

**BEFORE THE HON'BLE NATIONAL GREEN
TRIBUNAL (WESTERN ZONE BENCH) AT PUNE,
MAHARASHTRA**

Appeal No. 48 /2022

The Colva Civic and Consumer Forum Appellant

V/s.

GCZMA & 10 Ors.

.... Respondents

REPLY OF THE RESPONDENT NO. 11.

MAY IT PLEASE THE HON'BLE TRIBUNAL: -

MAY IT PLEASE THE TRIBUNAL: -

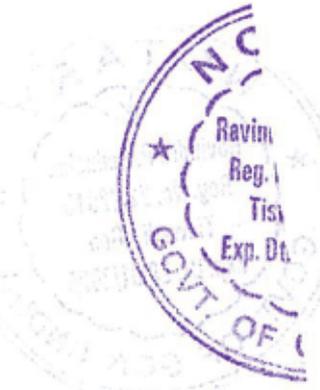
The Respondent No. 11 most respectfully states and submits as under:

1. The Respondent No. 11 is served with the Memo of Appeal along with the documents (pages 1-115). By the abovesaid appeal, the Appellant is seeking to question the Order dated 19/09/2022 (Exh. - J).

I submit that the present appeal is liable to be dismissed on the following amongst other preliminary objections which are taken without prejudice to one another:

P. Pednekar

2. The appeal filed by the Appellant is thoroughly misconceived in law and on facts and is liable to be dismissed.
3. The Respondent no. 1 after notifying the parties and after affording all the parties to the proceedings a reasonable opportunities of hearing was pleased to answer the question as framed in the said proceedings and thereafter pleased to close the proceedings. The Respondent no.1 has given reasons for answering the issue / question as framed, which reasons are based on the documents which are public documents including the proceedings of Special Civil Suit no. 143/2009. The Appellant has failed to even remotely indicate any perversity or capriciousness in the Impugned Order. The grounds as sought to be raised in the Memo of appeal are frivolous and thoroughly misconceived in law as well as on facts.
4. The Appellant has failed to indicate any flaw in the reasoning given by the Respondent no.1 in the Impugned order. The Appellant ought not to be permitted to maintain the present appeal on a spacious plea and / or contentions that the documents produced by the Respondents before the Respondent no. 1 are forged. At any rate, the allegations of the Appellant that the documents being forged are frivolous, unsubstantiated and at any rate, baseless.



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5. There is no cause of action in favour of the Appellant to maintain the appeal.

Without prejudice to the above

6. With reference to the contents of para 3 of the memo of appeal, it is submitted that the Appellant lacks locus to maintain the present proceedings. It is submitted that the Respondent no. 1 has given reasons based on documents for dropping of proceedings in respect of the property bearing Survey no. 12/6 & 12/7 of village Sernabatim, Salcete, Goa.
7. With reference to the contents of paras 3 & 4 of the memo of appeal it is submitted that the Respondent no. 1 in the Impugned Order has made reference to the conduct and / or the inconsistent stand taken by the Respondent no. 4 in the said proceedings. The Respondent no. 1 after considering the documents produced on record more particularly the NOC dated 01/10/1985 issued by the Village Panchayat of Sernabatim, Colva, Vaneli and Gandaulim the closure report in FIR no. 57/1999 submitted by the Police Officer, Colva Police Station, the Matriz document bearing no. 421, the expert report dated 02/04/2013 submitted by Mr. Neelesh G. Laad and the Judgment and Order dated 21/08/2018 passed by the Civil Court in Special Civil Suit no. 143/2009 r/w the house repair certificate dated 09/08/1965, has concluded that the structure in property bearing Survey no. 12/6 and 12/7 of Village Panchayat of

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Sernabatim, Colva, Vaneli and Seraulim existed prior to 1991. No fault can be found and / or has been pointed out by the Appellant in the said conclusion / findings arrived by the Respondent no. 1.

8. With reference to the contents of para 5 of the memo of appeal, the Respondent no. 11 states that the Appellant with malafide intentions has made attempt to refer to proceedings / orders which are neither relevant nor in any manner connected with the subject matter of the Impugned Order. A perusal of the document produced by the Appellant at Exh. – C will indicate that the said order passed by this Hon'ble Tribunal admittedly does not pertain to property bearing Survey no. 12/6 and 12/7 of Village Sernabatim. With utmost respect, it is submitted that there was neither any need or any occasion for the Appellant to produce the document at Exh. – C in the present proceedings. Even otherwise, the Appellant has not stated the reasons for making reference to the order dated 02/07/2015 passed by this Hon'ble Tribunal in Appeal No33 & 35 /2014 .
9. With reference to the contents of para 6 of the memo of appeal, the contention of the Appellant with reference to the intervention application filed by the Appellant and /or the claims made by the Appellant with reference to its intervention application are denied. The Respondent no. 11 states that the structure in property bearing Survey no. 12/6 & 12/7

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of village Sernabatim are in existence prior to 1991 and the same is evident from the documents produced by the Respondent no. 11 before the Respondent no. 1. Claims of the Appellant with regards to CRZ Notification are denied.

10. With reference to the contents of para 7 of the memo of appeal, it is submitted that the claim of the Appellant on the basis of the DSLR survey plan and Form I & XIV is disputed and denied. It is submitted that the documents produced by the Respondent no. 11 with regards to the structure existing in property bearing Survey no. 12/6 & 12/7 of village Sernabatim are from public records. Without prejudice it is submitted that merely because the structure is not reflected in the Survey plan as referred by the Appellant, cannot lead to a conclusion as sought to be put forth by the Appellant. The contentions of the appellant with regards to mapping carried out by DSLR and the allegations that several large extensions made to the already illegal structures existing in the said properties, as referred to in para 7(iii) are denied. The Appellant has misinterpreted the letters dated 30/10/2007 and letter dated 26/11/2007. At any rate it is submitted that the documents viz. the NOC dated 01/10/1985 and the house repair certificate dated 09/08/1965 alongwith sketch will indicate the existence of the structure in property bearing Matriz no. 421. The report of Mr. Neelesh Laad dated 02/04/2013 confirms Matriz no.

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421 corresponds to Survey no. 12/6 & 12/7 of village Sernabatim. The closure report submitted by the Colva Police Station, which was accepted by the learned JMFC and thereafter the proceedings of FIR no. 57/1999 was ordered as 'A' final summary, would indicate that the complaint dated 20/07/1999 of the Block Development Officer was without any basis. At any rate, it is submitted that the allegations of forgery as sought to be made are unsubstantiated and at any rate not proved in the investigation conducted by the Colva Police. The contentions of the Appellant with regards to the documents at Annexure G colly are disputed. It is submitted that the NOC at Exh. G colly are issued by a statutory authority i.e. the Village Panchayat. It is submitted that the Appellant cannot seek to discard the said NOC on the spacious plea as sought to be contended in para 7(vii). It is submitted that there are presumptions attached to public documents and the same cannot be discarded in the manner sought to be suggested by the Appellant, which suggestion is also without any basis.

11. With reference to the contents of para 8 of the memo of appeal, the documents produced by the Respondent no. 9 and Respondent no. 11 before the Respondent no. 1 sufficiently and clearly support the contention of the Respondent no. 11 that the structure in property bearing Survey no. 12/6 & 12/7 of village Sernabatim, was in existence prior to 1991

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and the same was authorized. It is submitted that once the documents produced by the Respondent nos. 9 and 11 indicated the existence of structure in property bearing Survey no. 12/6 & 12/7 of village Sernabatim prior to 1991, the provisions of CRZ notification 1991, would not be attracted. The proceedings were therefore rightly dropped and the show cause notice discharged by the Respondent no. 1. It is submitted that the Appellant has made a feeble attempt to allege the documents to be forged, which allegations are frivolous and at any rate unsubstantiated.

12. With reference to the contents of para 9 of the memo of appeal, it is submitted that the Respondent no. 4 who has been changing his stand, as referred and recorded by the Respondent no. 1, cannot be believed and no reliance can be placed on either the stand or the documents sought to be produced by the Respondent no. 4.

Annexed hereto and marked as **Annexure - R-11/A colly** are the copies of memo of petition bearing no. 145/2009 filed by the Respondent no. 4 alongwith the letter dated 11/11/2019 issued by Respondent no. 4 to the Respondent no. 1 and letter dated 15/10/97 filed by Dalage Pandhrajat, Colva which formed a part of WP 145/2009.

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13. With reference to the contents of para 10 of the memo of appeal, it is submitted that the Respondent no. 1 has after considering the case setup by the parties before the Respondent no. 1 and upon analysing the documents produced before the Respondent no. 1 has arrived at a well-reasoned conclusion and dropped the proceedings.

14. The contents of paras 11(a) to 11(g) of the appeal memo are denied. The contentions of the Appellant in the grounds are denied. The Appellant has misinterpreted the documents and/ or misconstrued the documents on record. It is denied that the Impugned Order is perverse, arbitrary or contrary to law. The records produced before the Respondent no. 1 clearly demonstrated that the structure existing in property bearing Survey no. 12/6 & 12/7 of village Sernabatim were old structures and were existing prior to 1991. It is submitted that the Appellant who otherwise lacks locus by the said submission in ground b is attempting to have a fishing and roving enquiry that too without making out any case for such enquiry, if any. It is submitted that mere existence of structures in NDZ and / or within 200 meters of HTL does not make the structure / s illegal. It is submitted that the test is whether such structure/s was in existence prior to 19/02/1991 i.e. the date of CRZ 1991 Notification. It is submitted that the Respondent nos. 9 and 11 have established with documents that the structure in property bearing



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Survey no. 12/6 & 12/7 of village Sernabatim is in existence prior to 1991 and that there is no new construction as alleged or otherwise. The documents produced on record indicate that the said structure is authorized. The contention of the Appellant that not a single document is produced on record to establish the said fact is frivolous and the said statement is mischievous, being contrary to record.

