

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
(WZ), AT PUNE**

Appeal No. 58 of 2026 (WZ)

Mrs. Rajashri Zuvatkar and Ors ...Applicant

VERSUS

Goa Coastal Zone Management Authority
and Ors. ...Respondents

REPLY ON BEHALF OF RESPONDENT NO. 2

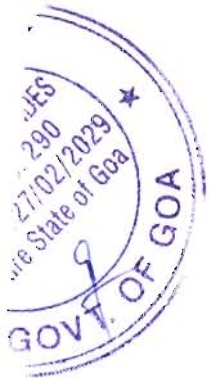
I, Prachi Porvindra Lone, major of age, Resident of H. No. 1279, Bapsora, Velim, Salcete, Goa, the Respondent No. 2 herein, do hereby on solemn affirmation state and submit as under:-

1. I say that I am the Respondent No. 2 in the present appeal. I say that I was the original complainant before the Respondent No. 1, and as such, am well acquainted with the facts of the case, and competent to swear the present affidavit on behalf of Respondent No. 2 in the present appeal.
2. I say that I have read and understood the contents of the afore-captioned appeal.
3. Vide the present appeal, the Appellants have challenged the order dated 22.12.2025 as passed by Respondent No. 1 herein, hereinafter referred to as "the Impugned Order", directing demolition of the illegal Ground Plus One



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Structure with laterite masonry wall and RCC slab roof, having a plinth area of 99 m² and height of 6.75mts situated in property bearing Sy No. 344/1 Velim, Salcete Goa of the Appellant, which structure is hereinafter referred to as 'the said structure'.



4. At the outset, I deny each and every averment, submission and contention raised by the Appellants which is contrary to the case set out by this Respondent. Nothing may be deemed to be admitted for want of specific traverse.
5. I say that the present Appeal is false, misconceived, devoid of merits and liable to be dismissed in limine. I say that the Appellants have approached this Hon'ble Tribunal with unclean hands and have suppressed material facts relating to recent and unauthorized construction of a Ground plus one structure, as carried out by the Appellants within NDZ.
6. I say that from a perusal of the memorandum of appeal, it appears that the primary contention of the Appellants is that the structure is an old pre-1991 structure. I say that the said contention is wholly false and misleading. I say that the material on record clearly demonstrates that the Appellants have in fact undertaken fresh construction of a Ground plus One structure, with laterite masonry wall and RCC slab roof.
7. I say that this is evident from the map/plan as prepared by ISLR along with GCZMA pursuant to a site inspection as

Prachi Jone

directed by this Authority. I say that the said plan/map is prepared by superimposing the structure at loco on the survey plan of the property. The said map/plan as prepared by ISLR makes it evident and clearly demonstrates that the said structure extends far beyond the plinth area reflected in the survey plan, thereby clearly establishing reconstruction of a new structure by the Appellants.



8. I say that this Respondent is hereby placing reliance on photographs of the said structure. The same clearly depict a newly constructed Ground plus One structure, which is wholly inconsistent with any alleged old or ancestral dwelling. Annexed hereto and marked as **Annexure R-1** Colly are the photographs of the said structure.
9. I say that the Appellants have failed to produce any permission whatsoever from the Respondent No. 1 – Goa Coastal Zone Management Authority – for the said reconstruction of the said structure and/or its extension beyond the original plinth area as recorded in the survey records.
10. I say that the Plan/Map prepared by the ISLR along with the GCZMA, read with the photographs on record, unequivocally establishes that the structure in question is a new reconstruction, exceeding the original plinth area, carried out without mandatory CRZ permission, and is therefore per se illegal. I say that once such reconstruction

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and expansion beyond the original plinth is established, the Appellants cannot claim any protection on the basis of alleged pre-1991 existence.

11.I say that even assuming without admitting that some structure existed prior to 1991, any subsequent reconstruction, enlargement or increase in plinth area would not be protected and would mandatorily require prior permission from Respondent No. 1. I say that the protection, if any, available to pre-1991 structures is limited strictly to the original structure as it existed, and does not extend to any reconstruction, enlargement or increase in plinth area. I say that the suit construction is entirely new construction.



12.I say that the impugned order dated 22.12.2025 has been passed after due consideration of the material on record, including the said Map/Plan and in accordance with settled principles governing unauthorized construction in CRZ areas.

