

**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

**INDEX**

Sr. No.	Particulars	Pg. No.
1.	Reply on behalf of Respondent No. 2 i.e. Mrs. Nalini Da Rosa Fernandes along with Affidavit in support.	1054-1103
2.	<b><u>ANNEXURE R-1:</u></b> The copy of the PIL WP No. 4/2020 filed Mr. Wenceslau Francis D'Souza.	1104-1141
3.	<b><u>ANNEXURE R-2:</u></b> The copy of the Order dated 22.01.2020 passed by the Hon'ble High Court in PIL Writ Petition No. 04/2020.	1142-1143
4.	<b><u>ANNEXURE R-3:</u></b> The copy of the Order dated 24.09.2021 passed by the Hon'ble High Court in PIL Writ Petition No. 04/2020.	1144-1146
5.	<b><u>ANNEXURE R-4:</u></b> 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.	1147-1158
6.	<b><u>ANNEXURE R-5:</u></b> The copy of the orders dated 15.10.2022 passed in Misc. Civil Application No. 160/2022 and Misc. Civil Application No. 1320/2022 by Hon'ble High Court.	1159-1160
7.	<b><u>ANNEXURE R-6:</u></b> The copy of the Order dated 09.01.2023 passed by this Hon'ble Tribunal in Original Application No. 116/2022.	1161-1162
8.	<b><u>ANNEXURE R-7:</u></b> The copy of Conversion order dated 26.07.1977 No. RB/CNV/430/77/303 issued by the collector goa for conversion of 3760	1163-1167

	m <sup>2</sup> of Sry No. 242/1 (part) for commercial purposes procured through an RTI Reply dated 23.07.2019.	
9.	<b><u>ANNEXURE R-8:</u></b> The copy of Construction licence of Gram Panchayat Calangute dated 27.06.1978 ref no. VPT/CAL/78/79/F-13AC/401/78 procured through an RTI Reply dated 23.07.2019.	1168-1169
10.	<b><u>ANNEXURE R-9:</u></b> The copy of Letter dated 16.12.1988 ref no. DB/8301/TCP.88/411 issued by Goa State Committee on Environment, Town and Country Planning Department procured through an RTI Reply dated 23.07.2019.	1170-1171
11.	<b><u>ANNEXURE R-10:</u></b> The copy of Letter dated 02.02.1990 ref no. DB/4820/TCP-90/202 issued by Goa State Committee on Environment procured through an RTI Reply dated 15.11.2018.	1172-1173
12.	<b><u>ANNEXURE R-11:</u></b> The copy of Extract of Resolution of Village Panchayat of Calangute dated 03.11.2018 Item No. IX J (99).	1174-1175
13.	<b><u>ANNEXURE R-12:</u></b> The copy of RSI Image of March 1991.	1176-1178
14.	<b><u>ANNEXURE R-13:</u></b> The copy of Approved Plan bearing No. DB/2132/1659/82 dated 20.04.1982 issued by Gram Panchayat, Calangute procured through an RTI Reply dated 04.03.2022.	1179-1181
15.	<b><u>ANNEXURE R-14:</u></b> The copy of Licence issued by Gram Panchayat Calangute dated 30.06.1982 with Ref no. VPT/CAL/F-13 AC/Const-Lic 44/82/23E bearing Technical Approval under No. DB/2132/1659/82 procured through an RTI Reply dated 04.03.2022.	1182
16.	<b><u>ANNEXURE R-15:</u></b> The copy Approval granted by GCZMA with Ref. No. GCZMA/N/23-24/15/3211 dated 15.01.2024 to the Swimming Pool in Survey No. 242/1-C of village Calangute.	1183-1184
17.	<b><u>ANNEXURE R-16:</u></b>	1185

	The copy of Technical Clearance Order dated 05.02.2024 with Ref No. TPB/9446/CAL/TCP-2024/1186 granted by the Dy. Town Planner, Town & Country Planning Department to the Swimming Pool.	
18.	<b><u>ANNEXURE R-17:</u></b> The copy of Construction Licence No. VPCAL/2-472023-2024/6/43 dated 27.02.2024 granted by the Village Panchayat of Calangute to the Swimming Pool.	1186-1188
19.	<b><u>ANNEXURE R-18:</u></b> The copy of Compliance Report 20.03.2025 for the demolition order No. DEMO- SQUAD/41/2025/1183 dated 13.03.2025 issued by the Respondent No.4.	1189-1194
20.	<b><u>ANNEXURE R-19:</u></b> The copy of Order dated 10.08.2018 passed by the Hon'ble Supreme Court in Special Leave Petition Civil No. 12032-35/2018.	1195-1196
21.	<b><u>ANNEXURE R-20:</u></b> The copy of Order dated 19.02.2019 passed by the Hon'ble Supreme Court in Review Petition bearing no. 400-403 of 2019.	1197
22.	<b><u>ANNEXURE R-21:</u></b> The copy of Letter dated 07.05.1990 from the Chief Minister under Ref No. CM/pet/8/90 procured through an RTI Reply dated 15.11.2018.	1198
23.	<b><u>ANNEXURE R-22:</u></b> The copy of the DSLR map annexed along with the Site Inspection Report dated 26.02.2020.	1199-1211
24.	<b>PROOF OF SERVICE</b>	1122-1123

Date: 17.11.2025  
Place: Pune

  
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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**  
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In the Matter of:

Sylvester D'Souza

...Appellant

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**REPLY ON THE BEHALF OF RESPONDENT NO.2 (MRS. NALINI DA ROSA**  
**FERNANDES)**

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. 2 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. 2, by reason of non-traverse or otherwise, unless specifically admitted herein.
2. All the allegations, 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. 2 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. 2 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. 2. 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.2 are per se illegal and ought to 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 orders 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. 2 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 SUBMISSIONS:**

1. The Appellant vide the present Appeal seeks to challenge the Directions dated 17.02.2025 under Ref. No. GCZMA/N/ILLE-COMPL/23-24/02/3848 issued by the Respondent No. 4 (GCZMA) under Section 5 of the Environment (Protection) Act, 1986 r/w the Rule 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. 2 as mentioned in the Show Cause Notice dated 09.02.2024, the structures are identified with the alphabets "F", "G1", "J1", "Q1", "I1", "P1", "Y1", "Z" and "L1". Furthermore, it is submitted that structures "Q1", "P1", "Y", "I1", "J1" (First Floor), and "Z" (First Floor) were directed to be demolished and the remaining structures identified with the alphabets "F", "G1", "J1" (Ground Floor), "L1", and "Z" (Ground Floor) were discharged.

3. It is further submitted that with respect to the Show Cause Notice dated 30.07.2024, the structures are identified with the alphabets “A”, “B”, “C”, “D”, “E”, “F”, “G” belonging to Respondent No. 2. and the Respondent No. 4, vide the Impugned Order has directed structures with alphabets “A”, “C”, “D”, “E”, and “F” to be discharged and structures with alphabets “B” and “G” to be demolished.
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. 2. After due application of mind and upon consideration of the material on record, including the Show Cause Notices, the Replies thereto, the Permissions granted by various Authorities and the Site Inspection Reports, Respondent No.4 specifically directed the demolition of Structures marked as ‘Q1’, ‘P1’, ‘Y’, and ‘I1’, ‘J1’(First Floor) and ‘Z’ (First Floor), in terms of Show Cause Notice dated 09.02.2024 and Structure marked as “B” and “G” in terms of Show Cause Notice dated 30.07.2024. This clearly demonstrates 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. 2, 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 Show Cause Notice bearing Nos. GCZMA/N/ILLE-COMPL/23-24/02/3729 dated 09.02.2024 forming subject matter of the present Appeal:**

- (a) Structure “F” is a Ground plus One (G+1) RCC structure covered with laterite stone masonry walls with top roof covered with RCC sloping slab and additional G.I sheet covering constructed on permanent base. The structure consists of stairway and rooms and covered balcony. **DISCHARGED**

- (b) Structure “G1” is a Circular structure in geometry partly covered with laterite stone masonry wall and partly with Parapet wall of approx. 1 m ht and roof covered with Mangalore tile constructed on permanent base. **DISCHARGED**
- (c) Structure “J1” is Kitchen with laterite stone masonry walls and RCC slab constructed on permanent base. Top portion of structure is erected with temporary shed consisting of G.I. sheet roofing supporting on circular steel pipes. **(Ground Floor DISCHARGED, Top Portion DEMOLISHED)**
- (d) Structure “L1” is a structure with Laterite stone masonry wall covered with G.I. sheet roofing constructed on permanent base. **DISCHARGED**
- (e) Structure “Z” is G+1 structure with supported RCC column and covered with Flat RCC roofing. **(Ground Floor DISCHARGED, First Floor DEMOLISHED)**
- (f) Structure “Q1” is a Temporary shed attached to structure GI. **DEMOLISHED**
- (g) Structure “P1” is a Temporary G.I. shed projection to structure ‘L1’. **DEMOLISHED**
- (h) Structure “Y” is a Non-functional generator room with laterite stone masonry walls covered with sloping G.I. sheet roofing constructed on permanent plinth. **DEMOLISHED**
- (i) Structure “I1” is a Temporary metal shed attached to structure J1 consisting of G.I. sheet roofing fixed on square tube steel section supported on circular steel pipes. **DEMOLISHED**

