de Calangute a quantia supra, de quarenta e uma rupias e cinquenta Paysê, nos termos da tabela do Regulamento de Edificações e da Postura Municipal em vigor, para construir um edifício para residência dos venerantes com fossa séptica prefabricada para vinte pessoas no seu prédio, sito no bairro Untavado, da dita, segundo o projecto aprovado pela Câmara, na sua sessão de vinte e sete de Setembro de mil novecentos sessenta e oito.....

-----com as clausulas de concluir a obra no prazo de dezoito meses e comunicar a Repartição Técnica a sua conclusão e obedecer os alinhamentos que por ele foram dados e cumprir a seguinte condição imposta pelo Town Planning Committee".....The proposed construction may be permitted if both the living rooms and dining rooms on either side of the centre line / are constructed only as one room and the dining rooms at either end have lighth and ventilation as required in the bye-laws".....

-----Paços do Concelho de Bardez, em Mapuçá, sete de Outubro de mil novecentos sessenta e oito.....

-----O Presidente da Câmara, (as.) Vinayak Dattaram Sawkar.....

-----O Chefe da Secretaria, (as.) Hermenegildo Fernandes.....

-----O Tesoureiro, (as.) Camalacanta N.S. Usgaocar.....

-----E, por ser verdade, passei esta que vai por mim assinada e autenticada com o selo branco em uso na Secretaria desta Câmara, para documentar a sua justiça.....

-----Deste de anuementos a importância de duas rupias e cinquenta payse, que foram receitados ao cofre municipal por guia de receita n° 2266, desta data.-----

-----Ha razuras: tempo: a: sito: line: para:-----

Secretaria da Câmara Municipal de Bardez, em Mapiça, aos 18 de Novembro de 1976.-----

O Chefe da Secretaria,



(Gastão Antônio Carneiro de Oliveira Nogar)

Superintendente.

-----Taxa de abertura e construção do poço.-----

-----Taxa da ocupação da área de.....para guardar materiais por tempo de.....

Faithfull translation of the document "CERTIDÃO" No. 55 "
from Portuguese Language to English Language.

(ON NON JUDICIAL STAMP PAPER OF RS. 3.)

MUNICIPAL COUNCIL OF BARDEZ

Certificate No. 55

-----Gastão Antonio Carneiro de Oliveira Nogar, Superintendent of The
General Administration of Civil Services, Head of Department of the
Municipal Council of Bardez.-----

-----Certify, by virtue of the order of the President, on seventeen of the
current month, drawn up in the application of Father Mario Pires, of
Calangute, which was entered in this department under a number three
thousand four hundred on sixteen of the current month and reviewing the
licences to grant permissions, and it contains the following:

-----MUNICIPAL COUNCIL OF BARDEZ-----

-----Registered under number one hundred seventy six dash one
thousand one hundred twenty nine.-

-----Number-----

-----Year of one thousand nine hundred and sixty eight.-----

-----Grant of License-----

-----Tax for construction in the perimeter of eighty four coma zero
metres

-----twenty one rupees-----

-----Tax for-----

-----Tax for approval of the project Twenty rupees-----

-----Tax for opening and construction of well.-----

Tax for occupation of area ----- for keeping materials for a period of--

----- beginning from -----

-----Fees-----fifty paise-----

-----Totalforty one rupees and fifty paise.-----

Paid by Fr. Mario Sarto Pires of Calangute an amount supra of forty one
rupees and fifty paise, in terms of the schedule in the Building Regulation
of the municipal Council in force to construct a residential building for the

-2-

residence of the venerables with a prefabricated septic tank for 20 persons in your property situated in ward Untavado of the said second and project approved by the Council in their meeting of twenty seven of September of the year one thousand nine hundred sixty eight .-----

With clauses to conclude the work within 18 months and communicate to the Technical Department of the conclusion and obey the alignments given by them and comply with the following condition imposed by Town P. Committee ".....The proposed construction may be permitted if both the living rooms and dining rooms on either side of the centre line/ are constructed only as one room and the dining rooms at either end and have lighth (sic) and ventilation as required in the bye-laws".-----

-----Municipal Council of Bardez in Mapuca seven of October of of the year one thousand nine hundred sixth eight.-----

-- The President of the Municipal Council, (sd/-) Vinayak Dattaram Sawkar-

-----The Head of Department, (sd/-) Hermenegildo Fernandes.-----

-----The Treasurer, (sd/-) Camalacanta N.S. Usgaoncar.-----

-----And for this being true, I passed this which is going to be signed and authenticated with the seal of the Office of this Municipal Council, to document your rightousness.-----

Fees amounting to rupees two and fifty paise, which were prescribe to the municipal treasury by receipt no. 2266, of this date.-

----- Ha razuras;- tempo;- a;- sito;- line;- para:-----

Office of the Municipal Council of Bardez in Mapuca on 16 of November of 1970

The Head of Department

Sd/-

Gastão Antonio Carneiro de Oliveira Nogar
Superintendent



TRUE COPY

Registration Certificate of Establishment

1. Registration Number — **LD/21M/SLR/ACT/III/3529**
2. Name of the Establishment — **M/S SEA VIEW COTAGES**
3. Postal address of Establishment — **SAITRO SAUNTA WADDO CALANGUTE BARDEZ GOA**
4. Name of the Employer — **SRI JOSEPH S. ROSA**
5. Nature of Business — **GUEST HOUSE**

It is hereby certified that **M/S SEA VIEW COTAGES** has been registered as **LODGING HOUSE** this day **13th MARCH** of **1981**

sd/-

Signature of Inspector
 Labour Inspector
 Mapusa-Goa.