13.I say that it is pertinent to note that vide order dated 15.06.2024 as passed by the Village Panchayat of Velim, the said structure has been held to be constructed without permission from the village Panchayat and has been directed to be demolished. I say that the said Panchayat demolition order further corroborates the establishes that the construction carried out by the Appellants is a new

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construction, much beyond the original plinth area and constructed without any permission from the authorities. I say that the Appellants have suppressed the existence of the said Panchayat demolition order in the Appeal, which itself disentitles them from any relief from this Hon'ble Court. I say that a copy of the said demolition order dated 15.06.2024 passed by the Village Panchayat of Velim is annexed hereto and marked as **Annexure R-2**.

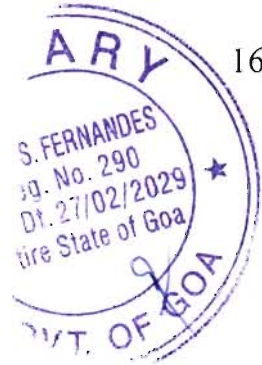


14. I say that the Appellants have sought to rely upon a purported permission dated 24.10.2009 at page 63 as issued by the Village Panchayat for carrying out "repairs" to the structure. I say that even assuming, without admitting, that such repairs were undertaken pursuant to the said permission, the Appellants have admittedly not obtained any permission from the Respondent No. 1 which is mandatorily required for any repair, reconstruction or development activity within a CRZ/NDZ area. I say that in the absence of such mandatory CRZ clearance, the works carried out by the Appellants are per se unauthorized and in violation of the applicable CRZ norms. I further say that the reliance on the said Panchayat permission, in the absence of corresponding approval from the Respondent No. 1, is wholly misplaced and legally untenable.

15. On the contrary, the Appellants' own reliance on the said 2009 permission constitutes a clear admission that the

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structure was altered, thereby negating their case that the structure is an untouched pre-1991 structure. I say that the same unequivocally demonstrates that the structure has been altered and/or reconstructed without lawful authority



16. I say that the said structure, being unauthorized and in clear violation of the applicable CRZ norms within the No Development Zone (NDZ), is liable to be demolished in accordance with law. I say that the Impugned Order has been rightly passed and warrants no interference by this Hon'ble Tribunal.

Without prejudice to the above, this Respondent now deals with the averments of the Appellants, paragraph-wise, as under:

17. With respect to contents of paragraph 1, it is denied that the Impugned Order is passed without any application of mind.

It is denied that the Impugned Order suffers from flaws.

18. With respect to contents of paragraph 2, the contents thereof are denied for want of knowledge.

19. With respect to contents of paragraph 4, the contents thereof are vehemently denied. It is denied that the entire structure is in existence prior to 1991. I say that the map as prepared by this Authority pursuant to a site inspection makes it evident that the Appellants have reconstructed a ground plus one structure, by exceeding the plinth area as

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shown in the survey records. Moreover, the Appellants themselves have relied upon a permission of repair of the said structure as issued by the Village Panchayat at page 63. Assuming without admitting that the structure was 'repaired' and not reconstructed in entirety, the Appellants have failed to produce any corresponding permission for 'repair' from the Respondent No.1, which in itself establishes the falsity of the case of the Appellants.



20. With respect to paragraph 5, the contents thereof are denied as false. It is specifically denied that a copy of the complaint filed by this Respondent was not provided to the Appellants. I say that the Appellants, in their two replies as filed before the Respondent No. 1, have at no point raised any grievance regarding non-supply of the complaint and have, in fact, responded to and adverted to the contents thereof. I say that the said conduct clearly demonstrates that the present contention is an afterthought. This Respondent therefore submits that the Appellants have approached this Hon'ble Tribunal with unclean hands and have made false and misleading assertions. It may be noted that the impugned order was passed after about 19 hearings of the GCZMA.

21. With respect to paragraph 7, the contents thereof are denied. The averments of the Appellants in its reply before Respondent No. 1 are denied. It is reiterated that the

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Appellants structure is an entirely new ground plus one structure, apparently made after demolishing the old construction as shown in the survey plans, and exceeds the plinth area as is evident from the map as prepared pursuant to site inspection.