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

- (a) Structure “A” is G+2 RCC permanent structure with laterite masonry walls top roof covered with G.I Sheet roofing constructed on Permanent plinth. **DISCHARGED**
- (b) Structure “B” is Metal Fab. Shed supported circular steel pipes erected on concrete bed. **DEMOLISHED**
- (c) Structure “C” is a Toilet Block with permanent walls constructed on permanent plinth with G.I sheet roof. **DISCHARGED**
- (d) Structure “D” is a Sump Tank with OHT consist of permanent walls. **DISCHARGED**
- (e) Structure “E” is Ground Floor RCC structure constructed on permanent plinth. Covered with RCC sloping roof. **DISCHARGED**

- (f) Structure “F” is a Swimming pool constructed approx. 1.50 above ground level on permanent raised deck with ceramic tiles flooring and swimming pool walls are covered with ceramic porcelain tiles. **DISCHARGED**
- (g) Structure “G” is a Permanent platform consists of lateritic masonry stones. The property bearing Sy. No. 242/1-C is partly with Cement paver block pathways/footpath. **DEMOLISHED**
7. Previously, the Appellant herein filed a complaint on 23.01.2023 pertaining to property bearing Survey No. 242/1 Saunto Vaddo, Village Calangute, alleging that the structures constructed on these properties were within the Coastal Regulation Zones (CRZ) regulated areas thereby causing environmental hazard to the Coastal Area. Further, the Appellant filed one more complaint dated 08.06.2023 regarding further illegal constructions in Survey Nos. 242/1-A and 242/1-C, Calangute.
8. That pursuant to these complaints the Respondent No. 4 has 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 ‘Q1’, ‘P1’, ‘Y’, and ‘I1’, ‘J1’ (First Floor) and ‘Z’ (First Floor) and Structures “B” and “G”. 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 brought to the attention of this Hon'ble Tribunal that Gram Panchayat Office of Calangute had earlier issued two Orders for Demolition of the structures held by Respondent No. 2. In terms of the Demolition Order dated 28.01.2010 and another Order dated 15.10.2012, the Respondent No. 2 was required to demolish second floor of a G+2 Structure and one Swimming Pool and a G + 1 Structure. The aforesaid Demolition Orders were complied with by the Respondent No. 2 which is also mentioned in the Site Inspection Report dated 26.02.2020. It is submitted that the orders issued by the Village Panchayat were pertaining to different structures on the Impugned Property and the Respondent No. 2 along with the other Respondents herein had fully complied with these orders. The compliance with the Demolition Orders issued by the Village Panchayat is indicative of the fact that the Respondent No. 1 to 3 herein are law-abiding citizens, who have duly respected and adhered to the directives of the

competent authority, thereby demonstrating their commitment to uphold the sanctity of law and the orders passed by the relevant statutory bodies.

14. It is submitted that the Site Inspection Report dated 26.02.2020 submitted by the Respondent No. 4 before the Hon'ble High Court in Writ Petition No. 04/2020 also records the compliance of the demolition Order issued by the Gram Panchayat Office of Calangute. It is further pertinent to note 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.2, 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-C prior to the year 1991. The said documents included: (i) Conversion Order dated 26.07.1977 No. RB/CNV/430/77/303 issued by the Collector of Goa for conversion of 3760 m<sup>2</sup> of Sry No. 242/1 (part) for commercial purposes; (ii) Construction Licence dated 27.06.1978 ref no. VPT/CAL/78/79/F-13AC/401/78 issued by the Gram Panchayat Calangute for the construction of a house and septic tank; (iii) Certificate of Completion dated 07.02.1979 issued by a Civil Engineer, Calangute; (iv) Letter dated 16.12.1988 ref no. DB/8301/TCP.88/411 issued by the State Committee of Environment, Town and Country Planning Department conveying approval for reconstruction of existing building in Survey no, 242/1 at Calangute village; and (v) Survey Plan issued by the Directorate of Settlement and Land Records, (vi) Letter dated 02.02.1990 ref no. DB/4820/TCP-90/202 issued by Goa State Committee on Environment conveying Approval for repairs and renovation of existing roof over second floor of building "A" and "B" in Survey No. 242/1 at Calangute Village. (vii) Approved Plan for repairs and renovation of existing roof over second floor of building "A" and "B" issued pursuant to above letter. (viii) Extract of Resolution of Village Panchayat of Calangute dated 03.11.2018 Item No. IX J (99). 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).

15. Further, it is significant to observe that in the reply dated 04.07.2024 to the First Show Cause Notice dated 09.02.2024, Respondent No.2 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.2 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.
16. Further, Respondent No. 2, vide its Reply dated 17.10.2024 to the Second Show Cause Notice dated 30.07.2024, 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. Moreover, the documents which are relied by the Respondent No. 2 have been obtained by the Respondent No.2 under Right to Information Act, 2005. Accordingly, the contention of the Appellant alleging that the documents are forged stands wholly untenable and self-contradictory, and is contrary to the record and prior judicial recognition of the said documents.
17. 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.2 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.2, Nalini, 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.

18. 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.2 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 of Respondent No.2	Finding as per Order dated 17.02.2025 of Respondent No.4	Document relied on	Source of Documents
1.	Survey No. 242/1	Structure "F" is a Ground plus One (G+ 1) RCC structure covered with laterite	<b>Discharged</b>	(a) Conversion order dated 26.07.1977 No. RB/CNV/430/77/303 issued by the collector goa for conversion of 3760 m <sup>2</sup> of Sry No. 242/1 (part) for commercial purposes. The copy of the Conversion	(a) Procured through an RTI Reply dated 23.07.2019.

		<p>stone masonry walls with top roof covered with RCC sloping slab and additional G.I sheet covering constructed on permanent base. The structure consists of stairway and rooms and covered balcony.</p>		<p>Order dated 26.07.1977 procured through an RTI Reply dated 23.07.2019 is enclosed herewith as <b>ANNEXURE R-7.</b></p> <p>(b) Construction licence of Gram Panchayat Calangute dated 27.06.1978 ref no. VPT/CAL/78/79/F-13AC/401/78 for construction of house and septic tank. The copy of the Construction Licence dated 27.06.1978 ref no. VPT/CAL/78/79/F-13AC/401/78 procured through an RTI Reply dated 23.07.2019 is enclosed herewith as <b>ANNEXURE R-8.</b></p> <p>(c) Letter dated 16.12.1988 ref no. DB/8301/TCP.88/411 issued by Goa State Committee on Environment, Town and Country Planning</p>	<p>(b) Procured through an RTI Reply dated 23.07.2019.</p> <p>(c) Procured through an RTI Reply dated 23.07.2019.</p>
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				<p>Department conveying approval for reconstruction of existing building in Survey no, 242/1 at Calangute village. The copy of the letter dated 16.12.1988 ref no. DB/8301/TCP.88/411 issued by Goa State Committee on Environment procured through an RTI Reply dated 23.07.2019 is enclosed herewith as <b>ANNEXURE R-9.</b></p> <p>(d) Letter dated 02.02.1990 ref no. DB/4820/TCP-90/202 issued by Goa State Committee on Environment conveying approval for repairs and renovation of existing roof over second floor of Building "A" &amp; "B: in Survey No. 242/1 at Calangute Village. The copy of Letter dated</p>	<p>(d) Procured through an RTI Reply dated 15.11.2018</p>
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				<p>02.02.1990 ref no. DB/4820/TCP-90/202 issued by Goa State Committee on Environment</p> <p>procured through an RTI Reply dated 15.11.2018 is enclosed herewith as <b>ANNEXURE R-10.</b></p> <p>(e) Approved Plans for repairs &amp; renovation of existing roof over second floor of Buildings “A” and “B” issued pursuant to above letter.</p> <p>(f) Extract of Resolution of Village Panchayat of Calungute dated 03.11.2018 Item No. IX J (99). The copy of Extract of the Resolution dated 03.11.2018 is enclosed herewith as <b>ANNEXURE R-11.</b></p> <p>(g) Site Inspection Report dated 26.02.2020 carried out in terms of the</p>	<p>(e) Procured through an RTI Reply</p> <p>(f) AT PAGE 439 OF APPEAL</p> <p>(g)Annexed at Page 741, <b>ANNEXURE</b></p>
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				<p>order passed by Hon'ble High Court in WP No. 04 of 2020</p> <p>(h) RSI Image of March 1991. The copy of RSI Image of March 1991 is enclosed herewith as <b>ANNEXURE R-12.</b></p>	<p><b>XVII</b> of the present Appeal.</p> <p>(h)Annexed at Annexure XIX at Page No. 770-772 of the present Appal.</p>
2.	Survey No. 242/1	Structure "G1" is a Circular structure in geometry partly covered with laterite stone masonry wall and partly with Para pet wall of approx. 1 m ht and roof covered with Mangalore tile	<b>Discharged</b>	<p>(a) Approved Plan bearing No. DB/2132/1659/82 dated 20.04.1982 issued by Gram Panchayat, Calangute for Construction of Building A and B for Tourist Accommodation and Swimming Pool in Plot surveyed under No. 242/1 of Calangute Village. The copy of Approved Plan bearing No. DB/2132/1659/82 dated 20.04.1982</p>	<p>(a) Procured through an RTI Reply with Ref. No. VP/Cal/F-53/21-22/469E dated 04.03.2022.</p>