Renewals

Date of renewal	From	To	Signature of Inspector with seal
29.1.82	1.1.1982	31.12.1982	sd/- Labour Inspector Mapusa-Goa.
		TO	
10.12.11	1.1.13	31.12.2013	Labour Inspector Mapusa-Goa.
6.1.14	1.1.2014	31.12.2014	Labour Inspector Mapusa-Goa.
27.11.14	01.01.2015	31.12.2015	Labour Inspector Mapusa-Goa.
30.11.15	01.01.2016	31.12.2016	Labour Inspector Mapusa-Goa.
06.12.16	01.01.2017	31.12.2017	Labour Inspector Mapusa-Goa.
23/11/17	01.01.2018	31.12.2022	Labour Inspector Mapusa-Goa.

sd/-



DEPARTMENT OF TOURISM

RNM N A
ANAJI-

FORM V
(Rul 3)

Certificate of Registration

"Hotel"

609

No: HOTND00957

D Category

This is to certify that Joseph Rosa resident of Flat No- 107-108, Naikavaddo, Calangute Bardez, North Goa-403516 has been registered under the Goa Registration of Tourist Trade Act, 1982 to carry on the business of GUEST HOUSE under the name and style SEA VIEW/ COTTAGES located at H.No. 7/2a, B.C.D.E Saunta Vaddo, Calangute Bardez, North Goa-403516 having 16 No. of Rooms.

This certificate is valid upto 31-Mar-2020

Place: Department Of Tourism North Zone Office

Issue Date: 22-Oct-2019

Prescribed Authority
Rajesh A Kale
Deputy Director

ENDORSEMENT

Sr.No	Date of Inspection	Name of Official	Signature of Official

This certificate is valid upto the validity of the NOC of the Gram Panchayat/Municipal Council. provided by Department of tourism is merely to show that this activity is registered under Goa Registration of Tourist trade Act 1982. For the current activity financial year. This certificate should not be used as a legal document or as any ownership document to any court or



TRUE COPY

Permit for sinking well under section 5(4) of the Goa Ground Water Regulation Act, 2002 (Goa Act 1 of 2002).

1021

No: 1578dated: 04/04/2019

Shri. Pires Luis Antonio son of Shri. Antonio Jose Pires resident of Saunta yaddo, Calangute, Bardez - Goa, is hereby granted permit for sinking open well in Survey no. 242/1 in Calangute in Bardez Taluka of district North - Goa to withdraw 6,000 ltrs/day of water for the purpose of Construction use.

This permit is granted for sinking a well confirming to the specification given below:-

1. Permit No. 1578 /2019

2. Type of well: Open well

3. Details of the well

a) Diameter/size of the well : 3.00 mtrs

b) Depth of well : 10.00 mtrs

4. The device approved for lifting the ground water: Centrifugal Pump of 3 HP

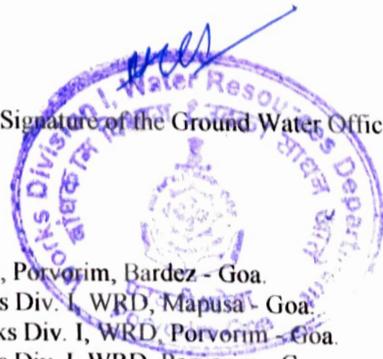
This permit is subject to the following conditions:-

1. The permit holder should not deviate any way from the specifications regarding well mentioned above.
2. Any Officials authorized by Ground Water Cell shall have the right to enter and inspect the place with such assistance as may be necessary to satisfy itself or himself whether the conditions specified in the permit are being complied with.
3. The Ground Water Officer shall have the right to restrict use, withdraw or cancel the permission by giving notice to the applicant specifying reasons for doing so and giving him reasonable opportunity of being heard.
4. The permission is for digging the well and not for withdrawal of ground water.
5. Validity period of permit to sink a well is one year from the date of issue.
6. The well once sunk should be registered and water meter is to be fixed by the applicant at their own cost and intimate the Department with initial reading.
7. Necessary permission from local bodies such as Municipality/ Panchayat should be obtained before digging the well.
8. Construction to be started after obtaining NOC from CZMA.

Place: Porvorim

Date: 04/04/2019

Signature of the Ground Water Officer



Copy to:

1. The Member Secretary, Ground Water Cell, Porvorim, Bardez - Goa.
2. The Assistant Engineer, Sub. Div. II, Works Div. I, WRD, Mapusa - Goa.
3. The Assistant Engineer, Sub. Div. V, Works Div. I, WRD, Porvorim - Goa.
4. The Assistant Engineer, Sub. Div. I, Works Div. I, WRD, Porvorim - Goa.
5. The Village Panchayat Calangute, Bardez - Goa.

S. air

TRUE COPY

ORIGINAL

Government of Goa

P.W.D. 585e

WATER RESOURCES DEPARTMENT

RECEIPT FOR PAYMENT TO GOVERNMENT

No. 45

RECEIPT

BOOK No. 358

Division

Place

Porvorim

Sub-Division

I

Date

04/04/2019

Received from

Shri. Aires Luis Antonio - Calengute

the sum of

Rs:

1000/-

(In words rupees

one Thousand only

on account of

Permit for sinking well under section 5(H) of the Goa
Ground water Regulation Act 2002 - Calengute Border Loc
Permit no. 1578 dt 04/04/2019
open well.