15. With reference to ground d it is submitted that the Appellant is either oblivion of the law on the subject and / or the reason for referring to the report dated 02/04/2013 or as usual the Appellant attempt to mislead. It is submitted that the Engineer's report is produced to show that Matriz no. 421 referred to in House repair certificate dated 09/08/1965 corresponds to present Survey no. 12/6 & 12/7 of village Sernabatim. The Appellant has not produced any material, much less any report from an expert to rebut the conclusions of Engineer Shri. Neelesh Laad as recorded in the report dated 02/04/2013. The said report therefore sufficiently proves the case of the Respondent no. 11 with regards to existence of the structure in Survey no. 12/6 & 12/7 of village Sernabatim prior to 1991.

Annexed hereto and marked as **Annexure – R-11/B Colly** are the copies of the Inspection Report dated 02/04/2013 of Mr. Neelesh Laad filed in

Neelesh Laad

regular Civil Suit 583/2010 alongwith plan and the Matriz bearing no. 421 with translation.

16. With reference to the contents of ground 11(e) of the memo of appeal, the contention of the Appellant that forgery is proved on the basis of the 'A' final closure report dated 28/08/2007 submitted by the Colva Police is denied as being fallacious. The learned JMFC was pleased to grant 'A' final summary in the matter and therefore the contentions of the Appellant are denied. At any rate it is not the case of the Appellant that the said proceedings have been reopened and / or charge sheet being filed.

Annexed hereto and marked as **Annexure – R-11/C** is the copy of the complete document i.e. Final Form Report under Section 173 of Cr.P.C.

17. With reference to the contents of para f of the memo of appeal, it is denied that Survey no. 12/6 & 12/7 of village Sernabatim never had any ancestral house of permanent nature. The statement that it is not the case of any of the Respondents that the Respondents had an old ancestral house in the said Survey no. 12/6 & 12/7 of village Sernabatim is denied in the manner pleaded. The documents produced by the Respondent no. 11 are from public records and the originals are with the Respondent no. 9. The contentions of the Appellant based on Exh. – K are disputed.



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Notarized copies of the NOC dated 01/10/1985 and 09/08/1965 alongwith sketch are annexed hereto as **Annexure – R-11/D colly.**

18. With reference to the contents of para 11(g) of the memo of appeal, it is denied that the Impugned Order is without conducting a proper inquiry. It is denied that the Impugned Order is passed without considering the documents and submissions made by the parties. The said contentions of the Appellant is frivolous and contrary to the records, which would indicate that the Respondent no. 1 has considered the case of the respective parties as also all the documents produced before the Respondent no. 1. At any rate and assuming for the sake of arguments without admitting the contentions of the Appellant then the Appellant would have to take recourse, if entitled and as permissible in law and the appeal is liable to be dismissed. It is denied that there are other glaring inconsistencies in the order. No such inconsistencies much less any glaring inconsistencies are shown by the Appellant. It is denied that the Impugned Order is required to be quashed.
19. The appeal is devoid of any substance and has been filed to cause harassment and embarrassment to the Appellant. It is submitted that no case is made out to show any indulgence in the matter.
20. The Impugned Order dated 19/09/2022 will indicate that the subject matter of the proceedings

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bearing Case no. GCZMA/SAL/SENA/07/26/1193 was a complaint filed by one Mr. Agostinho Godinho. The Impugned Order further indicate reference being made to the proceedings of Writ Petition no. 145/2009 filed by the Respondent no. 4, which petition was disposed off vide order dated 28/08/2009 directing the Respondent no. 1 to pass a speaking order in the matter (Exh. – B to the memo of appeal). Perusal of documents at Exh. – A to the memo of appeal, will indicate that the proceedings were on the basis of the purported complaint filed by Agostinho Godinho. The Appellant herein was neither the complainant nor does the Appellant claim or contend of having filed complaint. Apparently, the Appellant herein had applied for intervention in the matter. It is therefore submitted that the Appellant cannot claim or contend to be the complainant in the present proceedings on the spacious plea as sought to be raise in the memo of appeal at para 6. The Respondent no. 11 denies and disputes the locus of the Appellant to maintain the present proceedings.

21. No case is made out to entertain the appeal, which otherwise is frivolous.
22. Nothing may be deemed to be admitted for want of specific denials.
23. The Appellant is not entitled to any reliefs.

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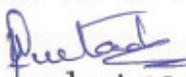




It is therefore prayed that the appeal filed by the Appellant be dismissed.

Pune

20th January, 2023


Respondent no. 11

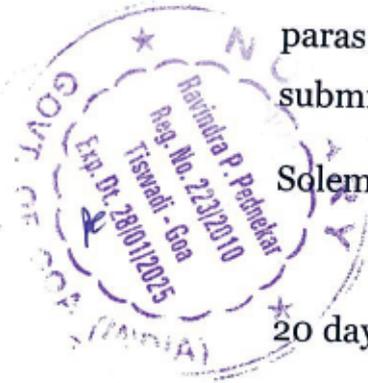
AFFIDAVIT

I, Ms. Wanyk Furtado, 53 years of age, D/o. late Antonio Jose Furtado, r/o Betalbatim, Goa, do hereby on solemn affirmation state that the contents of paras 1, 4, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20pt., & 22 of the reply are true to my knowledge and the submissions contained in paras 2, 3, 5, 20pt., 21 & 23 of the reply are legal submissions, which I believe to be true.

Solemnly Affirmed at ^{Panaji} Margao on this

20 day of January, 2023

[Signature]
Deponent



Solemnly affirmed before me by
Sh. Smt. Ms. Wanyk Furtado
who has been identified by Selva
Pedkar No. 328A 4689 9685
whom I personally know.
Reg. No. 178 Dated 20/01/2023

[Signature]
Ravindra P. Pednekar
Notary For Tiswadi Taluka
State of Goa (India)

Annexure R-11/A Colly

IN THE HIGH COURT OF BOMBAY AT GOA.

Writ Petition No. 145 /2009

IN THE MATTER OF ORDER DATED
31.12.2008 BEARING NO.
GCZMA/SAL/SENA/07/29/994

A N D

IN THE MATTER OF ORDER DATED
31.12.2008 BEARING NO.
GCZMA/SAL/SENA/07/26/995

A N D

IN THE MATTER OF ORDER DATED
31.12.2008 BEARING NO.
GCZMA/SAL/SENA/07/32/997

A N D

IN THE MATTER OF ENVIRONMENT
PROTECTION ACT, 1986

A N D



IN THE MATTER OF CRZ
NOTIFICATION DATED
19.02.1991

A N D

IN THE MATTER OF ARTICLES 14
AND 21 OF THE CONSTITUTION
OF INDIA

A N D

IN THE MATTER OF ARTICLES
226 AND 227 OF THE
CONSTITUTION OF INDIA

SHRI LINDO FURTADO, r/o H. No.
57, Copel Wado, Sernabatim,
Colva, Salcete, Goa.

.. Petitioner

VERSUS

GOA COASTAL ZONE MANAGEMENT
AUTHORITY through its Member
Secretary, having office at
Department of Science,
Technology & Environment,
Government of Goa, Opp.
Saligao Seminary, P.O.
Saligao, Bardez, Goa.

.. Respondent

(Above all are the Regd. addresses)



TO,

THE HONOURABLE THE CHIEF
JUSTICE AND OTHER COMPANION
JUDGES OF THIS HONOURABLE
HIGH COURT.

THIS HUMBLE PETITION OF THE
PETITIONER ABOVE NAMED

MOST RESPECTFULLY SHEWETH:

1. The Petitioner is a citizen of India.
2. By the present petition, the Petitioner seeks to challenge the Order dated 31.12.2008 bearing No. GCZMA/SAL/SENA/07/29/994, Order dated 31.12.2008 bearing No. GCZMA/SAL/SENA/07/26/995 and Order dated 31.12.2008 bearing No. GCZMA/SAL/SENA/07/32/997 issued by the Respondent herein whereby the Petitioner's structures existing in Survey Nos. 12/6 and 12/7 are ordered to be demolished.

Annexed hereto and marked as Exhibit 'A'
colly are the copies of the said Orders dated
31.12.2008.



3. The Petitioner states that the Petitioner is the owner in possession of property bearing Survey Nos. 12/6 and 12/7 situated in village Sernabatim of Salcete Taluka. The name of the Petitioner's father Shri Anthony Boseut Ignacio Furtado has been recorded in the Occupant's column in respect of Survey No. 12/6. In respect of Survey No. 12/7, the name of the Petitioner's father Shri Anthony Boseut Ignacio Furtado and the grand father of the Petitioner Shri Joao Menino Furtado is recorded.

Annexed hereto and marked as Exhibit 'B' colly are the copies of Form I & XIV in respect of Survey Nos. 12/6 and 12/7.

4. The Petitioner states that there exists a structure on Survey Nos. 12/6 and 12/7 belonging to the Petitioner. The said structure partly falls in Survey No. 12/6 and partly in Survey No. 12/7.

5. The Petitioner states that the Respondent herein issued Show Cause Notice dated 22.10.2007 to Shri Siliston Furtado, Mario Furtado and Joao Inacio Furtado alleging that there is an illegal construction carried out in Survey No. 12/6. The Petitioner states that



neither of the aforesaid three persons are the owners of the said land bearing Survey No. 12/6 nor the structure existing therein. The Respondent therefore could not have issued the Show Cause Notice to the aforesaid three persons. The Respondent ought to have issued the Show Cause Notice to the Petitioner. The Petitioner has ignored the entries in the "survey records in favour of the Petitioner's father and the grandfather.

6. The Petitioner states that in respect of Survey No. 12/7, the Respondent issued a Show Cause Notice dated 23.10.2007 to the Petitioner alleging that the Petitioner has carried out an illegal structure in Survey No. 12/7.

Annexed hereto and marked as Exhibit 'C' is the copy of the said Show Cause Notice dated 22.10.2007.