		<p>constructed on permanent base.</p>		<p>issued by Gram Panchayat, Calangute procured through an RTI Reply dated 04.03.2022 is enclosed herewith as <b>ANNEXURE R-13.</b></p> <p>(b) Licence issued by Gram Panchayat Calangute dated 30.06.1982 with Ref no. VPT/CAL/F-13 AC/Const-Lic 44/82/23E bearing Technical Approval under No. DB/2132/1659/82 for proposed construction of Building A and B for Tourist Accommodation and Swimming Pool in Plot surveyed under 242/1 of Village Calangute. The</p>	<p>(b) Procured through an RTI Reply with Ref. No. VP/Cal/F-53/21-22/469E dated 04.03.2022.</p>
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				<p>copy of Licence issued by Gram Panchayat Calangute dated 30.06.1982 with Ref no. VPT/CAL/F-13 AC/Const-Lic 44/82/23E bearing Technical Approval under No. DB/2132/1659/82 procured through an RTI Reply dated 04.03.2022 is enclosed herewith as <b>ANNEXURE R-14.</b></p> <p>(c) It is a Temporary Extension to the existing restaurant.</p>	
3.	Survey No. 242/1	Structure "J1" is Kitchen with laterite stone masonry walls and	<b>(Ground Floor DISCHARGED, Top Portion directed to be DEMOLISHED)</b>	<p>(a) Approved Plan bearing No. DB/2132/1659/82 dated 20.04.1982 issued by Gram Panchayat, Calangute for Construction of Building A and B for</p>	<p>(a) Procured through an RTI Reply with Ref. No. VP/Cal/F-53/21-22/469E dated 04.03.2022.</p>

		<p>RCC slab constructed on permanent base. Top portion of structure is erected with temporary shed consisting of G.I. sheet roofing supporting on circular steel pipes.</p>		<p>Tourist Accommodation and Swimming Pool in Plot surveyed under No. 242/1 of Calangute Village. Already Annexed herein above as Annexure R-13.</p> <p><b>(b)</b> Licence issued by Gram Panchayat Calangute dated 30.06.1982 with Ref no. VPT/CAL/F-13 AC/Const-Lic 44/82/23E bearing Technical Approval under No. DB/2132/1659/82 for proposed construction of Building A and B for Tourist Accommodation and Swimming Pool in Plot surveyed under 242/1 of Village Calangute. Already Annexed herein above as Annexure R-14.</p>	<p><b>(b)</b> Procured through an RTI Reply with Ref. No. VP/Cal/F-53/21-22/469E dated 04.03.2022.</p>
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				(c) It is a Temporary Shed extension to the existing kitchen.	
4.	Survey No. 242/1	Structure "L1" is a structure with Laterite stone masonry wall covered with G.I. sheet roofing constructed on permanent base.	<b>Discharged</b>	(a) Survey Plans indicates that the structure was existing prior to 1991.	
5.	Survey No. 242/1	Structure "Z" is G+1 structure with supported RCC column and covered with Flat RCC roofing.	<b>(Ground Floor DISCHARGED, First Floor DEMOLISHED)</b>	(a) Approved Plan bearing No. DB/2132/1659/82 dated 20.04.1982 issued by Gram Panchayat, Calangute for Construction of Building A and B for Tourist Accommodation and Swimming Pool in Plot surveyed under No. 242/1 of Calangute Village.	(a) Procured through an RTI Reply with Ref. No. VP/Cal/F-53/21-22/469E dated 04.03.2022.

				<p>Already Annexed herein above as Annexure R-13.</p> <p>(b) Licence issued by Gram Panchayat Calangute dated 30.06.1982 with Ref no. VPT/CAL/F-13 AC/Const-Lic 44/82/23E bearing Technical Approval under No. DB/2132/1659/82 for proposed construction of Building A and B for Tourist Accommodation and Swimming Pool in Plot surveyed under 242/1 of Village Calangute. Already Annexed herein above as Annexure R-14.</p>	<p>(b) Procured through an RTI Reply with Ref. No. VP/Cal/F-53/21-22/469E dated 04.03.2022</p>
6.	Survey No. 242/1	Structure "Q1" is a Temporary shed attached to structure GI	<b>Demolished</b>		

7.	Survey No. 242/1	Structure “P1” is a Temporary G.I. shed projection to structure ‘L1’.	<b>Demolished</b>		
8.	Survey No. 242/1	Structure “Y” is a Non- functional generator room with laterite stone masonry walls covered with sloping G.I. sheet roofing constructed on permanent plinth.	<b>Demolished</b>		
9.	Survey No. 242/1	Structure “I1” is a Temporary metal shed attached to structure J1 consisting	<b>Demolished</b>		

		of G.I. sheet roofing fixed on square tube steel section supported on circular steel pipes.			
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**AS PER SHOW CAUSE NOTICE DATED 30.07.2024**

Sr No.	Impugned Property	Impugned Structure of Respondent No.2	Finding as per Order dated 17.02.2025 of Respondent No.4	Document relied on	Source of Documents
1.	Survey No. 242/1-C	Structure "A" is G+2 RCC permanent structure with laterite masonry walls top roof covered with G.I Sheet roofing constructed on	<b>Discharged</b>	(a) Approved Plan bearing No. DB/2132/1659/82 dated 20.04.1982 issued by Gram Panchayat, Calangute for Construction of Building A and B for Tourist Accommodation and Swimming Pool in	(a) Procured through an RTI Reply with Ref. No. VP/Cal/F-53/21-22/469E dated 04.03.2022.

		Permanent plinth.		<p>Plot surveyed under 242/1 of Village Calangute. Already Annexed herein above as Annexure R-13. (Referred as Building “B” in this approval)</p> <p>(b) Licence issued by Gram Panchayat Calangute dated 30.06.1982 with Ref no. VPT/CAL/F-13 AC/Const-Lic 44/82/23E bearing Technical Approval under No. DB/2132/1659/82 for proposed construction of Building A and B for Tourist Accommodation and Swimming Pool in Plot surveyed under 242/1 of Village Calangute. Already Annexed herein above as Annexure R-14. (Referred as Building “B” in this approval)</p>	<p>(b) Procured through an RTI Reply with Ref. No. VP/Cal/F-53/21-22/469E dated 04.03.2022.</p>
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				<p>(c) Letter dated 02.02.1990 ref no. DB/4820/TCP-90/202 issued by Goa State Committee on Environment conveying approval for repairs and renovation of existing roof over second floor of Building "A" &amp; "B" in Survey no. 242/1 at Calangute village. Already Annexed herein above as Annexure R-10. (Referred as Building "B" in this approval)</p> <p>(d) Site Inspection Report dated 26.02.2020 carried out in terms of the order passed by Hon'ble High Court in WP No. 04 of 2020.</p> <p>NOTE- This Structure falls beyond 200m of the High Tide Line.</p>	<p>(c) Procured through an RTI Reply with Ref No GCZMA/RT/18-19/1509 dated 15.11.2018.</p> <p>(d) Annexed at Page 741, ANNEXURE XVII of the present Appeal.</p>
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2.	Survey No. 242/1-C	Structure "B" is Metal Fab. Shed supported circular steel pipes erected on concrete bed.	<b>Demolished</b>	The said Structure is a temporary structure erected for parking of cars.	
3.	Survey No. 242/1-C	Structure "C" is a Toilet Block with permanent walls constructed on permanent plinth with G.I sheet roof.	<b>Discharged</b>	<p>(a) Approved Plan bearing No. DB/2132/1659/82 dated 20.04.1982 issued by Gram Panchayat, Calangute for Construction of Building A and B for Tourist Accommodation and Swimming Pool in Plot surveyed under 242/1 of Village Calangute. Already Annexed herein above as Annexure R-13.</p> <p>(b) Licence issued by Gram Panchayat Calangute dated 30.06.1982 with Ref no. VPT/CAL/F-13 AC/Const-Lic 44/82/23E bearing</p>	<p>(a) Procured through an RTI Reply with Ref. No. VP/Cal/F-53/21-22/469E dated 04.03.2022.</p> <p>(b) Procured through an RTI Reply with Ref. No. VP/Cal/F-53/21-22/469E dated 04.03.2022.</p>

				<p>Technical Approval under No. DB/2132/1659/82 for proposed construction of Building A and B for Tourist Accommodation and Swimming Pool in Plot surveyed under 242/1 of Village Calangute. Already Annexed herein as Annexure R-14.</p> <p>NOTE- This Structure falls beyond 200m of the High Tide Line</p>	
4.	Survey No. 242/1-C	Structure "D" is a Sump Tank with OHT consist of permanent walls.	<b>Discharged</b>	<p>(a) Approved Plan bearing No. DB/2132/1659/82 dated 20.04.1982 issued by Gram Panchayat, Calangute for Construction of Building A and B for Tourist Accommodation and Swimming Pool in Plot surveyed under 242/1 of Village Calangute. Already Annexed herein</p>	<p>(a) Procured through an RTI Reply with Ref. No. VP/Cal/F-53/21-22/469E dated 04.03.2022.</p>

				<p>above as Annexure R-13.</p> <p>(b) Licence issued by Gram Panchayat Calangute dated 30.06.1982 with Ref no. VPT/CAL/F-13 AC/Const-Lic 44/82/23E bearing Technical Approval under No. DB/2132/1659/82 for proposed construction of Building A and B for Tourist Accommodation and Swimming Pool in Plot surveyed under 242/1 of Village Calangute. Already Annexed herein above as Annexure R-14.</p> <p>NOTE- This Structure falls beyond 200m of the High Tide Line</p>	<p>(b) Procured through an RTI Reply with Ref. No. VP/Cal/F-53/21-22/469E dated 04.03.2022.</p>
5.	Survey No. 242/1-C	Structure "E" is Ground Floor RCC structure constructed on permanent	<b>Discharged</b>	<p>(a) Approved Plan bearing No. DB/2132/1659/82 dated 20.04.1982 issued by Gram Panchayat, Calangute</p>	<p>(a) Procured through an RTI Reply with Ref. No. VP/Cal/F-53/21-22/469E</p>