Signature:

CASHIER

Designation

For [Signature]

Cashier or Head Clerk

Works DIV (WRD)

Porvorim-Goa

TRUE COPY

ANNEXURE R-12

Ph.: 2276016

OFFICE OF THE VILLAGE PANCHAYAT
CALANGUTE
Bardez - Goa 403516

VP/Cal/F-13/19-20/190

Dated : 02/05/19

To,
Mr. Luis Antonio Pires
H No 7/1, Saunta Vaddo
Calangute, Bardez-Goa

Sir/Madam,

Your application bearing no. 260 dated 11/04/19 for issue of NOC for Sinking Open well in the property bearing Sy. No. 242/1 at Saunta Vaddo, Calangute, Bardez-Goa for the purpose of Construction use was placed in the meeting dated 25/04/19 and vide resolution no. IX J (18) this office has **No Objection** for Sinking Open well in the property bearing Sy. No. 242/1 at Saunta Vaddo, Calangute, Bardez-Goa as per the permission granted to you by the Water Resources Department, Porvorim-Goa bearing no. 1578 dated 04/04/2019.

Thanking you,

Yours faithfully,



(Shri. Shawn B.J. Martins)
Sarpanch
V.P. Calangute



TRUE COPY

No. 24/1977/430/77/303,
Collectorate of Goa,
Panaji, P.O. No. 4 03 001

Dated: 26th July, 1977

ANNEXURE

Messrs Frz, Mario Pires, resident of Calangute Village, Bardez Taluka, Goa District made an application dated 25/4/77 to the collector of Goa under Section 32 of the Goa, Daman and Diu Land Revenue Code 1968, for conversion of use of agricultural field to non-agricultural, i.e. for commercial purpose of the land bearing Survey No. 342, Sub-div. No. 1(part), situated at Calangute village, Bardez Taluka, Goa District, measuring 3760 sq. metres, belonging to the applicant, more particularly described in the schedule hereto and indicated on the site plan annexed hereto:-

On enquiry, it has been found that there is no objection over the proposed conversion of use of said land for commercial purpose.

Accordingly, therefore, the collector of Goa, in exercise of the powers conferred on me by virtue of section 25 of the Goa, Daman and Diu Land Revenue Code 1968, hereby orders the said conversion of use of said land from agricultural to non-agricultural purpose, subject to the provisions of the said Code and rules thereunder and on the follo-

"Information" made available under nine conditions via
Right to Information Act 2005

Prant
23/7/77

PIO 5

Town and Country Planning Dept

Public Information Officer - 05
Deputy Town Planner (RP)
Office of the Chief Town Planner
Town & Country Planning Dept.
Panaji - Goa

Issued under
RTI Act - 2005

No / /430/77/303,
Collectorate of Goa,
Panaji, P.O. No4 03 001
Dated 26 th July 1977

ORDER

Whereas Fr Mario Pires, resident of Calangute Village, Bardez Taluka, Goa District made an application dated 25/4/77 to the Collector of Goa under Section 32 of the Goa, Daman and Diu Revenue Code 1968 for conversion of use of agricultural land to non-agricultural, i.e. for commercial purpose of the land bearing Survey No 242, sub-div. No.1 (part), situated at Calangute village, Bardez Taluka, Goa Situated at Calangute village, Bardez Taluka, Goa District. measuring 3760 sq. meters. belonging to the applicant more particularly described in the appendix I hereto and indicated on the site plan annexed hereto: Whereas on enquiry it has to be found that there is no objection over the proposed conversion of use of said land for commercial purpose. Now therefore, I, Narendra Prasad, Collector of Goa, exercise of the powers conferred on me by virtue of section 32 of the Goa Daman and Diu Land Revenue Code 1968, hereby allow the said conversion of use of said land from agriculture to non-agriculture purpose, subject to the provisions of the said code and rule thereunder and If on the following nine conditions viz,

- 1- Leveling and clearing of the land - The applicant shall be bound to level and clear the land sufficiently to render suitable for the particular non-agricultural purpose for which the permission is granted to prevent sanitary conditions.
2. Assessment - The applicant shall pay the non-agricultural assessment when fixed by the Collector under the said code and Rules thereunder with effect from the date of this order.
3. Use - The applicant shall not use the said land and building erected or to be erected thereon for any purpose, other than ~~any other purpose~~ commercial/~~any other purpose~~ purpose, without the previous sanction of the Collector.
4. Building time limit - The applicant shall within one year from the date thereof commence on the said plot construction of building of substantial and permanent description, failing which unless the said period is extended by the Collector from time to time, the permissions granted shall be deemed to have been lapsed.
5. Liability for rate - The applicant shall pay all taxes, rates and cesses leviable on the said land.
6. Penalty clause (a) If the applicant contravene any of the foregoing conditions the Collector may, without prejudice to any other penalty to which the applicant may be liable undertake the provisions of the said Code continue the said plot in the occupation of the applicant on payment of such fine and assessment as he may direct (b) notwithstanding anything contained in sub-clause (a) it shall be lawful for the Collector to direct the removal or alteration of any building or structure erected or use contrary to the provisions of this grant within such time as it specified in that behalf by the Collector, and as such removal or alteration not being carried out and recover the cost of carrying out the same from the applicant as an arrears of Land Revenue.
7. Code provisions applicable - Save as herein provided the grant shall be subject to the provisions of the said Code and Rules thereunder.
8. The applicant should sign the sanad of conversion as required under rule of the Goa, Daman and Diu Land Revenue (Conversion of use of land and non-agricultural assessment) Rules 1969.
9. The applicant shall duly comply in every respect with the building regulations in force in the area.