22. With reference to paragraph 9 of the Appeal, the contents thereof are denied as false, incorrect and misleading. I say that a bare perusal of the Impugned Order clearly demonstrates that the Map/Plan was prepared pursuant to a site inspection duly directed by the Respondent No. 1 in its 415th meeting held on 03.10.2024, wherein it was specifically resolved that *"The Authority decided to carry out mapping on 16/10/2024 at 11:00 a.m. onwards and for further hearing posted the matter on 14/11/2024 at 3:30 p.m."* I say that the said mapping exercise was thus undertaken as part of a due process decision of the competent authority, and cannot be challenged. I say that a perusal of the plan/map makes it evident that the same has been prepared by ISLR which is a technically competent authority for the said purpose. I say that the plan/map therefore reflects the actual position at site by superimposing the structure as it now stands over the survey records. I say that the objections raised by the Appellants regarding the manner of measurement and equipment used are vague, unsubstantiated and an afterthought, and do not

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discredit the findings of a duly conducted site inspection by competent authority. Moreover, I say that the Appellants have not produced any independent survey, expert report, or material to contradict the findings of the map/plan and therefore their bald denial and objections to the site inspection report are liable to be rejected. I say that the objection to the appointment of the DLC is also misconceived, inasmuch as the Respondent No. 1 is well within its powers to seek assistance from field-level committees and technical authorities for the purpose of fact-finding and verification. I say that the said Map/Plan, being based on an actual site inspection and technical evaluation, has been rightly relied upon by the Respondent No. 1 while passing the Impugned Order, and the challenge raised by the Appellants is devoid of merit.



23. With respect to contents of paragraph 10, the contents thereof are denied. The Impugned Order was passed after multiple hearings and notices to the Appellant, and after due consideration to the two replies as filed by the Appellant. It is submitted that the perusal of the Impugned Order itself makes it evident that the submissions of the Appellants were given due consideration and rightly rejected by Respondent No. 1 vide the Impugned Order.

24. With respect to paragraph 11, the contents thereof are denied as false. It is vehemently denied that the structure is

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in existence prior to 1991. It is denied that this Respondent has personal axe to grind against the Appellant. It is submitted that the record itself makes it evident that the Appellants have been declared as mundkars of a house which was a hut, but the structure at loco is a ground plus one structure, much exceeding the plinth area as shown in the survey records. Being a new illegal construction, the house tax receipts depicting existence of some small hut prior to 1991 is of no assistance to the Appellants.



25. With respect to paragraph 12, the contents thereof are denied as false. It is denied that the Show Cause Notice is bad in law. It is submitted that it is matter of record that the said structure falls within NDZ and ground raised by the Appellant is meritless and evasive.

26. With respect to paragraph 13, the contents thereof are vehemently denied as false. It is denied that the Respondent No. 1 has not carried out an inspection of the site. In fact, a bare perusal of the Impugned Order clearly demonstrates that the Map/Plan was prepared pursuant to a site inspection duly directed by the Respondent No. 1 in its 415th meeting held on 03.10.2024, wherein it was specifically resolved that *"The Authority decided to carry out mapping on 16/10/2024 at 11:00 a.m. onwards and for further hearing posted the matter on 14/11/2024 at 3:30 p.m."*.

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27. With respect to paragraph 14, the contents thereof are vehemently denied as false. It is denied that the averments of the Appellant are not considered in the Impugned Order. In fact, a perusal of the Impugned Order makes it evident that the Respondent No. 1 considered and rejected the averments of the Appellants as false.



28. With respect to paragraph 15, the contents thereof are vehemently denied as false. It is denied that the structure has been in existence since 1991. I say that the map as prepared by this Authority pursuant to a site inspection makes it evident that the Appellants have reconstructed a ground plus one structure, by exceeding the plinth area as shown in the survey records. Moreover, the Appellants themselves have relied upon a permission of repair of the said structure as issued by the Village Panchayat at page 63. Assuming without admitting that the structure was 'repaired' and not reconstructed in entirety, the Appellants have failed to produce any corresponding permission for 'repair' from the Respondent No.1, which in itself establishes the falsity of the case of the Appellants.

29. With respect to paragraph 16, the contents and the grounds raised therein are denied

30. In the afore-mentioned circumstances, it is most humbly prayed that the present Appeal is devoid of merits and an

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abuse of the process of law, and therefore liable to be dismissed in limine.

I say that whatever stated above at paragraphs 1 to 30 of the present affidavit-in-reply is true and correct to the best of my knowledge and/or belief.



Prachand
DEPONENT

Solemnly affirmed at Cuxcolim Goa
Prachand

On this 4th day of April, 2026.

Identified by me.