		<p>plinth. Covered with RCC sloping roof.</p>		<p>for Construction of Building A and B for Tourist Accommodation and Swimming Pool in Plot surveyed under 242/1 of Village Calangute. Already Annexed herein above as Annexure R-13.</p> <p>(b) Licence issued by Gram Panchayat Calangute dated 30.06.1982 with Ref no. VPT/CAL/F-13 AC/Const-Lic 44/82/23E bearing Technical Approval under No. DB/2132/1659/82 for proposed construction of Building A and B for Tourist Accommodation and Swimming Pool in Plot surveyed under 242/1 of Village Calangute. Already Annexed herein above as Annexure R-14.</p>	<p>dated 04.03.2022</p> <p>(b) Procured through an RTI Reply with Ref. No. VP/Cal/F- 53/21-22/469E dated 04.03.2022</p>
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				NOTE- This Structure falls beyond 200m of the High Tide Line	
6.	Survey No. 242/1-C	Structure "F" is a Swimming pool constructed apporx. 1.50 above ground level on permanent raised deck with ceramic tiles flooring and swimming pool walls are covered with ceramic porcelain tiles.	<b>Discharged</b>	<p>(a) Approval granted by GCZMA with Ref. No. GCZMA/N/23-24/15/3211 dated 15.01.2024 to the Swimming Pool in Survey No. 242/1-C of village Calangute. The copy of Approval granted by GCZMA dated 15.01.2024 is enclosed herein as <b>ANNEXURE R-15.</b></p> <p>(b) Technical Clearance Order dated 05.02.2024 with Ref No. TPB/9446/CAL/TCP-2024/1186 granted by the Dy. Town Planner, Town &amp; Country Planning Department to the</p>	

				<p>Swimming Pool. The copy of the Technical Clearance Order dated 05.02.2024 granted by the Dy. Town Planner, Town &amp; Country Planning Department is enclosed herewith as <b>ANNEXURE R-16.</b></p> <p><b>(c) Construction</b> Licence No. VPCAL/2- 472023- 2024/6/43 dated 27.02.2024 granted by the Village Panchayat of Calangute to the Swimming Pool. The copy of Construction Licence dated 27.02.2024 granted by the Village Panchayat is enclosed herewith as</p>	
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				<b>ANNEXURE R-17.</b>	
7.	Survey No. 242/1-C	Structure "G" is a Permanent platform consists of lateritic masonry stones. The property bearing Sy. No. 242/1-C is partly with Cement paver block pathways/foot path.	<b>Demolished</b>	(a) It is not a permanent platform as alleged but is the base of a building earlier demolished.	

19. It is submitted that in compliance of the Inspection Report dated 24.11.2023 and Inspection Report 20.05.2024, a demolition Order was issued dated 13.03.2025. The demolition was undertaken on 20.03.2025 and the Structures that were required to be demolished in view of the aforementioned Inspection Report were demolished. The copy of Compliance Report dated 20.03.2025 for the demolition order No. DEMO- SQUAD/41/2025/1183 dated 13.03.2025 issued by the Respondent No.4 is enclosed herewith as **ANNEXURE R-18.**

20. In view of the submissions made herein above, it is most respectfully submitted that the Respondent No. 2 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.

21. 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.

22. It is respectfully submitted that Respondent No. 4, in its reply dated 30.07.2025, has categorically admitted that Structures F, G1, J1, L1 and Z, as referred to in the show cause notice dated 09.02.2024, and Structures A, C, D, E and F, 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.

#### **PARA WISE REPLY-**

1. The contents of Para No.1 of the present appeal need no reply.
2. The contents of Para No. 2 of the present appeal need no reply.
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. 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). It 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). 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.

4. The contents of Para No. 4 of the present Appeal are a matter of record and need no reply. With regard to Para No. 4, it is submitted that the Appellant emphasizes on the Site Inspection Report dated 05.06.2023 and 24.11.2023, however, the Appellant has only annexed the 24.11.2023 Site Inspection Report, which does not conclude the structures on the Impugned Property to be in violation of the CRZ Notification, 1991.
5. The contents of Para No.5 of the present Appeal are a matter of record and therefore need no reply.
6. The contents of Para No.6 of the present Appeal are a matter of record and therefore need no reply.
7. The contents of Para No.7 of the present Appeal are a matter of record and therefore need no reply.
8. The contents of Para No.8 of the present Appeal are a matter of record and therefore need no reply.
9. The contents of Para No.9 of the present Appeal are a matter of record and therefore need no reply.
10. The contents of Para No.10 of the present Appeal are a matter of record and therefore need no reply.
11. The contents of Para No. 11 of the present Appeal are a matter of record and therefore need no reply.
12. The contents of Para No. 12 of the present Appeal are a matter of record and therefore need no reply.
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. It is

pertinent to note that the above mentioned orders do not have any bearing on the adjudication of the present dispute because the aforesaid orders have already been complied with by the Respondent No. 2 herein. Further, the Orders issued by the Village Panchayat were pertaining to different structures which are not related to the Show Cause Notice dated 09.02.2024 and 30.07.2024. It is submitted that the Appellant by inviting the attention of this Tribunal to the Orders of the Village Panchayat is attempting to misguide and create confusion by producing documents which are irrelevant and not at all related to the structures mentioned in the Show Cause Notice dated 09.02.2024 and 30.07.2024.

Moreover, it is respectfully submitted that as per the Findings and Recommendations recorded pursuant to Site Inspection dated 26.02.2020, it has been clearly observed that the two demolition orders dated 28.01.2010 and 12.10.2012 issued by the Village Panchayat of Calangute have been fully complied with by Respondent No. 2.

That the Orders of the Village Panchayat were pertaining to different structures which were constructed on Survey No. 242/1. However, the Appellant in order to obfuscate the issue pertaining to the existence of the structures has erroneously relied on the Orders of the Village Panchayat. Moreover, the structures forming part of Show Cause Notice dated 09.02.2024 and 30.07.2024 were found to be legal and in existence prior to the year 1991 in view of the Site Inspection dated 26.02.2020 in PIL WP No. 04/2020.

14. With regard to Para No. 14, it is submitted that the Appellant has placed reliance on the Order dated 10.08.2018 passed by the Hon'ble Supreme Court in Special Leave Petition Civil No. 12032-35/2018 in order to show that the Hon'ble Supreme Court has upheld the demolition of certain structures belonging to the Respondent No. 1 to 3. The copy of the Order dated 10.08.2018 passed by the Hon'ble Supreme Court in Special Leave Petition Civil No. 12032-35/2018 is enclosed herewith as **ANNEXURE R-19**. Further, the Appellant had also claimed that the Hon'ble Supreme Court has upheld the demolition of the structures in a Review Petition bearing no. 400-403 of 2019 in Special Leave Petition Civil No. 12032-35/2018. The copy of the Order dated 19.02.2019 passed by the Hon'ble Supreme Court in Review Petition bearing No. 400-403 of 2019 is enclosed herein as **ANNEXURE R-20**. Additionally, the Appellant has claimed that the Letter dated 07.05.1990 from the Chief Minister under Ref No. CM/pet/8/90 and Approval No. DB/4820/TCP-90/202 dated 02.02.1990 from the Chief Town Planner for proposed repairs and renovation of buildings "A" and "B" in Survey No. 242/1-C, are rejected by the Hon'ble Supreme Court and therefore the said documents are not enforceable. The copy of the Letter dated 07.05.1990 bearing No. CM/pet/8/90 issued by the Chief Minister

procured through an RTI Reply dated 15.11.2018 is enclosed herein as **ANNEXURE R-21**. The copy of letter dated 02.02.1990 from the Chief Town Planner mentioned herein above is already Annexed as Annexure R-10. It is submitted that the contention raised by the Appellant in the present Paragraph is erroneous on two grounds:

- (a) That the Order dated 10.08.2018 passed by the Hon'ble Supreme Court in Special Leave Petition Civil No. 12032-35/2018 and Order dated 19.02.2019 in RP (Civil) No. 400-403 of 2019 were pertaining to the structures for which orders were passed by the Village Panchayat (The copy of Order dated 10.08.2018 passed by the Hon'ble Supreme Court in Special Leave Petition Civil No. 12032-35/2018 mentioned herein above is already Annexed as Annexure R-19 and Order dated 19.02.2019 in RP (Civil) No. 400-403 of 2019 mentioned herein above is already Annexed as Annexure R-20). The aforesaid Order had not dealt with any structures that forms a part of the complaint dated 23.01.2023, 08.06.2023 and 15.03.2024 made by the Complainant. Therefore, the Appellant vide the aforesaid Order is only trying to misguide this Hon'ble Tribunal into thinking that the structures on the Impugned Property have been subjected to the scrutiny of the Hon'ble Supreme Court.
- (b) The Appellant has further contended that the documents dated 07.05.1990 issued by the Chief Minister under Ref. No. CM/pet/8/90 and the Approval dated 02.02.1990 bearing No. DB/4820/TCP-90/202 issued by the Chief Town Planner for the proposed repairs and renovation of buildings 'A' and 'B' situated in Survey No. 242/1-C, are incorrect and have allegedly been rejected by the Hon'ble Supreme Court. The copy of the Letter dated 07.05.1990 from the Chief Minister mentioned herein above is already annexed as Annexure-21. In this regard, it is respectfully submitted that the Hon'ble Supreme Court, vide its Order dated 10.08.2018, has not rendered any finding on the validity or veracity of the aforementioned documents. The validity of the said documents, therefore, cannot be called into question solely on the basis of the above-referred order of the Hon'ble Supreme Court.