"Information" made available under
Right to Information Act 2005

Reant
23/11/19

PIQ.5

Town and Country Planning Dept

Public Information Officer - 05
Deputy Town Planner (RP)
Office of the Chief Town Planner
Town & Country Planning Dept.,
Panaji - Goa

Released under
RTI Act - 2005

Length & Breadth		Total Superficial area.	Forming (part of) Survey No. or Hissa No.	BOUNDARIES
North to South	East to West			North, South, East & West
1	2	3	4	5

75.20m. 50.00m. 3760 sq.mts. Survey No.242, North: Survey No.243.
 Sub-div. 1(part) Sub-div. No.13

South: Survey No.242, Sub-div. No.1(part)

East : Survey No.242, Sub-div. No.1(part)

West : Survey No.242, Sub-div. No.1(part)

R/f

Mare
 (Marendra Prasad)
 Collector of Goa.

Information made available under
 Right to Information Act 2005

Prasad
 22/7/77

PIO 5
 Town and Country Planning Dept

Information Officer - 05
 Town Planner (RP)
 District Chief Town Planner
 Town & Country Planning Dept.,
 Panaji - Goa

100
 RTIA

Issued under
 RTI Act - 2005

Copy to:

1. Fr. Mario Pires ,Calangute, Bardez. Goa.
2. The Chief Town Planner, Town & Country Planning Department, Panaji, Goa w.r.t. his letter No. DB/1942/1136/77-78,
3. The Director of Agriculture, Panaji, Goa dt.27/6/77
4. The Mamlatdar of Bardez, Mapusa.
5. The Village Panchayat of Calangute-Bardez
6. The Director of Land Survey, Panaji.

PLAN

OF THE PLOT BEARING SUB-DIVISION (PART) OF SURVEY NO 243, SI-
TUATED AT GALANGUTE VILLAGE, BARDOL TALUKA, APPLIED BY FR
MARIO PIRES, FOR CONVERSION OF USE OF LAND FROM AGRICULTURAL
INTO NON-AGRICULTURAL PURPOSE



AREA TO BE CONVERTED INTO CLASS
CLASS 21/100



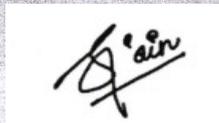
"Information" made available under
Right to Information Act 2005

Mario Pires
23/11/15
RTO

Town and Country Planning Dept

Information Officer - 05
Deputy Town Planner (RP)
Office of the Chief Town Planner
Town & Country Planning Dept.,
Panaji - Goa

Issued under
RTI Act - 2005



TRUE COPY

Traced on 22-11-15 from
Plan No 21/100

Cher...

(SEAL)

GR. PANCHAYAT CALANGUTE

BARDEZ - Goa,

Date 28th June, 1978.

Ref. No VPT/JAL/78/79/F-13AC/404/78

To,

Shri Fr. Mario Pires
Sauntawaddo,
Calangute.Sub: Issue of construction licence in respect of
construction under Goa Daman and Diu Village
Panchayat Regulation Amendment Act. 1969.of proposed construction of a house by Fr. Mario Pires
dated 16-5-78, from Town & Country Planning
Department, Panaji under No. DB/1942/720/78-79

It,

with reference to your application dated 3 - 5 - 78
on the subject above licence for construction of a house & Sentic
is granted to you under section 83 of the Goa Daman & Diu Village
Panchayat Regulation 1969 on the following conditions:-

1. All set backs shown in the plan are maintained during execution of the said construction.
2. The access shown in the plan through the property of Shri _____ of _____ to the proposed building from the existing road is maintained from all obstruction.
3. The work of the construction of the building should be notified to the Panchayat at the following stages under rule of the Goa Daman & Diu Village Panchayat Regulation of building rules 1971.
 - i) Upon commencement of the work.
 - ii) Before erection of the foundation walls.
 - iii) Upon completion up to the plinth level.
 - iv) Upon total completion of the building with a septic tank.
4. You shall not occupy the building unless you apply for occupancy certificate 21 days in advance and receive the same from the Panchayat regulation of building rule 1971.
5. After completion of the construction complete on certificate of the said construction should be issued by you Architect Shri. _____
Agnelo Mascarenhas Reg. No. 311
6. The licence is valid for three years from the date of issue as under rule 7 of the Goa Daman & Diu Village Panchayat Regulation of Building Rule 1971.
7. No objection certificate is issued by the Electricity Department Mapusa under No. AE(N) III/Gen-16/674 dated 13-6-78.
8. No objection certificate is issued by the Health Department Candolim under No. PBC/VP/F.26/604/78-79 dated 26-6-78.

9. No objection certificate is issued by the Collector of Goa u
No. RB/CNV/430/77/301 dated 28th July, 1977.

10. To abide by the other relevant provision of law for the time
being in force.

11. The construction licence shall be valid:-

- a) If the construction is not executed as per the plan approved and the statement therein.
- b) wherever there is any false statement of any misrepresentation of any material passed, approved or shown in the application on which the licence was based.
- c) If the property where the house is constructed is to be disputed.
- d) If the construction is not carried out as per the Goa Dapim & Dio Village Panchayat (building Regulation Rules 1971.)

*True copy
Jesse Silva
Sarpanch*



Sd/-
Sarpanch.
(SEAL) V.P. Calangute.

*This permission is transferred to
the name of Shri. Jesse Silveira Rosa of Calangute,
as per letter No. VPM/CA/179-80/P/134e/401 dt: 20/6/79*



Jesse Silva
Sarpanch,
V. P. Calangute
Bardez - Goa.

Jesse

TRUE COPY

ANNEXURE R-15

Gram Panchayat Calangute
Bardez-Goa.

Ref to. YPT/CAH 78-79/A-13Aef 404

Date 20/6/79.

Shri. Fr. Maria Pien,
Sant's House, Calangute,
Bardez-Goa.

Sub: Transfer of license for construction
of house at Sant's House on
the name of Shri. Jose Silvestre
Rosa.