7. The Petitioner states that in respect of Survey No. 12/6, Shri Siliston Furtado filed reply, appeared before the Respondent and admitted that the said structures are constructed without any permission. On the basis of such alleged admission made by Shri Siliston Furtado, the impugned Orders dated 31.12.2008 have been issued ordering demolition

of the said structures. Firstly, Shri Siliston Furtado had no authority or right to make such alleged admission. Secondly, the Respondent could not have passed the demolition Order on the basis of the admission made by Shri Siliston Furtado. The Petitioner states that the Petitioner is the owner of the said property bearing Survey No. 12/6 and the structures existing therein. The Petitioner states that the Respondent ought to have issued notice to the Petitioner in respect of Survey No. 12/6. The Petitioner therefore submits that the Orders dated 31.12.2008 directing demolition of the structures of the Petitioner are illegal, arbitrary and in violation of the basic principles of natural justice and fair play.

8. The Petitioner states that in so far as notice concerning Survey No. 12/7 is concerned, the Petitioner herein filed detailed reply dated 27.11.2007. Along with the said reply, the Petitioner produced Orders passed by various authorities in other documents to show that the said structure was in existence prior to 19.02.1991. The Petitioner states that such documents include NOC dated 1.10.1985 granted by the Village Panchayat for repairs of the



existing structure situated in Survey No. 12/6, Order dated 27.10.1997 passed by the Dy. Director of Panchayats holding that the said structure is existing at least from the year 1985, report dated 8.09.2000 of the Assistant Engineer, Public Works Department stating that the said structure is at least 15 years old prior to 8.09.2000.

Annexed hereto and marked as Exhibit 'D' colly is the copy of the reply along with the documents annexed thereto.

9. The Petitioner states that it is pertinent to mention that the said Shri Siliston Furtado is the son of Maria Filomena Furtado who was illegally occupying the said structure. After several disputes, ultimately about three years back, said Maria Filomena Furtado and Shri Siliston Furtado vacated the said structure and the possession thereof was returned back to the Petitioner. The Petitioner states that Maria Filomena Furtado has also sworn affidavit stating that she has no right whatsoever to Survey No. 12/6 and that the possession thereof has been handed over to the Petitioner.



Annexed hereto and marked as Exhibit 'E' is the copy of the affidavit.

10. The Petitioner states that the Petitioner is in possession of the photographs, which were taken in the year 1985 showing the existence of the said structure in Survey Nos. 12/6 and 12/7.

Annexed hereto and marked as Exhibit 'E' are the photographs.

11. The Petitioner states that the Respondent has committed gross illegality in issuing two separate Show Cause Notices in respect of one structure existing in two Survey numbers. Further, in respect of Survey No. 12/6, the Respondent has issued two Show Cause Notices - one to the Petitioner and the other to Shri Siliston Furtado. The impugned Orders on this ground alone are liable to be set aside.

12. The Petitioner states that the said property bearing Survey Nos. 12/6 and 12/7 was purchased by the Petitioner's ancestors on 28.09.1870. In the said Deed of Sale, it is clearly mentioned that there exists a



mundkarial structure, which is used for storing coconuts.

Annexed hereto and marked as Exhibit 'G' is the copy of the Deed of Sale dated 28.09.1870.

13. The Petitioner states that it is pertinent to mention that the same structure, which was illegally occupied by Shri Joao Inacio Furtado, the brother of Shri Siliston Furtado, was the subject matter before this Honourable Court in S.M. Writ Petition No. 418/1998. This Honourable Court by its Judgement dated 7.02.2001 has held that the issue is pending before the Administrative Tribunal and as such, it is not possible to adjudicate upon the said issue. The Petitioner states that the issue is still pending before the Administrative Tribunal in Land Revenue Appeal Nos. 244/2000 and 245/2000.

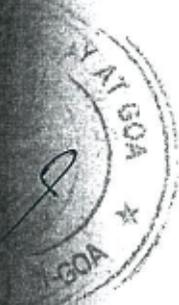
Annexed hereto and marked as Exhibit 'H' is the copy of the Judgement dated 7.02.2001 in S.M. Writ Petition No. 418/1998.

14. The Petitioner aggrieved by the impugned Orders dated 31.12.2008 passed by the

Respondent herein prefers this petition on the following amongst other grounds, which are urged in the alternate and without prejudice to one another:

G R O U N D S

- a) The Petitioner submits that in respect of Survey No. 12/6, no notice has been issued to the Petitioner. In the survey records, the name of the Petitioner appears. The Respondent has issued notice to Shri Siliston Furtado in respect of Survey No. 12/6 and the Order is also issued to him. The Petitioner submits that the impugned Orders are therefore in breach of the principles of natural justice and fair play;
- b) The Petitioner submits that the impugned Orders are in excess of the jurisdiction vested with the Respondent. Firstly, the structure is one situated in Survey Nos. 12/6 and 12/7. As



such, there could have been only one Show Cause Notice and one Order. In the instant case, the Show Cause Notice in respect of Survey No. 12/6 is not issued to the Petitioner. In respect of Survey No. 12/7, there is a separate Show Cause Notice issued to the Petitioner. The Petitioner submits that the Show Cause Notice dated 22.10.2007 discloses total non-application of mind. Consequently, the impugned Orders are liable to be set aside;

- c) The Petitioner submits that the findings of the Respondent herein suffer from perversity and non-application of mind. The Petitioner submits that the Respondent has not at all considered the NOC dated 1.10.1985, which clearly shows the existence of the said structure in Survey No. 12/6. Similarly, the Order dated 27.10.1997 passed by the Dy.



Director of Panchayats clearly hold that the said structure exists in Survey No. 12/6 from the year 1987. These vital documents have been completely discarded by the Respondent in the impugned Orders. Consequently, the impugned Orders are liable to be set aside;

d) The Petitioner submits that in respect of Survey No. 12/6, the Respondent has issued demolition Order on the alleged admission made by Shri Siliston Furtado, who is not the owner of the property at all. The impugned Order, which is based solely on the alleged admission of Shri Siliston Furtado, is illegal and consequently liable to be set aside;

e) The Petitioner submits that the Respondent has not applied its mind to the facts of the case. The documentary evidence produced by the Petitioner in the form of



Deed of Sale, affidavit, the survey records, NOC dated 1.10.1985 and the Order dated 27.10.1997 passed by the Dy. Director of Panchayats have been ignored. The impugned Orders do not give any reasons whatsoever. Consequently, the same are liable to be set aside;

- f) The Petitioner submits that in respect of Survey No. 12/6, there is no Show Cause Notice whatsoever issued to the Petitioner. There are no different structures in Survey Nos. 12/6 and 12/7. The said structure is common. The Respondent has issued demolition Order without disclosing any application of mind. Consequently, the impugned Orders are liable to be set aside;

- g) The Petitioner submits that in S.M. Writ Petition No. 418/1998, vide Order dated 7.02.2001, this Honourable Court has held that



since the issue concerning the said structure is pending before the Administrative Tribunal, this is not a proper stage to adjudicate upon the legality of the said structure. The Petitioner submits that in view of the aforesaid findings of this Honourable Court, the impugned Order is liable to be set aside;

- h) The Petitioner craves leave to urge such other and further grounds at the time of hearing.

15. The Petitioner under the circumstances is entitled for a writ of certiorari or a writ in the nature of certiorari or any other appropriate writ, order or direction to call for the records and proceedings from the Respondent and after perusing the same, quash and set aside the impugned Order dated 31.12.2008 bearing No. GCZMA/SAL/SENA/07/29/994, Order dated 31.12.2008 bearing No. GCZMA/SAL/SENA/07/26/995 and Order dated 31.12.2008 bearing No. GCZMA/SAL/SENA/07/32/997.



16. The Petitioner states that pending the hearing and final disposal of the present petition, the Petitioner is entitled for stay of execution and operation of the impugned Orders dated 31.12.2008 passed by the Respondent herein.

17. The Petitioner has not filed any other petition either in this Honourable Court or in the Honourable Supreme Court of India regarding the subject matter of this petition.

18. The Petitioner has got no other alternative and/or efficacious legal remedy available, and if the reliefs prayed for herein are granted, they will be complete in themselves.

19. The cause of action for filing this petition arose in Goa, therefore, this Honourable Court has jurisdiction to entertain and decide the present petition.

20. The Petitioner has not received any Caveat application.



21. Fixed Court fee of Rs. 150/- is paid herewith.

The Petitioner therefore prays that this Honourable Court be pleased to:

P R A Y E R S

- a) Issue a writ of certiorari or a writ in the nature of certiorari or any other appropriate writ, order or direction to call for the records and proceedings from the Respondent and after perusing the same, quash and set aside the impugned Order dated 31.12.2008 bearing No. GCZMA/SAL/SENA/07/29/994, Order dated 31.12.2008 bearing No. GCZMA/SAL/SENA/07/26/995 and Order dated 31.12.2008 bearing No. GCZMA/SAL/SENA/07/32/997;
- b) Stay the execution and operation of the impugned Orders dated 31.12.2008 passed by the Respondent herein, pending the



hearing and final disposal of the present petition;

- c) Pass such other and further reliefs, as this Honourable Court deems fit and proper.

Panaji,

February 17, 2009.



Lindo Furtado
Petitioner

VERIFICATION

I, Lindo Furtado, aged 73 years, Indian National, r/o H. No. 51, Copel Vado, Sernabatim, Colva, Salcete, Goa, the Petitioner above named, do hereby on solemn affirmation verify that the contents of paras

1 to 13, 17 _____

_____ are true to my own knowledge and belief and whatever stated in the remaining _____ paras viz.

14, 15, 16, 18 & 19 _____ is based



C

on legal submissions and/or inferences of facts, which I believe to be true.

Panaji,

February 17, 2009.

Licudj... Furtado
DEPONENT

Identified by me:

[Handwritten signature]

(Adv. for the Petitioner)

(D. J. Pangam)

Before me

[Handwritten signature]

Section Officer
Judicial Branch



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Rs. 133.00
Rs. 5.00
 Rs. 138.00


 Section Officer

High Court of Bombay at Goa
 Panaji-Goa



3064/11

6/9/14

From:
Lindo J. Furtado,
H.No:51,
Copel Waddo,
Sernabatim,
Salcete Goa.

To,
The Member Secretary,
Porvorim,
Bardez Goa.