(The Copy of the Order dated 10.08.2018 passed by the Hon'ble Supreme Court in Special Leave Petition (Civil) No. 12032-35/2018 mentioned herein above is already Annexed as Annexure R-19)

15. With regard to Para No. 15, it is submitted that as already stated herein above, a bare reading of the Orders of the Hon'ble Supreme Court dated 10.08.2018 and 19.01.2019, in no way lead to an inference that any of the documents have been rejected by the Hon'ble Supreme Court. Further, by placing reliance on such Orders, the Appellant is only trying

to unnecessarily widen the scope of the controversy and also trying to convert the limited issue involved in the Show Cause Notices into a sort off title suit wherein respective rights of the parties are adjudicated. It is submitted that the reliance placed on the orders of the Special Leave Petition Civil No. 12032-35/2018 are absolutely irrelevant to decide the issue in the present case.

16. With reference to Para No. 16, it is submitted that these applications for regularization have no nexus whatsoever with the validity or existence of the structures forming the subject matter of the Show Cause Notices dated 09.02.2024 and 30.07.2024. The attempt to rely upon such unrelated documents appears to be a deliberate effort on the part of the Appellant to mislead this Hon'ble Tribunal and divert its attention from the actual controversy in the present proceedings.
17. With reference to Para No. 17, it is respectfully submitted that the Appellant has once again sought to rely upon a document that bears no relevance to the structures situated on Survey No. 242/1-C. This repeated reliance on extraneous material clearly reflects an attempt by the Appellant to mislead and confuse this Hon'ble Tribunal into erroneously believing that the structures on Survey No. 242/1-C are of an illegal nature.
18. With reference to Para No. 18, it is respectfully submitted that the Appellant has alleged that 'Structure-B', which was the subject matter of Demolition Orders dated 28.01.2010 and 15.10.2012 issued by the Village Panchayat of Calangute, has not been properly demolished. In making this assertion, the Appellant has relied upon the Site Inspection Report dated 26.02.2020, prepared by members of Respondent No.6 pursuant to directions issued by the Hon'ble High Court in Writ Petition No. 04/2020. The said allegation is wholly misconceived and devoid of merit on two material counts: firstly, a bare perusal of Para no. 13 of the very same Site Inspection Report dated 26.02.2020—which the Appellant seeks to rely upon—clearly indicates that the demolition orders issued by the Village Panchayat of Calangute have been duly complied with by Respondent No. 2. Secondly, in the Site Inspection Report dated 26.02.2020 in Para 12 it has been concluded that the Inquiry Report dated 07.11.2019 submitted by the Director of Panchayats in Writ Petition No. 1186/2018 before the Hon'ble High Court also affirms that the aforesaid demolition orders have been fully complied with. Therefore, the attempt of the Appellant to mislead this Hon'ble Tribunal by alleging non-compliance on the part of Respondent No.2 is not only factually incorrect but also reflects a deliberate effort to secure a demolition order at any cost, even if it entails making inaccurate and misleading statements. Furthermore, by relying on irrelevant and unrelated information, the Appellant

is clearly attempting to misdirect this Hon'ble Tribunal and distort the factual and legal matrix of the present case.

19. With reference to Para No. 19, it is respectfully submitted that the Appellant has relied upon a permission dated 28.06.1978 issued by the Village Panchayat. The said document does not pertain to the answering Respondent and therefore needs no reply.
20. 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.2 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.2 during the said inspection are also relied by the Respondent No. 2 in its Reply dated 04.07.2024, Reply dated 17.10.2024, and Additional Reply dated 26.11.2024 submitted to Respondent No.4. Additionally, Respondent No.2 filed Written Submissions dated 09.12.2024 in response to the Show Cause Notices dated 09.02.2024 and 30.07.2024. Crucially, it is submitted that as per the findings of the Site Inspection Report dated 26.02.2020, 'Structure G' therein—corresponding to 'Structure F' as referred to in the current Show Cause Notice dated 09.02.2024—was found to be in existence prior to the year 1991. In light of this, the validity of 'Structure F' stands established by the authoritative findings of the Site Inspection Report dated 26.02.2020, and the adjudication pertaining to the said structure may appropriately be concluded on that basis. The copy of the DSLR map annexed along with the Site Inspection Report dated 26.02.2020 is enclosed herewith as **ANNEXURE R-22**.

21. With reference to Para No. 21, it is submitted that the Appellant has alleged that Respondent No.2 has relied upon an Approved Plan bearing No. DB/2132/1659/82 dated 20.09.1982 and Approved Plan of 1990 to establish the validity of certain structures located on Survey No. 242/1-C, as mentioned in the Show Cause Notice dated 30.07.2024. The copy of the Approved Plan dated 20.04.1982 issued by Gram Panchayat procured through an RTI reply dated 04.03.2022 mentioned herein above is already Annexed as Annexure R-13. The Appellant has questioned the authenticity of the aforesaid Approved Plan, contending that the said document is forged and lacks evidentiary value solely on the ground that it was not produced earlier in proceedings before Respondent No.4, the Hon'ble High Court, or the Hon'ble Supreme Court, and that it was submitted for the first time at the stage of final arguments. It is pertinent to point out that the Appellant in the present paragraph has wrongly mentioned the date of the Approval Plan bearing No. DB/2132/1659/82 as 20.09.1982 instead of 20.04.1982. In this regard, it is submitted that the documents relied upon by Respondent No. 2, including the Approved Plan dated 20.04.1982, are genuine and authentic, having been sourced from lawful and verifiable origins. Furthermore, it is pertinent to note that Respondent No. 4, the authority which issued the Show Cause Notices dated 09.02.2024 and 30.07.2024, has at no point questioned the veracity of the documents submitted by Respondent No.2. On the contrary, Respondent No.4, after due application of mind and upon consideration of the documentary evidence placed on record by both parties, has passed a reasoned and well-considered Impugned Order. It is, therefore, implicit that Respondent No.4 was satisfied with the legitimacy of the documents relied upon by Respondent No.2 before rendering its decision. It is pertinent to note herein that the documents relied by the Respondent No.2 have been procured by the Respondent No. 2 under the Right to Information Act, 2005. That the Respondent No.2 herein sought information regarding Approved Plan of 02.02.1990 from the Respondent No.4 under the Right to Information Act, 2005 vide an application dated 09.11.2018. It is submitted that the Respondent No.4 herein vide the Reply dated 15.11.2018 furnished the Approved Plan of 02.02.1990 along with various documents that have been relied by the Respondent No.2 in its reply dated 04.07.2024 and 17.10.2024. Additionally, the Respondent No. 2 had made an application under the Right to Information Act, 2005 dated 28.02.2022 to the Office of Village Panchayat Calangute seeking permissions to Survey No. 242/1 (Part) of Village Calangute. In reply to the same, the Panchayat Authority vide document dated 04.03.2022 bearing No. VP/Cal/F-53/21-22/4696 had furnished the Approval Plan bearing no. DB/2132/1659/82 dated 20.04.1982

and permission dated 30.06.1982. (The copy of the Licence issued by Gram Panchayat dated 30.06.1982 procured through an RTI Reply dated 04.03.2022 mentioned herein above is already Annexed as Annexure R-14). Further, the Respondent No.4 in the Impugned Order has recorded the finding that *“The present Complaint appears to have been moved in order to add more litigation, subsequent to the Order passed by the Hon’ble NGT on 09.01.2023. In the Complaint filed by the Complainant on 23.01.2023, what sort of new developments have cropped up in this property has also not been spelt out by the Complainant. An attempt is however sought to be made to confuse the authority by stating that the structures were never demolished. **The documents which are produced by the Respondent which are said to be fraudulent and fabricated have also not been challenged before the appropriate Court of Law**”*. Thus, it is evident from the findings of Respondent No.4 that the attempt made by the Appellant to cast doubt upon the authenticity of the documents dated 1982 and 1990 has been duly addressed and dealt with by Respondent No.4. The documents mentioned herein above are already Annexed as Annexure- R-13 and R-14. It is further submitted that the Appellant is making a deliberate attempt to mislead this Hon’ble Tribunal into believing that the documents relied upon by Respondent No.2 are either forged or invalid ab initio, despite the fact that such allegations have already been considered and negated by the competent authority after due scrutiny and application of mind.

22. 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.2 regarding the pre-1991 existence of the structure on the Impugned Property.
23. It is submitted that the Appellant herein has raised an erroneous contention with regard to the authenticity of the documents pertaining to the structures at Survey No. 242/1 and 242/1-C. In view of the above mentioned table at Para 18 of the Preliminary Submissions and the submissions made herein, it can be ascertained that there are various documents that are issued by the relevant authorities that establish that the structures belonging to the Respondent No. 2, discharged in terms of the Impugned Order dated 17.02.2025 existed prior to the year 1991. Furthermore, CRZ Notification, 1991 adopts the principle of the “Doctrine of Toleration,” whereby developments that were already undertaken and were in

existence in accordance with the laws and norms that then existed are to be tolerated. In the present Appeal, the Competent Authority has passed a reasoned order after due application of mind and the contentions raised by the Appellant regarding the authenticity and veracity of the documents in question are devoid of any substantive or evidentiary basis and appear to be speculative rather than being grounded in fact or law. Furthermore, with regard to the veracity of the documents that are relied by the Respondent No. 2, it is submitted that all these documents have been procured under the Right to Information Act, 2005, which stipulates that the said documents have been in the records of the relevant authorities and are therefore, sourced from verified channels. In view of the same the issue regarding the authenticity of the documents boils down to the fact that the Appellant has not approached this Hon'ble Forum with clean hands and is making deliberate efforts to confuse and deceive this Hon'ble Forum into believing that the Impugned Structures are liable to be demolished.