Sir,

With reference to your application
dated 25th May 1979 on the above cited
subject and the statement therein, this is
to inform you that the license for construction
issued under No. YPT/CAH 78-79/A-13Aef 404/78
dated 23rd June 1978 has been transferred
on the name of Shri. Jose Silvestre Rosa
of Calangute as per your request.

Yours faithfully,



[Signature]
Sarpanch,
V. P. Calangute
Bardez - Goa.

[Signature]

TRUE COPY

GRAM PANCHAYAT CALANGUTE

BARDEZ - GOA,

Ref.No. VPT/CAI/78/79/F-13AC/401/78

Date 28th June, 1978.

IN THE COURT OF THE ADDITIONAL COLLECTOR OF GOA, PANAJI.

Case No. RB/CNV/ILG/177/80

To
 ✓ Shri Luis Antonio Jose S. Pires
 Seuntawade-Calangute,
 Bardez-Goa.

The following order has been passed by the Additional
 Collector of Goa, in your above referred case.

O R D E R

In exercise of the powers conferred on me by virtue of Section
 33 of the Goa, Damana and Diu Land Revenue Code, 1966, Shri Luis
 Antonio Jose Sarto Pires is ordered to pay fine of Rs. 231.30 (Rupees
 two hundred thirty one and paise thirty only) to be paid in the
 Government Treasury within 15 days from the date of service of this
 order for using the agricultural land surveyed under Survey No.242
 situated at Calangute Village, Bardez Taluka Goa District. I
 further direct the said defaulter to pay the non-agricultural Assess-
 ment with reference to the altered use of land in question as and
 when determined.

As regards to the request to regularise the unauthorised use,
 I order that the same is allowed provided that the area is limited to
 the extent shown by the applicant in the revised plan.

Party may be informed accordingly.

sd/-
 (R. I. Jai Prakash)
 Additional Collector of Goa.

Panaji.
 Dated: 10-4-1981.

= J. Bosco Fernandes =
 Mamlatdar in the Collectorate
 for Additional Collector of Goa.

Copy to:

1. The Chief Town Planner, Town and Country Planning Department,
Panaji-Goa.
2. The Mamlatdar of Bardez, Mapusa-Goa.
3. The Sarpanch, Village Panchayat of Calangute-Bardez-Goa.
4. O/C.

Md/-

Air
 TRUE COPY

4. B
Treasury Rule No.

Original



Receipt No. 25

Dated 12/6/1981

Received from Mr. A. Jones P. re

with letter no.

dated

19

the sum of Rupees two hundred thirty one

and paise thirty only in cash on account of by cheque

for penalty on account of
Rs 10000/ILG/122/80
payment of

231-30

Signature

Designation

HM 7/2 D

Original

FORM No. 4

RECEIPT

Receipt Book No. 639 Receipt No. 78

The V.P. Calangute

Received with thanks from Joseph S. Rosa

Rupees four hundred eighty (Rs) 4081 -

on account of Maintenance for 83-84 = 136 - 00

Date 10/7/86 84-85 - 136 - 00

Reference to cash entry 85-86 - 136 - 00

Book 4081 -

Page No.

Handwritten signature and stamp

Signature and Designation of issuing Officer

MN 7/2D

Original

FORM No. 4

RECEIPT

Receipt No. 81

Receipt Book No. 639

The V. P. Calangute

Received with thanks from Joseph S. Rosa.

Rupees eighteen only (Rs. 18/-)

on account of lightning fee per 83-84-6-a

Date 10/7/86

84-85-6-a
85-86-6-a

Reference to cash entry

Book

18/-

Page No.

Alkal

Signature and Designation of issuing Officer

Govt. Ptg. Press, Panaji-Goa — 618/5,000 Bks. 6/1984

Activate Wind
Go to Settings to

Q'air

TRUE COPY



Ph.:2276016

OFFICE OF THE VILLAGE PANCHAYAT
CALANGUTE
Bardez - Goa 403516

VP/Cal/F-18/25-26/1526

Dated: 09/07/25

TO WHOMEVER IT MAY CONCERN

This is to certify that as per the House Tax records maintained by this office, house bearing H. No. 7/2B, 7/2C and 7/2D situated at Saunta Vaddo, Calangute is registered in the name of Joseph S. Rosa since the year 1983-84 and the house tax is paid till date.

This certificate has been issued at the written request of Joseph Rosa.

Thanking you,
Yours Faithfully,

(Shri. Arjun S. Velip)
Secretary
V.P. Calangute



TRUE COPY

HM 7/2e

Original

FORM No. 4

RECEIPT

Receipt Book No. 639 Receipt No. 77

The V. P. Calangute

Received with thanks from Joseph S. Rosa

Rupees four hundred and eighty (Rs. 408) -

on account of House Tax for 83-84 - 136 = w

Date 10/7/86 84-85 - 136 = w

Reference to cash entry 85-86 - 136 = w

Book 408 -

Page No.

[Handwritten Signature]

Signature and Designation of issuing Officer

HN 7/2e

Original

FORM No. 4

RECEIPT

Receipt Book No. 639 Receipt No. 80

The V. P. E. Lamp -

Received with thanks from Rosa Joseph S. Rosa

Rupees eighteen only (Rs. 18/-)

on account of lighting tax for 83-84-6-4

Date 10/7/86 84-85-6-4

Reference to cash entry 85-86-6-4

Book 181-

Page No.

[Signature]
Signature and Designation of issuing Officer

Q'air

Activat

TRUE COPY

1N7/2 B.