SOLEMNLY AFFIRMED AND VERIFIED
BEFORE / ME BY Mrs Radis Parvinder Singh
WHO IS IDENTIFIED BEFORE ME by Dr. Ram - 3620
REG. NO. 1032/26 8414 2019
DATED: 24-04-2026

ELSA
ELSA S. FERNANDES
Notary for Entire
State of Goa-India







Annexure - R2

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Ph: 2773231

Office of the Village Panchayat

VELIM

Salcete - Goa. 403 723

Email: villagepanchayatvelim@yahoo.in

Website: www.vpvelim.in



Date 15/06/2024

Ref. No.: VP/V/291/2024-2025

To,

Smt. Rajashri Zuvatkar

Shri. Avinash R. Zuvatkar

Shri. Vinayak R. Zuvatkar

Smt. Dharti Vinayak Zuvatkar

All R/o. Bapsora, Velim, Salcete – Goa.



DEMOLITION ORDER CUM NOTICE

WHEREAS, the complaint dated 27/12/2021 received by this Panchayat from Smt. Prachi Porvindra Lone r/o H. No. 1279, Bapsora, Velim, Salcete - Goa regarding Illegal construction of Ground Plus first Floor house at Bapsora Velim in Sy. No. 344/1 of Village Velim carried out by Smt. Rajashri Zuvatkar, Shri. Avinash R. Zuvatkar, Shri. Vinayak R. Zuvatkar, Smt. Dharti Vinayak Zuvatkar All R/o. Bapsora, Velim, Salcete – Goa.

AND WHEREAS, the above complaint was placed for Panchayat body meeting held on 19/01/2021 and vide resolution no. 4(43) it was unanimously resolved to conduct site inspection.

AND WHEREAS Site inspection was carried out on 21/02/2022 in pursuance of notice no. VP/V/1712/2021-2022 dated 07/02/2022. During Site inspection it was noticed that an alleged illegal Construction of Ground Plus first Floor house has been coinstructed at Bapsora, Velim. However it was also noted that the owner / occupier does not possess any valid permission issued by the Panchayat to erect the said structure.

WHEREAS the said Site Inspection Attendance sheet, Panchanama and Sketch showing alleged Illegal Construction of Ground plus First floor house was placed for Panchayat body meeting dated 25/02/2022 and vide resolution no. 4(44) it was unanimously resolved to issue Show Cause Notice to Smt. Rajashri Zuvatkar, Shri. Avinash R. Zuvatkar Shri. Vinayak R. Zuvatkar, Smt. Dharti Vinayak Zuvatkar All R/o. Bapsora, Velim, Salcete – Goa.

AND WHEREAS a Show Cause Notice – I was issued to Smt. Rajashri Zuvatkar, Shri. Avinash R. Zuvatkar Shri. Vinayak R. Zuvatkar, Smt. Dharti Vinayak Zuvatkar All R/o. Bapsora, Velim, Salcete – Goa. vide ref. no. VP/V/1904/2021-2022 dated 25/03/2022. The reply was filed by the respondent and it was found not satisfactory and hence it was resolved by the Panchayat body vide resolution no. 5 (38) dated 22/04/2022 to issue Show Cause Notice – II to Smt. Rajashri Zuvatkar, Shri. Avinash R. Zuvatkar Shri. Vinayak R. Zuvatkar, Smt. Dharti Vinayak Zuvatkar All R/o. Bapsora, Velim, Salcete – Goa.

WHEREAS a Show Cause Notice – II could not be issued due to unavoidable circumstances and vide resolution no. 7(1) meeting dated 14/06/2024 it was resolved to issue demolition notice to Smt. Rajashri Zuvatkar, Shri. Avinash R. Zuvatkar Shri. Vinayak R. Zuvatkar, Smt. Dharti Vinayak Zuwatkar All R/o. Bapsora, Velim, Salcete – Goa.

NOW THEREFORE, I the Secretary of Village Panchayat Velim under Sub Section (3) of Section 66 of the Goa Panchayat Raj Act, 1994 direct you to demolish the said alleged illegal Construction of Ground Plus first Floor house as per the sketch within fifteen days on receipt of this Demolition Order cum Notice.

Failure to do so on your part, this Village Panchayat will demolish the said alleged illegal Construction of Ground Plus first Floor house and the cost incurred thereon will be recovered from you in the same manner as recovery of taxes and other dues.


Priscilla Niasso
SECRETARY
VILLAGE PANCHAYAT VELIM



Copy to:

1. Smt. Prachi Porvindra Lone R/o. 1279, Bapsora, Velim, Salcete – Goa.
2. Ward Member, Ward No. VII
3. Block Development Officer – Salcete Block, Margao – Goa.
4. Deputy Director of Panchayats, South Goa, Margao – Goa.