#### **REPLY TO THE GROUNDS/CHALLENGE**

24. With reference to Para No. 23, it is submitted that the Appellant herein has merely reiterated the aforementioned submission in the grounds for filing the present Appeal. Thus, the Respondent No.2 respectfully places reliance on the foregoing submissions and the Parawise reply hereinabove to effectively controvert and rebut the grounds raised by the Appellant.
25. With reference to Para No. 23.1, the Appellant has misled 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 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. The Appellant vide the present Appeal fails to establish that how the structures which were under the consideration of the Respondent No.4 are illegal. The only structure constructed by the Respondent No.2 after the orders passed by the Hon'ble High Court in Writ Petition No. 04/2020 was the construction of the swimming pool which is the structure F as per the Show Cause Notice dated 30.07.2024 for which the concerned authority has granted approval dated 15.01.2024 and the License dated 27.02.2024. The Impugned Order of the Respondent No.4 has also confirmed the validity of the Structure

“F” as per Show Cause Notice dated 30.07.2024. This shows a deliberate attempt at the behest Appellant to confuse the Hon’ble Tribunal by mixing the facts pertaining to the offending structure and bring the attention of the Hon’ble Tribunal over the litigation under the village panchayat which is irrelevant to the current situation.

26. 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. The Appellant further appears to be proceeding on presumptive and unverified assertions rather than substantiated facts. It is further submitted, in order 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 at Para 18 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, made as a counterblast to the complaints filed by Respondent No. 2 against the Appellant.
27. With reference to Para No. 23.3, it is respectfully submitted that the Appellant has made unwarranted and desperate attempts to portray the 1990 Town and Country Planning (TCP) approval as forged and fraudulent. The Appellant has, therefore, sought to mislead this Hon’ble Tribunal by attributing fraudulent character to the documents without any substantive or judicial finding to that effect. Furthermore, such vague and unsubstantiated assertions are made merely to prejudice the case of the Respondents and deserve to be disregarded. The allegations in Para No. 23.3 have been aptly replied in Para No. 14 and 21 of the Para-wise Reply hereinabove and therefore the contents therein are not repeated for the sake of convenience and brevity.
28. With reference to Para No. 23.4, it is respectfully submitted that the Respondent No.2 is not concerned with the allegations in Para No. 23.4 as the answering Respondent is not relying on the Village Panchayat Calangute License dated 28.06.1978.
29. The Contents of Para No. 23.5, 23.6, 23.7 have been aptly replied in Para No. 21 of the Parawise Reply hereinabove and therefore the contents therein are not repeated for the sake of convenience and brevity. With reference to Para No. 23.5, the Goa Coastal Zone Management Authority (GCZMA), in its order, has categorically affirmed that the said Structure G1 is temporary in nature. This is further corroborated by the sanctioned plan

bearing Approval No. DB/2132/1659/82 dated 20.04.1982, which explicitly reflects the existence of the structure. Accordingly, the documentary evidence on record fully supports the Respondent's contention (The copy of the Approved Plan dated 20.04.1982 issued by Gram Panchayat procured through an RTI reply dated 04.03.2022 mentioned herein above is already Annexed as Annexure R-13). Moreover, the Appellant's sweeping assertion that the document is forged or fraudulent is wholly unsubstantiated and devoid of any evidentiary basis. In the absence of credible proof, such allegations remain baseless and are liable to be disregarded.

30. With reference to Para No. 23.6 and 23.7, it is respectfully submitted that the Appellant has repeatedly questioned the authenticity of the Approved Plan dated 20.09.1982, alleging that the said document is forged and devoid of evidentiary value. These allegations are solely premised on the contention that the document was not produced at earlier stages of proceedings before Respondent No.4, the Hon'ble High Court, or the Hon'ble Supreme Court, and was instead placed on record only at the stage of final arguments. It is further submitted that the Appellant claims to have conducted inquiries with the Village Panchayat and Respondent No.4 with respect to records pertaining to the years 1982 and 1990. In response, it is submitted that all documents relied upon by Respondent No.2, including the aforementioned Approved Plan dated 20.09.1982, are authentic, duly sourced from lawful and verifiable records maintained by the competent authorities. Significantly, Respondent No.4—the statutory authority that issued the Show Cause Notices dated 09.02.2024 and 30.07.2024—has at no stage questioned or disputed the genuineness of the documents submitted by Respondent No.2. Moreover, the Appellant has vaguely and without substantiation sought to challenge the orders of the Goa Coastal Zone Management Authority (GCZMA), without furnishing any cogent reasoning or justification in support of such claims. This clearly indicates that the Appellant is seeking to vexatiously reopen settled issues by relying on baseless, irrelevant, and unsubstantiated allegations, which deserve to be rejected in limine.
31. With reference to Para No. 23.8, it is respectfully submitted that the Appellant has repeatedly sought to cast aspersions on the authenticity and validity of the reasoned order passed by the Goa Coastal Zone Management Authority (GCZMA). In this regard, it is submitted, firstly, that Structure "F" is supported by all requisite and valid documentary evidence establishing its legality, which has been duly annexed to the replies submitted by the Respondent dated 04.07.2024 and 17.10.2024. Secondly, the Appellant's contention that the inspection report prepared by the Two-Member Committee lacks evidentiary value

merely because it was not prepared directly by the GCZMA is entirely misconceived and devoid of merit. Contrary to the said assertion, the report in question was in fact prepared by Expert Members of the GCZMA, and thus carries the imprimatur of technical and statutory authority. 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 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 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 Order dated 09.01.2023 passed by this Hon'ble Tribunal mentioned herein above is already Annexed as Annexure R-6.) The Hon'ble Tribunal noted that the said orders of the Hon'ble High Court were passed on merits, after due consideration of the Inspection Report submitted by the GCZMA pursuant to directions issued by the Hon'ble High Court itself. Relying upon the findings contained therein, the Hon'ble High Court proceeded to dismiss PIL Writ Petition No. 04/2020. This unequivocally establishes the reliability of the inspection process and the findings recorded therein, thereby rendering any challenge to its veracity or demand for a fresh inspection wholly unsustainable. Thus, the Appellant's allegations in this regard are false, frivolous,

and unsupported by any credible material on record. Accordingly, the erroneous and speculative assertions of the Appellant deserve to be rejected outright and ought not to be given any weight by this Hon'ble Tribunal.

32. With regard to the contents of Para No. 23.9, it is submitted that the Structure F1 in Survey No. 242/1 has been demolished by the Respondent No.4 and therefore the contention of the Appellant with regard to the Respondent No.4 saving Structure F1 in Survey No. 242/1 is devoid of any merit.
33. The Contents of Para No. 23.10 of the present appeal do not pertain to structures claimed by Respondent No. 2, hence need no reply.
34. With reference to Para No. 23.11, it is respectfully submitted that the Appellant seeks to challenge the order passed by the Goa Coastal Zone Management Authority (GCZMA) on the sole ground that the documents relied upon therein are allegedly forged and fraudulent. In response, it is submitted that the authenticity of the said documents was never questioned before the competent authorities at any prior stage of the proceedings. It is only now, upon finding no other substantive ground to assail the order, that the Appellant has resorted to this baseless and belated contention. The Appellant has failed to produce any credible evidence, cogent reasoning, or legal justification to support the serious allegation of forgery or fraud. Such unsubstantiated assertions, made without any material proof, clearly reveal that the Appellant is bereft of any legitimate ground to challenge the impugned order. It is further submitted that the structures pertaining to Respondent No. 2 have already been examined and found to be valid by the Committee constituted pursuant to the directions of the Hon'ble High Court. In view of the above, it is evident that the present objection is a mere afterthought and is intended only to delay and derail the proceedings before this Hon'ble Tribunal. Such conduct amounts to an abuse of the process of law and deserves to be deprecated.
35. With reference to Para No. 23.12, it is respectfully submitted that the Appellant has once again taken the same false and frivolous stand by alleging that the documents relied upon by the Respondent are forged and fraudulent—an allegation that has already been specifically addressed and duly rebutted by the Respondent in the foregoing submissions.
36. 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.

37. With reference to Para No. 23.14, it is respectfully submitted that the Appellant is merely attempting to abuse the process of law and unnecessarily burden the time and resources of this Hon'ble Tribunal by seeking a fresh inspection. It is pertinent to bring to the attention of this Hon'ble Tribunal that a total of three independent inspections have already been conducted, where reports were prepared after proper application of mind and each consistently reaffirming the same set of facts.
38. That pursuant to the 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. 2 vide the Impugned Order directed demolition of Structures marked as 'Q1', 'P1', 'Y', and 'I1', 'J1'(First Floor) and 'Z' (First Floor) and Structures "B" and "G". 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 submitted that this was not the first time that the Impugned Properties were subjected to the scrutiny of the judicial forums, in fact vide the Inspection Report dated 26.02.2020 prepared by the Respondent No. 4 itself:

*“ 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.”*

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.