Original

FORM No 4

RECEIPT

Receipt Book No. 639

Receipt No. 76

The V. P. Colangute

Received with thanks from Joseph S. Rosa

Rupees four hundred eighty (Rs. 480/-)

on account of Maintenance for 83-84 - 136 = n

Date 10/7/86 84-85 - 136 = n

Reference to cash entry 85-86 - 136 = n

Book 1081-

Page No



Signature and Designation of issuing Officer

HN 7/2B

FORM No. 4

Original

RECEIPT

Receipt Book No. 639

Receipt No. 79

The V-P. Colanqui

Received with thanks from Joseph S. Rosa

Rupees eighty (Rs. 18/-)

on account of lightning tax for 83-84-6-a

Date 10/7/86 84-85-6-a

Reference to cash entry 85-86-6-a

Book 18/-

Page No.



Handwritten signature of the issuing officer.

Signature and Designation of issuing Officer

Govt. Ptg. Press, Panaji-Goa - 613/5,000 Exs. 6/1984

Handwritten mark 'Gair'

TRUE COPY

Compliance report against order No. GCZMA/N/Ille-Comp/23-24/02/3848 dated 17/02/2025 with regards to Joseph Rosa and Lalan Ines Da Rosa Jaques.

Upon the order with ref. No. GCZMA/N/Ille-Comp/23-24/02/3848 dated 17/02/2025 Compliance inspection was fixed on 02/09/2025, in the suevey Nos. 242/1 and 242/1-A of Calangute village in Bardez Taluka carried out by the undersign GCZMA officials.

➤ **Compliance with respect to the structures belonging to Joseph Rosa it was observed that,**

Structure "M1" (Permanent Generator Room with Beam, slab and Column)- Complied with the order.



Structure "B" (Structure with sloping Mangalore tile roofing constructed with laterite stone masonry wall built on permanent base).(The stucture consists of 2 no's of rooms with verandah)- Complied with the order.



B

Bheltar

Structure "H1" (Structure built with laterite stone masonry wall and Mangalore tile roofing constructed on permanent base)- **Complied with the order.**

Structure "K1" (Structure covered with laterite stone masonry walls and mangalore tile roofing constructed on permanent base)- **Complied with the order.**



Structure "F1" (Pump House with sloping RCC slab covered with laterite stone masonry wall and metal door opening)- **The respondent stated that it does not belongs to him and showed appeal filed before NGT with Appeal No. 32 of 2025.**

➤ **Compliance with respect to the structures belonging to Lalan Ines Da Rosa Jaques it was observed that,**

Structure "J" (G+1 RCC structure with ground floor covered with laterite stone masonry wall and slab. Top floor consist of roofing covered with GI Sheets supported on circular steel pipes erected on permanent base)- **Complied with the order.**



[Handwritten signature]

Bellkar

Structure "K" (Ground floor RCC structure covered with laterite stone masonry wall constructed on permanent plinth)- **Complied with the order.**



Structure "C1" (Parapet wall of laterite stone masonry forming a platform throughout having height approx. 1.5m)- **Not Complied with the order.**



Structure "D1" (Permanent masonry steps attached to C1)- **Complied with the order.**

Structure "S1" (Well with concrete parapet wall covered with metal wire mesh covering)- **Complied with the order.**

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Bhelkar

Ph.: 2276016

OFFICE OF THE VILLAGE PANCHAYAT
CALANGUTE
Bardez - Goa 403516

V.P./Cal/F-20/11-12/ 7006

Dated:22/12/2011

ORDER OF DEMOLITION UNDER SECTION 66 Sub Section(4) of GPRA

Whereas the your reply to the show cause notice No. V.P./CAL/F-20/11-12/2447 dated 02/08/2011 was Placed in the meeting of the Panchayat held on 20/12/2011 for the Panchayat body to take proper decision and Panchayat body on perusing your reply have come to the conclusion that reply filed by you is not satisfactory as you failed to produce any document such as approved plan ,Construction License issued by this Panchayat and have resolved to demolish the illegal structure, wells, Kitchen, Solar water tanks in sy no242/1

In view of the above you are hereby directed to remove/demolish the said above mentioned within period of 7days on receipt of this demolition order. Failing to comply with the above direction, the Panchayat will thereafter demolish the said structure at any time on expiry of said period of 7 days which may be taken note of.

Given under my hand and office seal on 22 day of December 2011



(Signature)
(Subodh V.Prabhu)
V.P.Secretary
Calangute

To.
Mr Joseph S.Rosa
R/O Saunta Vaddo
Calangute-Bardez
Goa

(Signature)
TRUE COPY



Niti

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO.2241 OF 2025(F)**

Mr Sylvester D'Souza

...Petitioner

Versus

State of Goa,

Through the Secretary (Panchayats)

...Respondents

Mr V.A. Lawamde with Mr Atul Sadre and Mr Terence Sequeira,
Advocates for the Petitioner.

Mr S.P. Munj, Additional Government Advocate for Respondent
No.1.

Mr Y.V. Nadkarni with Mr N. Naik, Advocates for Respondent
No.4.

CORAM : NIVEDITA P. MEHTA, J.**DATE : 22nd AUGUST 2025****P.C. :**

1. Heard learned counsel for the parties.
2. The petitioner has assailed the order passed by the Additional Director of Panchayats, respondent no.2, dated 12.08.2025 and the subsequent appeal no.ADP-I/Calangute/P.A./141/2025, which has been taken up after condoning the delay.
3. Learned Counsel for the petitioner, Mr. Lawande, submits that the respondent was fully aware of the proceedings instituted by the petitioner in Writ Petition No. 2113/2024, and had knowledge of the

pendency of the said matter before this Court. It is submitted that by an order passed by the Division Bench of this Court, the Village Panchayat, Calangute, was directed to proceed with the execution of the demolition order dated 22.12.2011.