11/11/19
Co. Member Secretary
Goa Coastal Zone Management Authority
Co. Department of Survey & Mapping
& Planning
1st Floor, Pandit Bhausaheb Shastri Bhavan,
Porvorim, Bardez, Goa - 403521

Sub: Reply to the subject dated 10/10/2019 in-ref no.GCZMA/SAL/SENA/07/26/1572

Sir,

In reference to the notice for the personal hearing under REF No GCZMA/SAL/ SENA/ 07/26/1572 dt. 10/10/2019.

It is observed that the case filed by Augustinho Godinho is illegal and maliciously filed before this authority and his credentials are to be challenged before this authority.

It is pertinent to note that this authority has also conspired to delay the matter for nearly a decade which was done for securing an illegal Act done by Maria Filomena Furtado and her family, thus is abetment of crime.

It is observed now through the local advertisement that Mr. Augustinho Godinho has died and hence his complain cannot be taken as the cause of action has been collapsed.

The notice issued dt 10/10/2019 in reference to write petition no 145/2009 filed before the Hon High Court of Bombay at Panjim was a subject matter of two survey numbers of 12/6 & 12/7, situated at Sernabatim Salcete Goa.

However survey No 12/6 was not included in the present notice and hence a new notice has to be issued.

I am producing a copy of the orders for your reference for perusal and hence the notice bearing no GCZMA / SAL / SENA / 07/26/1572 dt 10/10/2019 has to be corrected and issued a fresh, involving survey No 12/6 & 12/7 of village Sernabatim.

It is observed in the last para of the notice that this matter is NGT court direction, which is threatening my age. The pendency of this case itself speaks the nefarious activities done by this Department to help Maria Filomena Furtado and family.

There fore a Fresh Notice should be issued bringing his heirs on records.

Dated: 11/11/2019

Yours Faithfully,

Lindo Furtado
(Lindo Furtado)

INFORMATION ISSUED UNDER RTI ACT, 2005

Dy. Director of Panchayats
South Goa, Margao
Inward No. 2415
Date 20/10/97

BEFORE THE DEPUTY DIRECTOR OF PANCHAYATS, SOUTH-GOIA, MARGAO.

Case No. 00PE/7/97 60-

Shri. Lindo Jeronino Furtado
r/o Sernabatim, Colva.

Appellants

v/s

Smt. Maria Filomena Furtado
r/o Ambeaxir, Sernabatim,
Colva.

Respondent

and:

Village Panchayat, Colva.

Third Party



RETURNED STATEMENT OF THIRD PARTY

PLEASE YOUR HONOUR :

The Third Party most respectfully states and submits as under :-

1. Repair of structure was given by the Panchayat on 1st October 1985. That is before publicity on hearing any circular from the Government not to issue any repairs, renovations or any new licence within 500 mtrs. zone. Repair N.O.C. was issued under Village Panchayat No.VP/SVCG/440/85-86 dated 1-10-85 after receiving application from Mr. Joao Inacio Furtado, resident of Ambeaxir, Sernabatim, Colva dated 4-9-85 for repairs of old structure.

2. Mr. Joao Furtado had applied per House No. in the year 1993 for the said structure, so Village Panchayat of Colva issued House No. 106/3 dated 28-11-93. It is also known to this Panchayat that Mr. Joao Inacio Furtado was residing since long in the said structure.

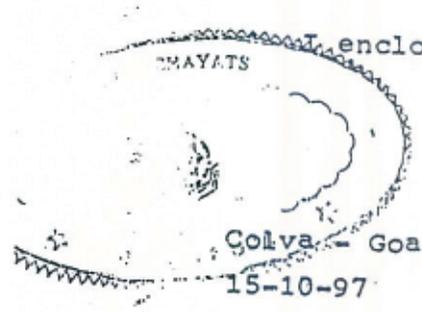
3. Since 1996 he had taken N.O.C. to open Bar & Restuarant and Guest House in the said structure which approved by Tourism Department and Panchayat also.

I enclosed x xerox copies of the above mentioned documents.

Handwritten notes: 462/20/12, 15/10/97

Certified copy of the document available in office records

Signature of Public Information Officer (GCZMA/DSTE)



Signature of Third Party Secretary

THIRD PARTY SECRETARY
Village Panchayat
SERNABATIM, VANELIM
COLVA & GANDULIM

Annexure R-11/B Colly Superintendent

Neelesh G. Laad



Architectural and Structural Engineer - Approved Valuer

C/o. Ideal Housing Enterprises
 Old Market, Margao - Goa. 403 601
 Phone: 2414006, 2714007
 Mob: 9850471430

Ref. No. :

RCS 583/10
 DWZ/C-177 Colly
 ll
 07/10/2018

RCS 583/10
 ll
 24/11/19
 Date: 2nd April 2013

INSPECTION REPORT

At the request of Pio Furtado from Sernabatim, I visited the property known as Adompoi on 25th March 2012 situated at Sernabatim bearing Survey Nos.12/5,6,7 and 13.

Scope of the work:

The scope of my inspection is to identify the property enrolled under Matriz No.421 within the Survey Plan.

Documents Perused:

- Survey Plan and Forms I & XIV of land surveyed under Nos.12/5,6,7 and 13 of Sernabatim Village;
- Matriz Certificates of properties enrolled under Matriz Nos.420,421,427,429,430 and 431
- Report of Eng.A Roy Costa Fernandes;
- Certificate from Land Registration Office dated 24.7.08;
- Plaint and written statement in SCS No.143/09/I.

Observations:

- The properties surveyed under No.12/5,6,7 and 13 are touching the high seas.



NEELES G. LAAD
 B.E. (Civil) M.I.E., F.I.V.
 ARCHITECTURAL & STRUCTURAL ENGINEER
 APPROVED VALUER, F-3365
 Regd. No. P. W. D. 290 SPD/4 MMC-31
 TCP-92/2010

2. The property under Matriz No.420 is entered in the name of Alexandre Crescencio Gonsalves (who I have been informed by Pio Furtado is the predecessor of Agostinho Godinho in whose name survey no.12/5 is entered) and is bounded as under :

East : by Praia Velha (old beach) and Nova Quircasona of Francisco

Salvador da Silva and Antonio Modestino da Silva;

West : by Mar Alto (high seas);

North : by Adompoi of Francisco Adolfo Dias; and

South : by Adompoi of Pedro Bernardino Furtado and Diogo Felipe

Furtado and Caetano Camilo Mouzinho das Augustias Gonsalves
and others.

3. The property under Matriz No.421 is entered in the name of Diogo Filipe Furtado (who I have been informed by Pio Furtado is the father of Antonio Jose Furtado in whose name survey no.12/6) is entered and is bounded as under:

East : by Adompoi and Caetano Camilo Mouzinho das Augustias

Gonsalves;

West : by Mar Alto (high seas);

North : by Adompoi of Crescencio Gonsalves; and

South : by Adompoi of Pedro Bernardino Furtado and Fr.Vincente Mariano Furtado.



NEELES G. LAAD
B.E. (Civil) M.I.E., F.I.V.

ARCHITECTURAL & STRUCTURAL ENGINEER
APPROVED VALUER, F-3365
Regd. No. P. W. D. 290 SPD/4 MMC-31
TCP-92/2010

Superintendent

4. The property under Matriz No.429 is entered in the name of Vincente Mariano Furtado and brothers (who I have been informed by Pio Furtado is the father of Joao Menino Furtado and uncle of Antonio Bossuet Furtado in whose names Survey No.12/7 is entered) of Sernabatim and is bounded as under:

East : by Adompoi of Pedro Bernardino Furtado;

West : by Adompoi of said Bernardino;

North : by Adompoi of Caetano Camilo Mouzinho das Augustias

Gonsalves; and

South : by Adompoi of Luis Menino Lobo.

5. The property under Matriz No.430 is entered in the name of Pedro Bernardino Furtado (who I am informed by Pio Furtado is husband of Ludovina Furtado-plaintiff in SCS No.143/09/I in whose name survey no.12/7) and is bounded as under:

East & West : by Vincente Mariano Furtado;

North : by Adompoi of Diogo Felipe Furtado; and

South : by Adompoi of Luis Menino Lobo.



NEELES G. LAAD
B.E. (Civil) M.I.E., F.I.V.

ARCHITECTURAL & STRUCTURAL ENGINEER
APPROVED VALUER, F-3365
Regd. No. P. W. D. 290 SPD/4 MMC-31
TCP-92/2010




 Superintendent

6. The property under Matriz No.431 is entered in the name of aforesaid Vicente Mariano Furtado and brothers, and is entered in Form I & XIV in the name of Joao Menino Furtado under Survey No.12/7) and is bounded as under:

East : by Adompoi of Pedro Bernardino Furtado;

West : by Mar Alto (high seas);

North : by Adompoi of Diogo Felipe Furtado; and

South : by Adompoi of Luis Menino Lobo.

• It can be seen from the Matriz documents that the property enrolled under No.421 is owned by Diogo Filipe Furtado. The property surveyed under No.12/6 is entered in Form I & XIV in the name of Antonio J.Furtado who I have been informed by Pio Furtado, is the son of Diogo Filipe Furtado.

The property under Matriz No.421 includes the entire property surveyed under No.12/6 and part of property surveyed under No.12/7. I have drawn a plan in which survey No.12/6 is shown in green and the part of Survey No.12/7 which forms part of property under Matriz No.421 is shown in red.

The area of the entire Matriz No.421 as shown by me in the plan is 13 mts. x 48 mts. = 624 sq.mts.

On observation at site it is also seen that there is a structure in Survey No.12/6 comprising of rooms and which extends into survey no.12/7. The said structure is shown in the plan. The


NEELESH G. LAAD
 B.E. (Civil) M.E., F.I.V.
 ARCHITECTURAL & STRUCTURAL ENGINEER
 APPROVED VALUER, F-3365
 Regd. No. P. W. D. 290 SPD/4 MMC-31
 TCP-92/2010





8.
Superintendent

shown in the plan. The entire structure is in possession of Shri Pio Furtado who opened the rooms in my presence for my inspection.

The boundaries of the matriz no.421 as identified by me in the plan tally with the boundaries as shown in the Matriz Certificate on all four sides.