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.

39. It is therefore submitted that in view of the Inspection Report dated 26.02.2020 in Writ Petition No. 04 of 2020 and the Inspection report dated 05.06.2023, 24.11.2023 and 20.05.2024 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.
40. 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.
41. The Contents of the Para No. 23.16 needs no reply.

#### **REPLY TO ENVIRONMENTAL DAMAGE COMPENSATION**

42. 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. 2. 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.**

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

#### **REPLY TO LIMITATION**

44. 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**

45. 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.

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

**REPLY TO PRAYERS**

47. In view of the submissions made herein above, it is most respectfully submitted that the Respondent No. 2 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.
48. 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.
49. 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.

Date: 17.11.2025

Place: Pune

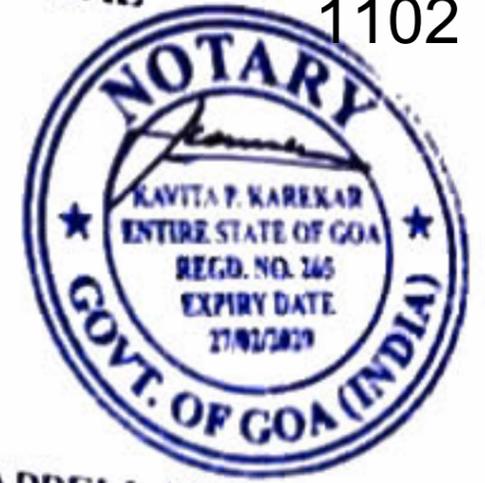


Sangram Singh R. Bhonsle, Samridhi S. Jain

Chaitanya Dixit  
ADVOCATES FOR THE APPELLANT

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New Delhi-110024  
[samridhi12318@gmail.com](mailto:samridhi12318@gmail.com)  
Mobile No. 9890210579

Appeal No. 82/2025 WZ



**IN THE MATTER OF:**  
**SYLVESTER D'SOUZA**

..... APPELLANT

**VERSUS**

**JOSEPH S. ROSA AND ORS.**

..... RESPONDENTS

**AFFIDAVIT**

1. Ms. Nalini Da Rosa Fernandes, Indian National, presently residing at Saunta Waddo, Calangute, Bardez - Goa, do hereby solemnly affirm and state as under:

1. That I am the Respondent No. 2 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.

*N Fernandes*  
DEPONENT

# VERIFICATION

Verified at Mepozim on this 12<sup>th</sup> day of Nov, 2025 that the

contents of the present affidavit are true and correct and nothing material has been  
concealed therefrom.

*Fernandes*  
DEPONENT



SOLEMNLY AFFIRMED BEFORE ME  
BY Ms. Malini De Rose Fernandes  
WHO IS IDENTIFIED BEFORE ME  
BY Aseelha Coelho 7036 6366  
REG NO 4234/25  
12/11/25

*Fernandes*  
KAVITA P. KAREKAR  
NOTARY FOR  
ENTIRE STATE OF GOA (INDIA)

## 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

Mr. Wenceslau Francis D'Souza & Anr ...Petitioners

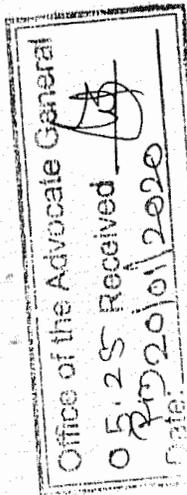
Versus

State of Goa and others

... Respondents

INDEX

Sr. No.	Particulars	Page Nos.
1.	Chronology of Events	A - C
2.	Points for Consideration	D
3.	Memo of Petition	1-32
4.	Annexure - A are photos of the illegal structures	33-40
5.	Annexure - B (colly) are copies of show cause notice dated 08.06.2012 and the complaint dated 25.04.2012	41-47
6.	Annexure - C (colly) are copies of the Panchanama dated 16.07.2009 and the show cause notice dated 23.07.2009	48-53



File - 8 copies for  
Sero. No. 1121415/6/9/1108/11

84  
72

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7.	Annexure – D (colly) are copies of the correspondence between respondent no. 9 and PI, CID Crime Branch	54-57
8.	Annexure – E is a copy of the letter dated 08.06.2012	58-59
9.	Annexure -F is a copy of the affidavit in reply filed by the Respondent no. 10 in PILWP 26/2012.	60-69
10.	Annexure – G is a copy of the order dated 06.03.2014	70-71
11.	Annexure – H(colly) are copies of the order dated 22.04.2014, site inspection notice and Panchanama dated 11.12.2012	72-77
12.	Annexure – I (colly) are copies of the orders dated 26.02.2018	78-108
13.	Annexure – J (colly) are copies of the orders passed in SLP(s) and Review Application before the Apex Court	109-111
14.	Annexure – K (colly) are copies of the Site inspection report dated 20.07.2011 <i>panchama</i>	112-113
15.	Annexure – L (colly) are copies of the show cause notices dated 02.08.2011	114-117
16.	Annexure – M (colly) are copies of the orders of demolition dated 21.12.2011	118-119
17.	Annexure – N (colly) are copies of the requisition dated 06.01.2012.	120-121
18.	Annexure – O is a copy of the letter dated 16.04.2010	122-124
19.	Affidavit	125- <del>126</del>
20.	Wakalatnama	---

Place: Panaji, Goa

Date: 26-04-2019

  
 Advocate for the Petitioners

**CHRONOLOGY OF EVENTS**

<b><u>DATE</u></b>	<b><u>EVENT</u></b>
2012	Petitioners filed PIL writ petition No. 26/2012 before this Hon'ble Court against CRZ Notification violations by Respondents 7, 8 and 12 for illegal constructions of additional 29, 42 and 10 rooms respectively in their respective hotels/ guest houses falling under No Development Zone of the High Tide Line.
2011	Respondent No. 7 had applied for renewal of registration. She informed the Tourism Department of construction of additional 20 rooms and requested for reinspection and registration of the same to which the Tourism department asked for clearances from the GCZMA and Goa State Pollution Control Board. Respondent 7 failed to produce the documents as such approval had never been granted.
25.04.2012	Petitioners made a complaint to Respondent 9 regarding such illegal construction by Respondent 7
08.06.2012	Tourism Dept. issued a show cause notice to the Respondent 7 to produce relevant documents failing which, premises would be sealed and arrears recovered. However, no further action was taken by either party.
08.06.2012	Respondent 9 also issued notice to Respondent 8 regarding illegal existence of 42 rooms instead of 16 rooms as claimed by Respondent 8 and informed Respondent 8 that he is liable for

	punishment if unable to produce the relevant documents.
2013	In course of hearing of above mentioned PILWP 26/2012, Respondents 7 and 8 pleaded that their applications for regularization of the disputed structures was still pending before Respondent 2 and hence peremptory demolition directions could not be passed.
22.04.2014	In view of this pleading, PILWP 26/2012 was disposed off whereby Court observed that if regularization was not allowed then Respondents 2 and 3 must take appropriate action in accordance with law to the disputed structures.
26.02.2018	The illegal structures of Respondent 7 became part of 2 other writ petitions filed before this Hon'ble Court and in Order dated 26.02.2018, this Hon'ble Court ordered for the demolition of these structures. This Order was upheld by the Hon'ble Apex Court.
23.03.2018	Subsequently, Respondent 7 made another application to Respondent 2 for regularization of the structures which was furthered referred to the Ministry of Environment, Forest and Climate Change and is still pending.
	Thereafter, Respondent 7 exhausted all remedies before this Hon'ble Court as well as the Hon'ble Apex Court, all of which were dismissed against her.
28.09.2019	Respondent 7 has purportedly complied with the Order of this Hon'ble Court dated 28.09.2019 and claims to have demolished the illegal structures which were subject matter of WP

	1186/2018. However, it is apparent that Respondent 7 has only demolished a small of the offending structures and the rest of the illegal construction continues to stand.
Nov. 2019	It has come to the knowledge of the Petitioners that Respondent 3 had undertaken site inspection of the 3 disputed properties back in 2011 and ordered their demolition for gross violation of CRZ notifications and had even requisitioned a demolition squad. However, the matter eventually died down and not action was taken whatsoever.
	Presently, all 3 disputed properties continue to run as usual with illegal supply of water and electricity being used to power the illegally constructed rooms.

Date: 11/12/19

Place: Panaji - Goa

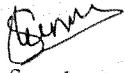
ATM  
Adv. for Petitioners

POINTS FOR CONSIDERATION

1. Whether the Respondent no. 2 and 3 have failed in their duty to demolish the illegal constructions in the form of Hotel Palmgrove Cottages, Sea View Cottages and Village Sol Beach Resort owned and constructed by the Respondents no. 7, 8 and 12, which lie within the No Development Zone and are patently illegal under the CRZ Notification?

PLACE: Panaji Goa

DATE: 26-04-2019

  
Advocate for the Petitioner

**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  
1<sup>st</sup> 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  
176<sup>th</sup> 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 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 unauthorizely 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 PIL WP 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 inwards

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: -**

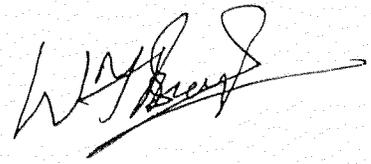
20. The documents at Annexure-A to Annexure-O herein above mentioned.