4. Subsequently, in Contempt Petition No. 1715/2025(F), filed by the petitioner alleging non-compliance with the order dated 07.05.2025 passed by the Division Bench, this Court, by order dated 23.07.2025, observed that any appeal against the demolition proceedings would be entitled to a hearing on merits only upon sufficient cause being shown for condoning the delay of nearly 14 years. It was further observed that the Additional Director of Panchayats is expected to be cognizant of the directions issued by the Division Bench while passing the said order dated 07.05.2025. The Contempt Petition was disposed of by this Court on 19.08.2025, with a liberty reserved in favour of the petitioner to avail of appropriate remedies available in law for challenging the order dated 12.08.2025 passed by the Additional Director of Panchayats condoning the delay.

5. Learned Counsel for the petitioner, Mr Lawande, submits that the order dated 12.08.2025 condoning the delay of 5,231 days has been passed without due consideration of the specific observations made by the Division Bench in its earlier orders. He contends that the said order is devoid of cogent reasons justifying such inordinate delay, and thus cannot withstand judicial scrutiny. He further submits that,

in the facts and circumstances of the present case, the remedy under Article 226 read with Article 227 of the Constitution of India is the only efficacious recourse available to the petitioner. According to him, the remedy of revision under Section 201B of the Goa Panchayat Raj Act, 1994 ('the Act' for short), is not efficacious in the present context.

6. Mr Nadkarni, who appears on behalf of respondent No.4, having entered an appearance as a caveator, opposes the petition. He submits that the appeal in question was preferred against the demolition order dated 22.12.2011, in exercise of the remedy available under Section 66(7) of the Act. He further submits that Section 231B of the said Act empowers the appellate authority to entertain an application for condonation of delay by invoking the provisions of Section 5 of the Limitation Act, 1963. Therefore, according to him, the order passed by the Additional Director of Panchayats is within the scope of the powers conferred under the statutory scheme.

7. He further contends that the Act provides a specific remedy under Section 201B, whereby an aggrieved party may prefer a revision before the District Judge against the order passed by the Authority. In that view, he argues that the petitioner, without availing the alternative statutory remedy, is not entitled to invoke the writ jurisdiction of this Court, and the Writ Petition ought to be dismissed as not maintainable.

8. Learned counsel Mr. Nadkarni has placed reliance on the judgment of the Hon'ble Supreme Court in *South Indian Bank Limited and Others V/s. Naveen Mathew Philip and Another*¹, to contend that where a statute prescribes a specific mode for redressal of grievances, parties must adhere to that statutory mechanism, and attempts to bypass the same ought not to be entertained by the writ court. He submits that the writ jurisdiction under Article 226 of the Constitution should not be invoked as an alternative to the statutory remedy unless the case falls within the well-recognized exceptions. These exceptions include instances where: (i) the writ petition has been filed for enforcement of a fundamental right guaranteed under Part III of the Constitution; (ii) there has been a violation of the principles of natural justice; (iii) the impugned order or proceedings are wholly without jurisdiction; or (iv) the vires of a statutory provision is under challenge. It is only in such circumstances that the existence of an alternate remedy would not operate as a bar to the exercise of writ jurisdiction.

9. Having heard the learned counsel for the parties, this Court is of the view that the present Writ Petition is maintainable, given the nature of the dispute between the parties. Furthermore, the judgment relied upon by learned counsel Mr. Nadkarni merely establishes that the High Court may entertain a Writ Petition if it is satisfied that the nature of the controversy warrants the exercise of its writ jurisdiction.

¹ (2023) 17 SCC 311

The Authority, namely the Additional Director of Panchayats, condoned a delay of 5,231 days on the ground that, due to the multiplicity of litigation between the parties, respondent No. 3 failed to challenge the order of demolition dated 22.12.2011 issued by the Village Panchayat, Calangute. Such reasoning for condoning the inordinate delay is, prima facie, untenable in law. Moreover, the appeal bearing No. ADP-I/Calangute/P.A./141/2025 was scheduled for hearing on 10.09.2025, pursuant to the condonation of delay. Respondent No.3 subsequently filed an application for preponement, resulting in the matter being listed for hearing today at 3:00 p.m. Such conduct on the part of the Authority raises serious concerns and calls for scrutiny.

10. Considering the prima facie infirmity in the reasoning underlying the condonation of delay, and to prevent the Writ Petition from becoming infructuous, the Additional Director of Panchayats is hereby restrained from proceeding with the appeal bearing No. ADP-I/Calangute/P.A./141/2025 until the final disposal of this Writ Petition.

11. List the Writ Petition for further consideration on 26.09.2025.



NIVEDITA P. MEHTA, J.

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Sonam

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.2241 OF 2025 (F)

MR. SYLVESTER D SOUZA

... PETITIONER

Versus

STATE OF GOA, THROUGH THE
SECRETARY (PANCHAYATS)

... RESPONDENTS

Mr. V. Lawande with Mr. Atul Sadre, Advocates for the Petitioner.

Mr. Shivdatt P. Munj, Additional Government Advocate for
Respondent Nos. 1 and 2.

Mr. Yogesh Nadkarni with Mr. Neelay Naik, Advocates for
Respondent No. 4.

CORAM:- SHREERAM V. SHIRSAT, J.

DATED :- 26th September, 2025

P.C.:

1. Liberty granted to the Respondents to file a reply within a period of 2 weeks. The Petitioner is permitted to file a re-joinder if any.
2. Stand over to 07.11.2025.

SHREERAM V. SHIRSAT, J.