It can be seen from Matriz Certificate of land enrolled under No.420 that the western boundary of the property is high seas. However, Eng.A.Roy Costa Fernandes has shown the same as high sea and Matriz No.421 which is not as per Matriz Certificate. Said Eng.Costa has shown Matriz No.421 as lying within Survey No.12/5 which is not possible since the entire western boundary of Matriz No.420 (Survey No.12/5) is shown as the high seas and therefore Matriz No.421 cannot be the western boundary of Matriz No.420 (Survey No.12/5). Similarly, Matriz No.421 lies within Matriz No.420 (Survey No.12/5) then the eastern boundary of Matriz No.421 has to be Matriz No.420 which is also not the case as per documents.

From the documents it can be ascertained that the Matriz No.421 includes Survey No.12/6 and land further to the East which is part of Survey No.12/7 as shown in my plan.

The northern boundary of Matriz No.429 is Cactano Camilo M.D.A. Gonsalves. Eng.A.Roy Costa Fernandes has pushed the said property into Matriz No.420 (Survey No.12/5), in his report. His report does not therefore tally with the boundaries of Matriz No.420.

I have gone through the Land Registration Certificate dated 24.7.08. The boundaries of the property Adampoi as mentioned therein cannot be located as none of the boundaries can be ascertained as currently the properties are not in the names of the holders mentioned therein.



NEELESH G. LAAD
B.E. (Civil) M.E., F.I.V.

ARCHITECTURAL & STRUCTURAL ENGINEER
APPROVED VALUER, F-3365
Regd. No. P. W. D. 290 SPD/4 MMC-31
TCP-92/2010

8

Superintendent

Moreover, the Matriz Certificates produced by the plaintiff being Matriz Nos.421,427,429,430 and 431 do not tally with the Land Registration document. Hence, it cannot be said that the property shown in the Matriz and in the Land Registration Certificate are one and the same.

Conclusion:

In the light of what is stated above, it is clear that the property under Matriz No.421 owned by Diogo Filipe Furtado includes the whole of survey No.12/6 shown in green colour and part of survey no.12/7 shown in red in my plan totally admeasuring 624 sq.mts. with dimensions of 48.0 x 13.0 mts. In the same area there is also a structure comprising of rooms in possession of Pio Furtado.

The plan forms integral part of this report.



NEELESH G. LAAD (NEELESH G. LAAD)
B.E. (Civil) M.I.E., F.I.V. B.E.CIVIL M.I.E. FIV
ARCHITECTURAL & STRUCTURAL ENGINEER Reg. No. PWD-290
APPROVED VALUER, F-3365 S.P.D.A.-4
FIV 3365
Regd. No. P. W. D. 290 SPD/4 MMC-31
TCP-92/2010

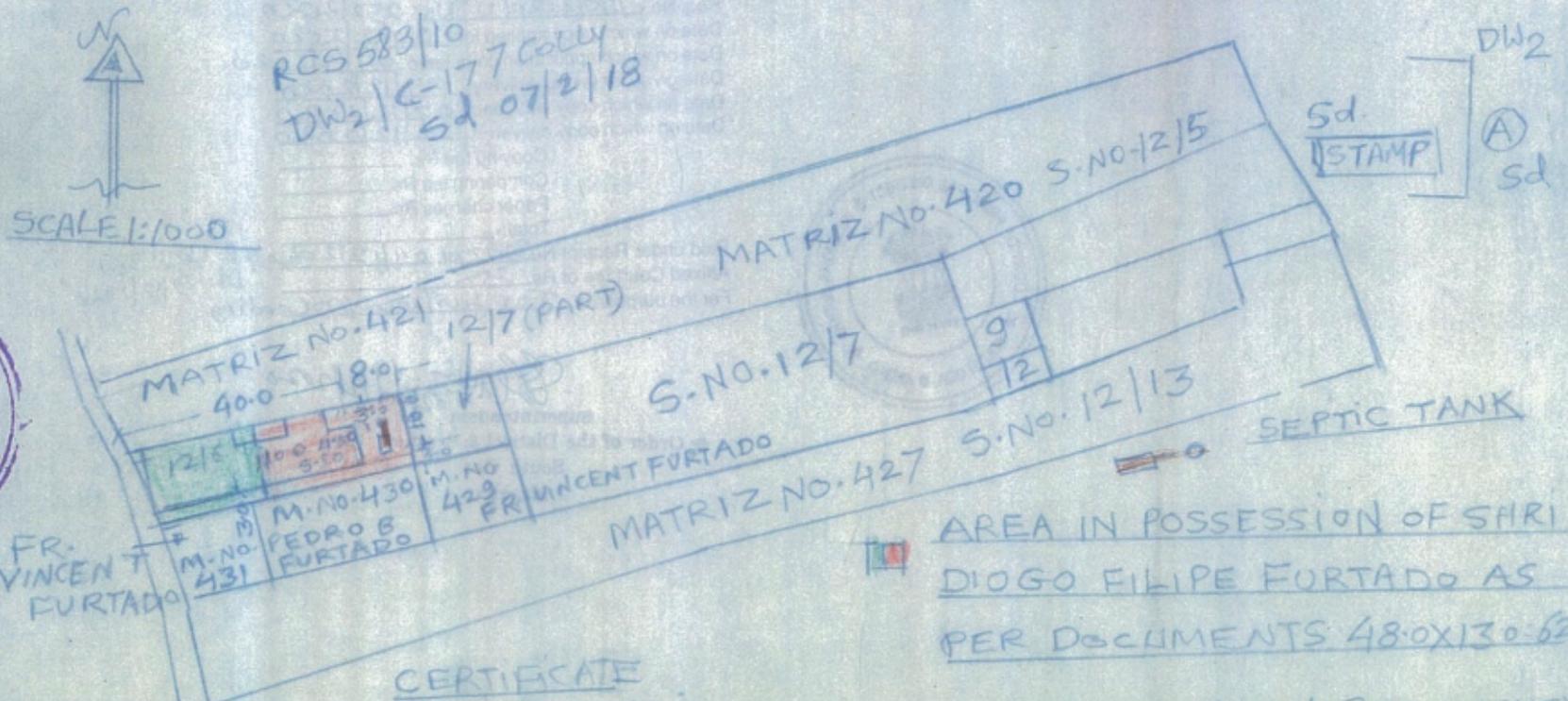
Handwritten signature and date:
29/7/16

*Compared with the original
File.*

Handwritten initials:
R.K.S

SITE PLAN OF PROPERTY SURVEYED UNDER NO. 12/56, 7, 13
OF VILLAGE SERNABATIM SALCETE SHOWING THEREIN
THE PROPERTIES UNDER MATRIZ NO. 420, 421, 427, 429, 430, 431
AND THE AREA IN POSSESSION OF MR. PIO FURTADO.

Superintendent



FR. VINCENT FURTADO

CERTIFICATE
THIS IS TO CERTIFY THAT THIS IS
THE TRUE COPY OF THE PLAN ATTACHED
AT EXBT. C-177 COLLY IN RCA 99/18
IN RCS 583/10/II. IN THE DISTRICT
AND SESSION COURT SOUTH GOA
AT MARGAO.

- AREA IN POSSESSION OF SHRI
DIOGO FILIPE FURTADO AS
PER DOCUMENTS 48.0X130.624.0M
- AREA AS SHOWN PER SURVEY
- EXIST STRUCTURE OF SHRI FURTADO

NEELES G. LAAD
B.E. (CIVIL) M.E., F.I.V.
ARCHITECTURAL & STRUCTURAL ENGINEER
APPROVED VALUER, F-3365
Regd. No. P. W. D. 290 SPD/MMC-31
TCP-92/2010

CERTIFIED COPY

Reg. No. 740/2020(U) No. 252/2020
 Date on which copy applied for 04/12/2020
 Date on which application completed 04/12/2020
 Date given for taking delivery 07/12/2020
 Date on which copy was ready 07/12/2020
 Date on which copy delivered 22/12/2020

Copying fee Rs. _____
 Comparing fee Rs. _____
 Paper charges Rs. _____
 Total: _____

Paid under Receipt No. 32727 dt. 04/12/2020 & R. No. 35581
 Affixed Court fee of Rs. 25 dt. 22/12/2020
 For the purpose of For further proceeding.



[Handwritten Signature] 22/12/2020

Superintendent
 Order of the District & Sessions Judge
 South Goa
 Margao

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भारतीय गैर न्यायिक



INDIA NON JUDICIAL

गोंय गोवा GOA NO. 5333 - MARGAO
 value of Stamp Rs. 20
 Name of Plaintiff A. Dias
 Residence Margao
 Purpose Transacting Business
 Signature of Stamp [Signature] Signature of [Signature]



TYWEEN XEROX, MARGAO
 Licence No. JUD/STP/5/2002/AC
 R. AGUIAR

HEAD OF TALUKA REVENUE OFFICE SALCETE TALUKA AT
 MARGAO

CERTIFICATE

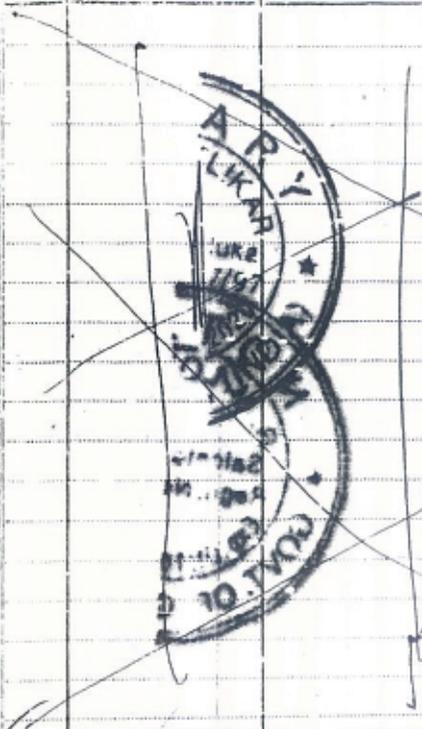
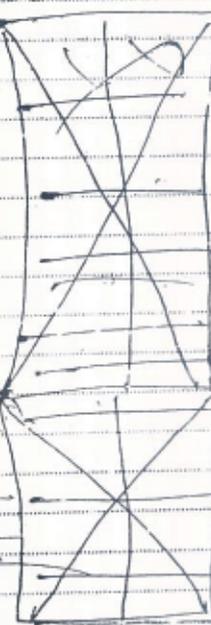
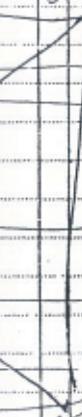
This is the true Xerox copy of Matriz Nos. 421, 422, 430,
 & 431 pertaining to Sernabatim Village of Salcete Taluka.

This certificate is issued at the request of Pío Furtado,
 r/o. Ambeaxir, Sernabatim, Colva, Salcete - Goa.

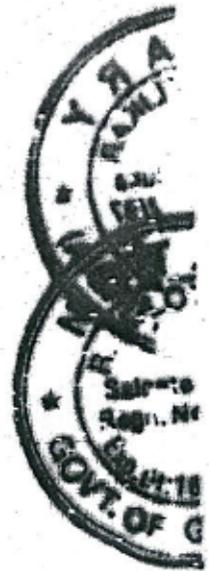
Dated: 09/12/2009



HEAD OF TALUKA REVENUE

Número do prédio	Proprietários ou usufrutuários	nomes próprios, seus filhos e herdeiros e confrontações naturais	Medição ou aprovação dos p.	Porção de que os compo	gêneros dos prédios rústicos	Readimen em dia
			<p>D. Ino, poente Moor Alto norte Adomfoi de Francisco Adelfo Dias e sul Adomfoi de Abana! Par tana Godinho de R. Vicente Mariano Furtado de Diamante Francisco de Abenme Jesus e Costa, de São Bernardino Furtado e Diogo Felipe Furtado e Costas Camilo Marinho das Inquições for salves.</p>			
H21		<p>Diogo Felipe Furtado de Dornabation</p> 	<p>Prédio Adomfoi, confrontado de nascente Adomfoi e Costas Camilo Marinho das Inquições Gonzalves poente Moor Alto norte Adomfoi de brassencia Gonzalves e sul Adomfoi de Pedro Bernardino Furtado e R. Vicente Mariano Furtado.</p>		<p>25 covos</p> 	<p>80</p> 
H22		<p>Francisco Antonio de Dornabation</p> <p>Exercício de comércio de feo Leuar do Dia, Agri</p> 	<p>Prédio Adomfoi, confrontado de nascente Adomfoi de Diamante de Francisco de Dornabation e Costa poente Adomfoi de Diogo Felipe Furtado, norte Adomfoi de Alexandre brassencia Gonzalves e sul</p>		<p>100 covos</p> 	<p>200</p> 

to. Missing line 42370 428
not had



- 1. Copy app. on 8-12-09
- 2. Copy of delivery of copy notified to the party.....
- 3. Copy ready on 9-12-09
- 4. Copy delivered on 10-12-09
- 5. Typed by.....
- 6. Compared by.....
- 7. Checked by [Signature]
- 8. Copying fee Rs. 20/- (Rupees Twenty only) credited in the State Bank of India, Margao under Chalan No. Receipt No 59/5

dt 10/12/09

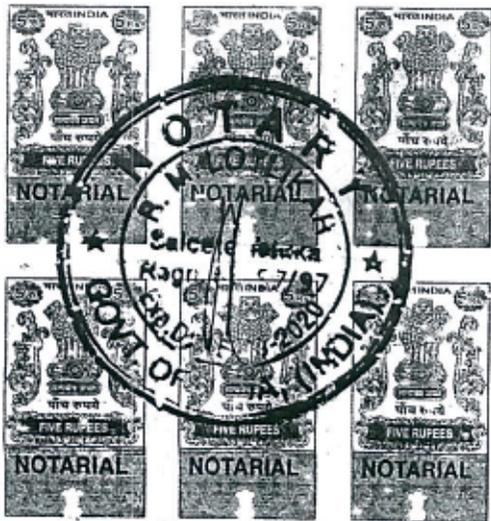
[Signature]
Mamlatdar, Salcete
Margao



Número da propriedade	Situação ou localidade dos prédios	Nomes e moradas dos proprietários ou usufrutuários	Designação dos prédios com os seus nomes próprios, se os tiverem, sua natureza e confrontações naturais	Medição rigorosa ou aproximada dos prédios	Porção de semente que os prédios comportam	Rendimento bruto médio em géneros dos prédios rústicos	Rendimento bruto em dinheiro
429		Vicente Mariano Furtado de Almeida e Silva	<p>Prédio Adomphi Confrontado de nascente com Adomphi de Pedro Bernardino Furtado, de frente com Adomphi de São Bernardino, de norte com Adomphi de José Antonio de Souza e de sul com Adomphi de José Antonio de Souza.</p>			25000	80
430		Pedro Bernardino Furtado de Almeida	<p>Prédio Praia 3ª adição Adomphi. Confrontado de nascente com Adomphi de Vicente Mariano Furtado, de norte com Adomphi de Diogo Felipe Furtado e de sul com Adomphi de José Antonio de Souza.</p>			25000	80
431		Vicente Mariano Furtado de Almeida	<p>Prédio Praia de Adomphi. Confrontado de nascente com Adomphi de Pedro Bernardino Furtado, de frente com Adomphi de Diogo Felipe Furtado e de sul com Adomphi de José Antonio de Souza.</p>			50000	100



1. Copy app. on 8-12-09
 2. Copy of delivery of _____
 copy attested to the party _____
 3. Copy ready on 9-12-09
 4. Copy attested on 10-12-09
 5. Typed by _____
 Compared by _____
 7. Checked by [Signature]
 8. Copying for Rs. 90/- (Rupees Ninety)
 _____ (only) credited in the
 State Bank of India, Margao under Cheque No. Receipt ARK No. 590/5
dt. 10/12/09.



CERTIFIED TO BE A TRUE COPY OF THE ORIGINAL DOCUMENT

[Signature]

R. M. LOTLIKAR
ADVOCATE & NOTARY
MARGAO - GOA
INDIA

19/11/17

Ar n 2068/17

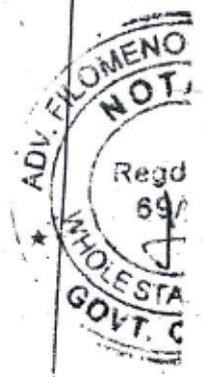
TRUE COPY

TRANSLATION

Mat- riz No.	Situation or loca- lity of the pro- perties.	Names and re- sidences of the proprie- tors or usu- fructuaries.	Designation of the properties with th- eir proper names, if they have them, th- eir nature and natu- ral Boundaries.
421		Diogo Felipe Furtado, from Sernabatim.	Property Adompoi. Bounded on the east with Adompoi and Ca- etano Camilo Mousinho das Angustias Gonsal- ves, on the west with the high sea, on the north with Adompoi of Crescencio Gonsalves and on the south with Adompoi of Pedro Ber- nardino Furtado and Fr. Vicente Mariano Furtado
422		Emerciano Lu- cio Fco. Leonar- do Dias, ...	Property Adompoi. Bounded on the east wi- th Adompoi of Raimundo Francisco de Menino Je- sus e Costa, on the we- st with Adompoi of Dio- go Felipe Furtado, on the north with Adompoi of Alexandre Crescencio Gonsalves and on the sou- th with



Strict or approximate measurement of the properties	Portion of sowing which the properties bear.	Average gross revenue in kind of the rustic properties.	Gross revenue in cash
		25 coco-nuts.	0-03-00
		100 coco-nuts.	2-00-00



430		<p>Pedro Bernardino Furtado, from Sernabatim.</p>	<p>Property Praia 3^a adicao Adompoi. Bounded on the east and west with Adompoi of Vicente Mariano Furtado P^e, on the north with Adompoi of Diogo Felipe Furtado and on the south with Adompoi of Luis Menino Lobo</p>
		<p>Vicente Mariano Furtado P^e and brothers, from Sernabatim.</p>	<p>Property Praia de Adompci. Bounded on the east with Adompoi of Pedro Bernardino Furtado, on the west with High Sea, on the north with Adompoi of Diogo Felipe Furtado and on the south with Adompoi of Luis Menino Lobo.</p>



31

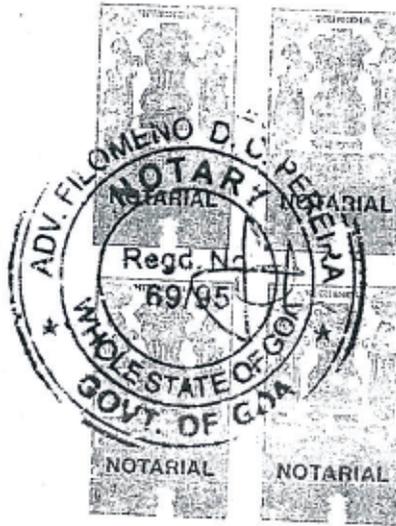
THIS COPY IS A TRUE COPY OF THE ORIGINAL DOCUMENT



		25 coco-nuts.	0-08-00
		50 coco-nuts.	1-00-00



THE NOTARY
WHOLE STATE OF GOA
Filomeno D. C. Pereira
FILOMENO D. C. PEREIRA
T-4, FATIMA CHAMBERS
M.L.FURTADO ROAD, MARGAO, GOA
PLACE: *Margao*
DATE: *11.12.09*
REG.No. *14213*



CERTIFIED TO BE A TRUE CO
OF THE ORIGINAL DOCUMENT
notarized
R. M. CARNEIRO
ADVOCATE & NOTARY
MARGAO - GOA
2009/11
GOA

242

MARGAO
 No. 537
 O. W. No. 5
 DATE 24-08-06

Annexure R-11/C

4694
31/8/06

Page of

FINAL FORM / REPORT
 (Under section 173 Cr. P. C.)