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Sonam

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.2241 OF 2025 (F)

MR. SYLVESTER D SOUZA

... PETITIONER

Versus

STATE OF GOA, THROUGH THE
SECRETARY (PANCHAYATS)

... RESPONDENTS

Mr. V. Lawande with Mr. Atul Sadre, Advocates for the Petitioner.
Mr. Shivdatt P. Munj, Additional Government Advocate for
Respondent Nos. 1 and 2.
Mr. Pranay Kamat, Advocate for Respondent No. 3.
Mr. Yogesh Nadkarni with Mr. Neelay Naik, Advocates for
Respondent No. 4.

CORAM:- SHREERAM V. SHIRSAT, J.

DATED :- 7th November, 2025

P.C.:

1. The Petitioner has filed a rejoinder and the copy of the same has been given to the Respondents. Parties to complete the pleadings before the next date of hearing.
2. Stand over to 09.12.2025.

SHREERAM V. SHIRSAT, J.

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ANNEXURE R-27 Government of Goa

Directorate of Settlement and Land records

Plan

Taluka / Village Name : BARDEZ / Calangute

Survey / Subdiv No. : 242/1

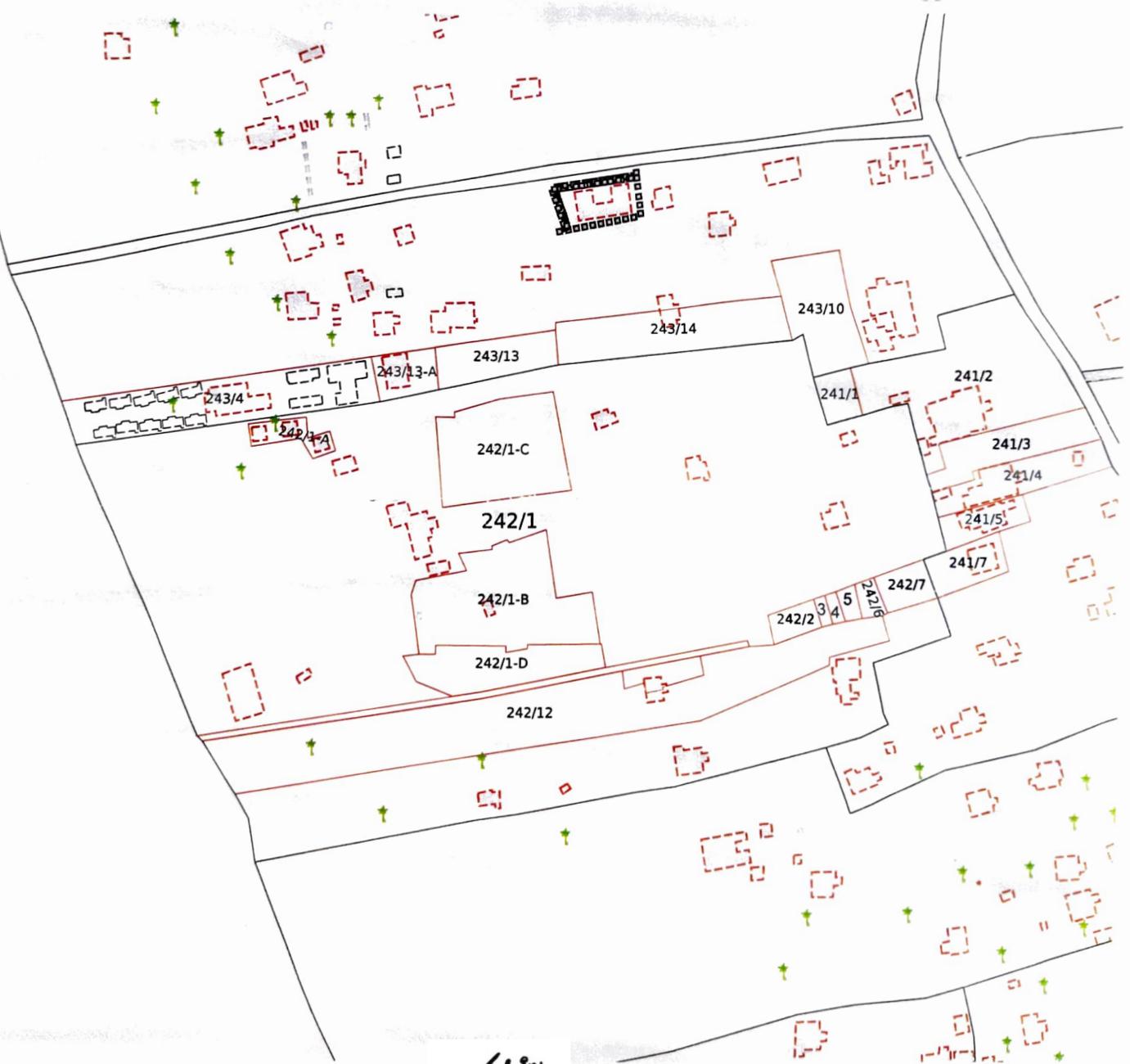
1052

Appln Date :09-05-2025

Ref. No.: 8603



Scale 1:2000



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1053
Pushkar Sharma <pushkar2006sharma@gmail.com>

Service of Reply on behalf of Respondent No. 1 in Appeal No. 82/2025 between Sylvester D'Souza v. Joseph S Rosa & Ors.

1 message

Samridhi Jain <samridhi12318@gmail.com>

16 November 2025 at 22:34

To: fawia31@gmail.com, gczma gczma <goacoastalzone@gmail.com>

Cc: chaitanya dixit <dixitchaitanya2000@gmail.com>, Yuvraj Pratap Singh <ysyuvrajsingh4@gmail.com>,
Pushkar2006sharma@gmail.com

Sir/Ma'am,

With reference to the aforementioned matter, PFA herewith the copy of the Reply on behalf of Respondent No.1.

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



joseph rosa final reply.pdf

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