STATION COLVA
 Inward No. 3633
 15/9/07

*IN THE COURT OF J.M.F.C. Margao

1. *Distt. 184 *P.S. Colva
 *Year 2006 *FIR No. 57/99 *Date 17/08/1999
 2. Final Report/Charge Sheet No. 18/063 *Date 03/08/2006
 4. (i) *Act IPC *Sections u/s 488 IPC
 (ii) *Act *Sections
 (iii) *Act *Sections
 (iv) *Other Acts & Sections
 5. *Type of Final Report: Chargesheet/Untraced/Unoccurred/Not charge-sheeted for want of evidence *A Final
 6. *If F.R. Unoccurred : False/Mistake of Fact/Mistake of Law/Non-cognizable/Civil Nature
 7. *If supplementary or Original Original
 8. Name of the I. O. Shri. B. Parikh PSI No. -
 9. (a) Name of Complainant/Informant : F.X.L. Ferras
 (b) Father's/Husband's Name Block Development Officer Salcete Margao
 10. Details of Properties/Articles/Documents recovered/seized during investigation and relied upon (separate list can be attached, if necessary).

Cr. P.C.

P/Colva P.S.

Sl. No.	Property Description	Estimated Value (in Rs.)	P.S. Property Register No.	From whom/where Recovered or Seized	Disposal
1	2	3	4	5	6
1.	Outward Register for the year 1984/85-86	---	---	From Secretary Village Panchayat Colva	Sept held at kept in P.S.

TRUE COPY

POLICE INSPECTOR COLVA P.S

Registered under no. 163/2006/Ist dt. 30/08/2006

dt. 30/08/2006

30/08/2006

No. 13. List of witnesses to be examined.

Sr.No.	Name	Father's/ Husband's name	age	occupation	Address	Type of evidence
01.	F.X.L.Ferrao	--	--	Block Develop- ment Officer	Marjo	complainant
02.	Francis	Jose Bento Cardozo	37yrs	Business	478/1 IV th ward Colva	panch witness
03.	Romeo	Joaquim D'Silva	36 yrs	driver	137 Mungul Grande	--do--
04.	Gregorio	George Fernandes	32 yrs	business	252 Laxette Varca	--do--
05.	Shashi	Bqbi Gaonkar	47 yrs	service	33, Poitowaddo Cuncolim	--do--
06.	Jostiano	Roque Pereira	60 yrs	business	177, Adawaddo Majorda	--do--
07.	Lindo	Antonio Inacio	62 yrs	retired	51, Copelwaddo Sernabatim Colva	witness
08.	Agnelo	Vitalino Fernandes	53 yrs	business	62, Villa Nova Colva	--do--
09.	Antonio Sonton	Vincent Francis Baretto	65 yrs	Clerk	Village Panchayat Colva	--do--
10.	Roque	A.Vaz	--	exSarpanch	Village Panchayat Colva	--do--
11.	Clemente	Late Joaquim Fernandes	50 yrs	Secretary	8361 B Acsona Benaulim	--do--
12.	Subodh Prabhu	--	--	Secretary	Village Panchayat Colva	--do--
13.	Nixon	Lindo Furtado	35 yrs	business	51, Copelwaddo Sernabatim Colva	--do--
14.	Ch.Gandhi	---	--	Dy.Govt. Examiner	Dy.Govt.Examiner of Questioned Document Hyderabad	Expert opinion
15.	Brutano	Late.Joaquim Peixoto	30yrs	service	PSI Colva Police Station	I.O

TRUE COPY

POLICE INSPECTOR

16. *Brief Facts of the Case (Add separate sheet, if necessary) :

--- SEPARATE SHEET ATTACHED ---

17. Refer Notice Served Yes/No Date :
(Acknowledgement to be placed)

18. Despatched on

Forwarded by Station House
Officer/Officer in-charge


Signature of the Investigating
Officer submitting the Final
Report/Chargesheet

Name Shri. Nelson Albuquerque

Name : Shri Brutano Paxito

Rank Police Inspector
Colva Police Station

Rank Police Sub-Inspector
Colva Police Station

TRUE COPY


POLICE INSPECTOR
COLVA P.S.

MAY IT PLEASE YOUR HONOUR

It is submitted that on 17/08/1999 Colva P.S. Cr.No 57/99 u/s 468 IPC stands registered upon the complaint of Shri. F. X.L.Ferrao Block Development Officer, Salcete Margao against unknown staff of Colva Panchayat for committing forgeries in preparing the No Objection Certificate for repairing of the existing structure by changing the roof with ribs and the mangalore tiles situated at Ambeaxir Sernabatim village under survey 12/6.

During the course of investigation Shri. Lindo Furtado, the then Sarpanch of V.P. Colva Shri Agnelo Fernandes including the alledged suspect namely 1. Joao Inacio ~~Rxxx~~ Furtado, 2. Pio Furtado, 3. Selestiano Furtado, 4. Angelico Gracies, the then Secretary of V.P. Colva and the panchayat member Culvert Gonsalves were interrogated. All the relevent documents were collected and also specimen handwritings and signatures of the suspects were obtained and were examined through the Govt. Examiner. Positive results have come in respect of Mr. Culvert Gonsalves so far as effecting entry into the out-ward register but there is a negative report in respect of alledged signature. Hence the admitted signature of the R Sarpanch who is alledged to be issued with the questioned signature were collected and sent to Govt. Examiner for examination. From the investigation conducted so far the involvement of alledged suspect could not be established as there is insufficient evidence to file chargesheet against the suspect. Also the report of expert received from the Govt. Examiner is proved negative for all the suspects.

After due investigation in the above case all the relevant case papers alongwith the reports received from the Govt. Examiner were forwarded to A.P.P. Margao for his opinion. Shri Shivram A. Patil, Assist. Public Prosecutor Margao after perusing the case papers opined that after going through the evidence collected on record the guilt of the accused is not proved and also the reports received from experts does not incriminate the accused in the present case.

This case is being investigated for a long time and the same remains undetected for want of evidence. Hence the case is being shelved at the moment as there is no chances for the detection in near future. The case will be re-opened as and when any clue is obtained.

In view of the above it is prayed your honour that 'A' Final Summary may be granted to the above case. All the case papers duly indexed is appended herewith.

(Brutano Paxito)
PSI Colva P.S.

Submitted through
SDPO Margao

Submitted
11/8
PI Colva P.S.

TRUE COPY

POLICE INSPECTOR
COLVA P.S.

Submited to J.M.P.C. Margao

"A Final Summary" may be granted

Issue notice to complainant
r/o 17/10/06 at 2.30 p.m.

A final summary is granted

J.M.P.C. Margao
Dr. 28/8/07

J.M.P.C. Margao (11/8)

FINAL FORM / REPORT

(Under Section 473 of Cr. P. C.)

IN THE COURT OF THE J. M. F. C. MARGAO

1. Dist. 184 P. S. Colva
Year 2006 FIR NO. 57/99 Date 17/08/1999
2. Final Report/ Charge Sheet No. 18/06 Date 03/08/2006
4. (i) Act IPC Section U/s. IPC
5. Type of Final report. Chargsheet / Untraced/ Unoccurred /
Not charge sheeted for want of evidence "A" Final.
6. If F. R. Unoccurred: False/ Mistake of Fact/ Mistake of
Law/ Non-cognizable/ Civil Nature .
7. If supplementary or Original Original.
8. Name of the I. O. Shri. B. PSI No. .
9. (a) Name of Complainant F.X.L. FERRAO

(b) Father's Name / Husband Name: Block Development
Officer, Salcete, Margao.
10. Details of Properties / Articles / Documents
Recovered / Seized during investigation and relied upon
(separate list can be attached, if necessary).

Sr. No.	Property Description	Estimated Value (in Rs.)	P. S. property Register No.	From whome / where recovered or seized	Disposal
1	2	3	4	5	6
1.	Outward Register for the year 1984/86-86	--	--		Kept in PS.

MAY IT PLEASE YOUR HONOUR

It is submitted that on 17/08/1999 Colva P. S. Cr. No. 57/99 u/s 468 IPC stands registered upon the complaint of Shri. F. X.L. Ferrao Block Development Officer, Salcete, Margao against unknown staff of Colva Panchayat for committing forgeries in preparing the No Objection Certificate for repairing of the existing structure by changing the roof with ribs and the mangalore tiles situated at Ambeaxire Sernabatim village under Survey 12/6.

During the course of investigation Shri. Lindo Furtado, the then Sarpanch of V.P. colva Shri. Agnelo Fernandes including the alleged suspect namely 1. Joao

Inacio Furtado, 2. Pio Furtado, 3. Selestiano Furtado, 4. Angelico Gracies, the Then Secretary of V. P. Colva and the Panchaty Member Culvert Gonsalves were interrogated. All the relevant documents were collected and also specimen handwritings and signatures of the suspects were obtained and were examined through the Govt. Examiner. Positive results have come in respect of Mr. Culvert Gonsalves so far as effecting entry into the outward register but there is a negative report in respect of alleged signature. Hence the admitted signature of the Sarpanch who is alleged to be issued with the questioned signature were collected and sent to Govt. Examiner for examination. From the investigation conducted so far the involvement of alleged suspect could not be established as there is insufficient evidence to file charge sheet against the suspect. Also the report of expert received from the Govt. Examiner is proved negative for all the suspects.

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being shelved at the moment as there is no chances for the detection in near future. The case will be re-opened as and when any clue is obtained.

In view of the above it is prayed your honour that 'A' final summary may be granted tot eh above case. All the case papers duly indexed is appended herewith.

Sd/-

(Brutano Paxito)

PSI Covla P.S.

Submitted through

SDPO Margao

Submitted

Sd/-

PI Colva P.S.

Submitted to J.M.F.C. Margao

"A final Summary" may be granted

Sd/-

SDPO Margao

Order

Issue notice to the complainant

r/o. 17/10/06 at 2.30 p.m.

Order

'A' final summary is granted.

Sd/-

J.M.F.C. Margao

28/08/07

No. GCZMA/SAL/SENA/07/26/ 859
 O/o the Goa Coastal Zone
 Management Authority,
 Behind Pundalik Devasthan,
 Porvorim Goa.
 Dt. 26/10/2020

NOTICE OF PERSONAL HEARING

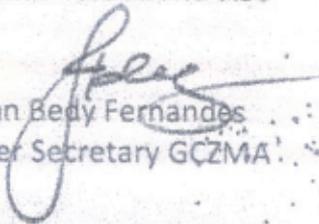
Whereas, the Authority had taken up the matter pertaining to illegal construction carried out in the property bearing Survey No. 12/7 of Village Sernabatim in Salcete Taluka based on the remand order passed by the Hon'ble High Court passed in W.P. No. 145/2009

And whereas during the course of the 232nd hearing held on 22/10/2020, the Respondent was represented through his son Nixon Furtado who brought to the notice of the Authority that the show cause notice was in respect of the property bearing S. No. 12/7 and not in respect of property bearing S. No. 12/6 of village Sernabatim in Salcete Taluka, although the said structure is located in both the properties.

And whereas, the Authority in the meeting held on 22/10/2020 decided that the said show cause notice and order of demolition was limited to property bearing S. No. 12/7 of Village Sernabatim and hence it decided that the same would stand to get corrected so as to include both the survey numbers i.e 12/6 and 12/7 of Village Sernabatim in Salcete Taluka.

And whereas the Authority also decided to issue notices to all the interested parties whose names are recorded in the property bearing Survey No. 12/6 and 12/7 of Village Sernabatim in Salcete Taluka.

Now therefore by this present notice the addresses of the same shall appear before the Authority on 5/11/2020 @ 15.30 hours on the 2nd floor of the Secretariat Complex, Conference Hall, Porvorim Goa. for filing reply in respect of the said illegal structure located in property bearing Survey No. 12/6 & 12/7 of Village Sernabatim in Salcete Taluka and also to argue the matter on merits.


 Johnson Bedy Fernandes
 Member Secretary GCZMA

To,

- 1) Lindo Furtado, r/o H. No. 51, Copelwaddo, Sernabatim, Colva Goa.
- 2) Linda Furtado, r/o Copelwaddo, Sernabatim, Colva Goa
- 3) Denzil Furtado, r/o Copelwaddo, Sernabatim, Colva Goa
- 4) Vanessa Furtado, r/o Copelwaddo, Sernabatim, Colva Goa
- 5) Dorothy Furtado, r/o Copelwaddo, Sernabatim, Colva Goa
- 6) Maria Filomena Furtado, r/o Ambeaxir, Sernabatim Salcete Goa.
- 7) Pio Furtado, r/o Ambeaxir, Sernabatim Salcete Goa.
- 8) Shilston Furtado, r/o Ambeaxir, Sernabatim Salcete Goa
- 9) Wanyk Furtado, r/o Ambeaxir, Sernabatim.

CC to :

- 1) The Collector (S), Margao Goa.
- 2) The Dy. Collector and SDO Salcete, Margao Goa.
- 3) The Mamlatdar of Salcete, Margao Goa. (He shall serve this notice on the violator the addresses mentioned hereinabove)

TRUE COPY 252

Annexure- R11/D Colva

Office Of the Village Panchayat
Sernabatim, Vanelim, Colva & Gandaulim
Salcete-Goa Pin Code 403 708

Re. No. VP/SVCG/440/85-86

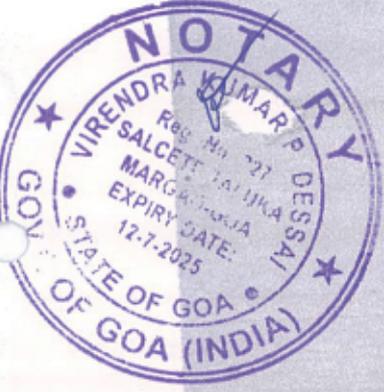
Date 01.10.85

NO OBJECTION CERTIFICATE

This is to certify that this Village Panchayat of Sernabatim, Vanelim, Colva & Gandaulim has no objection to Shri. Joao Inacio Furtado of Sernabatim Ambeaxir to undertake the repairs of the existing structure by changing the roof with ribs and mangalore tiles, situated at Ambeaxir, Sernabatim Village under survey No.12/6.

This certificate is issued at the request of the interested party in order to start the above said works.

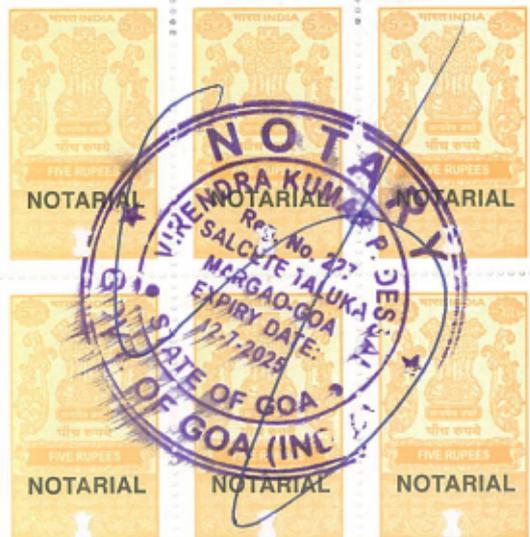
(VICENTE RODRIGUES)
SARPANCH
Village Panchayat,
Sernabatim, Vanelim, Colva & Gandaulim



CERTIFIED TO BE TRUE COPY OF THE ORIGINAL

VIRENDRA KUMAR P. DESSA
NOTARY
MARGAO-GOIA
State of Goa (India)

Reg No 34 Date 01/10/23



TRUE XEROX COPY

NO. PPO/01/11/509/65 Date 09.8.1965

Village Panchayat Office,
SERNABATIM, VANELIM, COLVA
AND SERAULIM
COLVA - SALCETE - GOA

House Repair Certificate

This is to certify that this Village Panchayat of Sernabatim, Vanelim, Colva, and Seraulim has no objection to Shri Antonio Jose Furtado of Sernabatim to carry out the repair of your old existing ancestral house in Sernabatim at Adampoi under Matr. No 421. The location of the old existing ancestral house is shown in the annexed sketch.

This certificate is given by the Panchayat at the request of the above mentioned person to carry out the above said work.



Shri Antonio Furtado

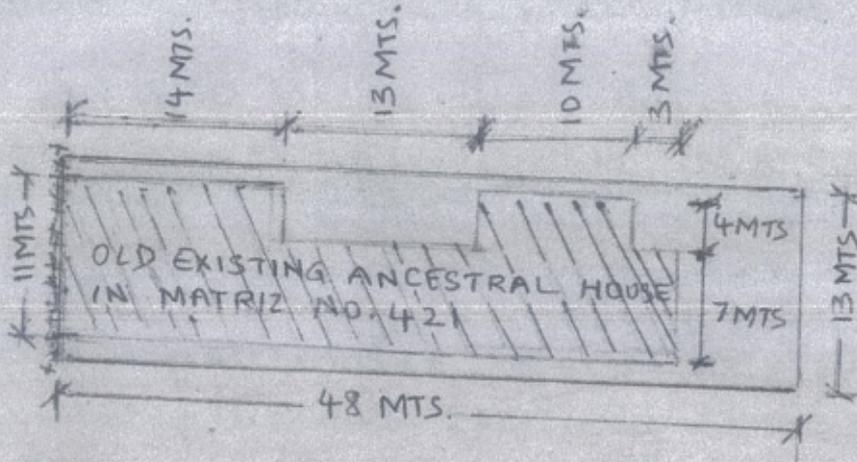
Serpaok,
VILLAGE PANCHAYAT,
Sernabatim, Vanelim, Colva
and Seraulim

SKETCH

SHOWING THE LOCATION OF THE OLD EXISTING ANCESTRAL HOUSE OF SHRI ANTONIO JOSE FURTADO IN MATRIZ NO. 421 OF SERNABATIM VILLAGE FOR REPAIR WORK.



ARABIAN SEA



-  AREA OF MATRIZ NO. 421 IS 624.0 M²
-  OLD EXISTING HOUSE IN MATRIZ NO. 421
-  EXISTING RETAINING WALL

SCALE 1: 500

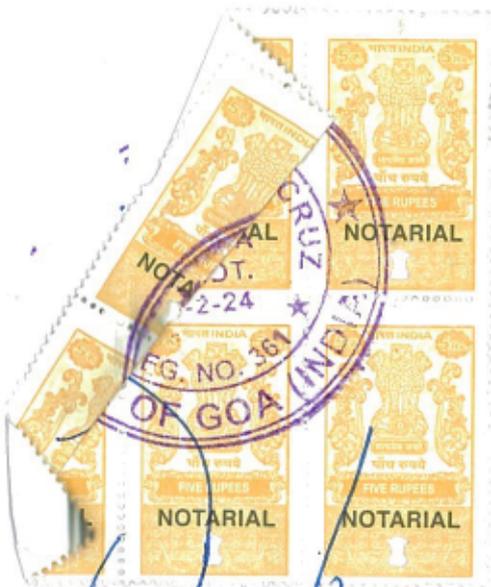


Shri Antonio Furtado

Sarpanch,
VILLAGE PANCHAYAT,
Sernabatim, Vanelim, Colva
and Sernimba



[Handwritten signature in blue ink]



Handwritten signature in blue ink

CERTIFIED TRUE COPY

**NOEL PARRAS D'CRUZ
NOTARY**

Sancete Taluka (Reg. No. 361)
STATE OF GOA (INDIA)
8326863757 / 9422696557
Reg. No. **368/2023**
Date: **06/01/2023**

Handwritten signature in blue ink

No:PPO/01/11/509/65 Date: 09-08-1965

Village Panchayat Office
SERNABATIM, VANELIM, COLVA
AND, SERAULIM
COLVA, SALCETE – GOA

House Repair Certificate

This is to certify that this Village Panchayat of Sernabatim, Vanelim, Colva and Seraulim has no objection to Shri Antonio Jose Furtado of Sernabatim to carry out the repair of your old existing ancestral house in Sernabatim at Adampoi under Matriz No. 421. The location of the old existing ancestral house is shown in the annexed sketch.

This certificate is given by the Panchayat at the request of the above mentioned person to carry out the above said work.

Sd/-

Sarpanch
VILLAGE PANCHAYAT
Sernabatim, Vanelim, Colva
And Seraulim