**XI Relief's Prayed For: -**

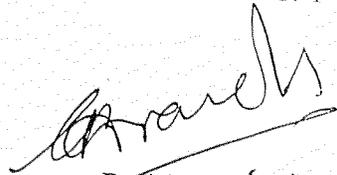
- a. A writ of Mandamus, or any other writ, order or direction in the nature of mandamus, or any other appropriate Writ, order or direction, directing the Assistant Engineer, Electricity Department, Division VI, O & M, Mapusa Goa and the Executive Engineer, Works Division-XVII, Public Works Department 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.



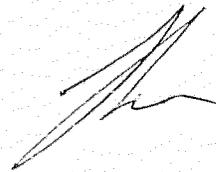
Petitioner No. 1



Petitioner No. 2

Place: Panaji Goa

Date: 25/04/2019



Advocate for the Petitioner

Adv. J. Karn

### VERIFICATION

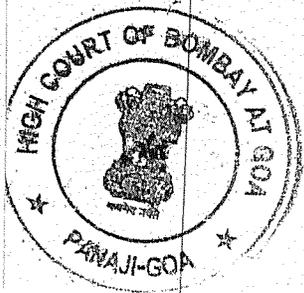
I, Mr. Wenceslau Francis D'Souza, major of age, Indian National, resident of H. No. 23/9, Ward No. IX, Ansabhat Mapusa Bardez Goa, the Petitioner No. 1 in the present PIL Writ Petition do hereby verify the contents of Paras 1, 2, 3, 7 to be true and correct to my knowledge and contents of Paras 4, 5, 6, 8, 9, 10 are based on legal advice which I believe to be true.

*[Signature]*

Deponent

Place: Panaji, Goa

On this 25<sup>th</sup> day of April 2019



Identified by me:

*[Signature]*

Advocate for the Petitioner

Adv. J. Karn

Before me

SB 25.4.19

Section Officer  
Judicial Branch

*[Signature]*

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



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*Esha*

## ANNEXURE R-3

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: 24<sup>th</sup> 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'



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IN THE HIGH COURT OF BOMBAY AT GOA

*(F) 1320/2022*

Misc. Civil Application No. /2022

In

PIL Writ Petition No. 4/2020

Mr. Wenceslau Francis D'Souza . . . Applicants

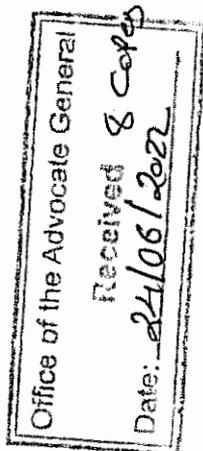
Versus

1. The state of Goa

And 11 others . . . Respondents .

**INDEX**

Sr.No.	Particulars	Annex	Pg.No.
1.	Memo of Application for recall of order dated 24/09/2021 along with Supporting Affidavit		1-10
2.	<i>Copy of the Order dated 24/09/2021.</i>	A	11-13



3.	<i>Copy of the Report dated</i> <i>26/02/2020.</i>	<b>B</b>	14-25
4.	<i>Vakalatnama</i>		26

Porvorim

17/06/2022

Adv. for Applicants

---

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. 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

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

1<sup>st</sup> 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 17<sup>th</sup> day of June , 2022.

Identified by

DEPONENT

*[Handwritten signature]*  
*George B. Fernandez*

*[Handwritten signature]*

TRUE COPY

## ANNEXURE R-5

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 2020WENCESLAU 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: 15<sup>th</sup> 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.**

A handwritten signature in black ink, appearing to read 'Gair', is written over a diagonal line.

TRUE COPY

# ANNEXURE R-6

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 others ....Respondents

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

No. 25/2007/430/77/302,  
Collectorate of Goa,  
Panaji, P. No. 4 03 001

Dated: 26 July, 1977

ORDER

Whereas Mr. 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 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 District, measuring 3750 sq. metres, belonging to the applicant, more particularly described in the schedule I 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, exercising the powers conferred on me by virtue of section 32 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 same conditions via

Right to Information Act 2005

*Rmat*  
25/7/19

PGS

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~~ commercial 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

SCHEDULE I

1166

Length & Breadth		Total Super-ficial 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*  
( Narendra Prasad )  
Collector of Goa .

"Information" made available under  
Right to Information Act 2005

*amrit*  
23/7/17

PIO 5

Town and Country Planning Dept

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

150  
RTIA.

Issued under  
RTI Act - 2005

Copy to:

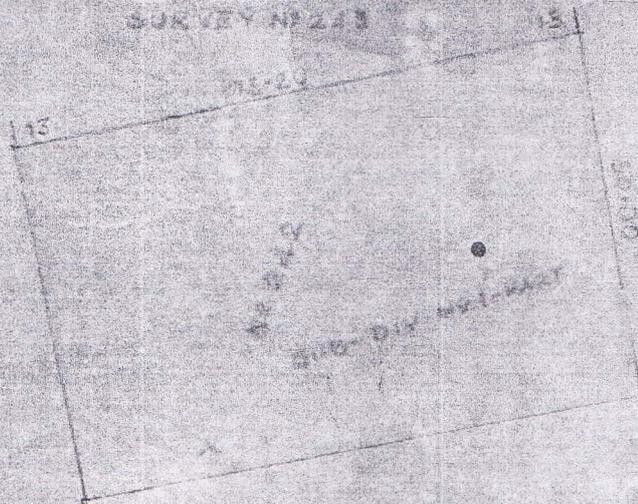
1. Fr. Mario Pires ,Calangute, Bardez. Goa.
2. The Chief Town Planner, Town & Country Planning Department, Panaji, Goa w.r.t. his letter No. DB/1942/1136/77-78,
3. The Director of Agriculture, Panaji, Goa dt.27/6/77
4. The Manlatdar of Bardez, Mapusa.
5. The Village Panchayat of Calangute-Bardez
6. The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

# PLAN

OF THE PLOT BEARING SUB-DIVISION (PART) OF SURVEY NO 248, SITUATED AT GALANGUTE VILLAGE, BARDOLI TALUKA, APPLIED BY FR. MARJO PIRES, FOR CONVERSION OF USE OF LAND FROM AGRICULTURAL INTO NON-AGRICULTURAL PURPOSE.



AREA TO BE CONVERTED IS AS SHOWN  
SCALE 1:1000



*[Handwritten Signature]*  
DIRECTOR

"Information" made available under  
Right to Information Act 2005

*[Handwritten Signature]*  
23/11/15  
RCS

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 248  
by [unclear]

*[Handwritten Signature]*

GRAN PANCHAYAT CALANGUTE

BAGDEE - GOA,

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

Date 27th June, 1978.

To,

Shri Fr. Mario Pires  
 Sauntawallo,  
 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/1910/720/7A-77

Sir,

with reference to your application dated 5-6-78  
 on the subject above licence for construction of a house & Septic  
 is granted to you under section 33 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. \_\_\_\_\_ Reg. No. \_\_\_\_\_
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 under no. \_\_\_\_\_ dated 12-6-78.
8. No objection certificate is issued by the Health Department under no. \_\_\_\_\_ dated 28-5-78.

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

Information made available under  
 Right to Information Act 2005  
 Permit  
 23/7/19  
 PIO-5  
 Town and Country Planning Dept

Issued under  
 RTI Act - 2005



1ST GSCE

Ref. No. DB/8301/TCP.88/411  
Goa State Committee on Environment,  
Town & Country Planning Department,  
Panaji-Goa.  
Date: 16. 12. 1988

To,  
Fr. Mario Pires  
Sauntawado, Baga,  
Calangute, Bardez,  
Goa.

Sub: Proposed reconstruction of the existing structure A in  
Survey No. 242/1, at Calangute Village, Bardez Taluka,  
Goa.

Ref: Decision of the 1ST GSCE meeting held on 6/12/1988

Sir,

This is to inform you that your above proposal has been  
approved by the Goa State Committee on Environment in the  
above mentioned meeting.

Therefore, approval of the GSCE is conveyed herewith for  
Reconstruction of the existing structure A in Survey No.  
242/1 with conditions mentioned below:

- a. Reconstruction licence should be obtained from the  
competent authority before starting the construction/  
Development work.
- b. The existing trees should be maintained and more trees  
should be planted. The water supply for the said project  
should be made available by the party itself.
- c. Environmental regulations/norms - mentioned in the  
enclosure - should be strictly followed.
- d. The proposed reconstruction should be limited to the  
existing authorized plinth area.

Keeping a set of plan the rest are returned herewith.

"Information" made available under  
Right to Information Act 2005

*Print*  
PIO 5  
Town & Country Planning Dept

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

Yours faithfully,

(N. Pandalai)  
Chief Town Planner & Member  
Secretary, Goa

Issued under  
RTI Act - 2005

Encl: As above.

1. The Sarpanch, V.P. Calangute,  
Bardez, Goa
2. The Senior Town Planner, T.C.P.  
Dept, Margosa, Goa.

AREA STATEMENT

TOTAL PLOT AREA	58125.00 SQ.MTS
EXISTING BUILT UP AREA IN P.L.	205.00
EXISTING WALLS ON P.L.	206.00
EXISTING FLOOR AREA	416.00
EXISTING B.C. OF AREA IN P.L.	1298.00
CONTRACT	3.45
P.L.	4

Information made available under  
Right to Information Act, 2005

DD/320/10/SS/411  
16.12.11

Issued under  
RTI Act - 2005

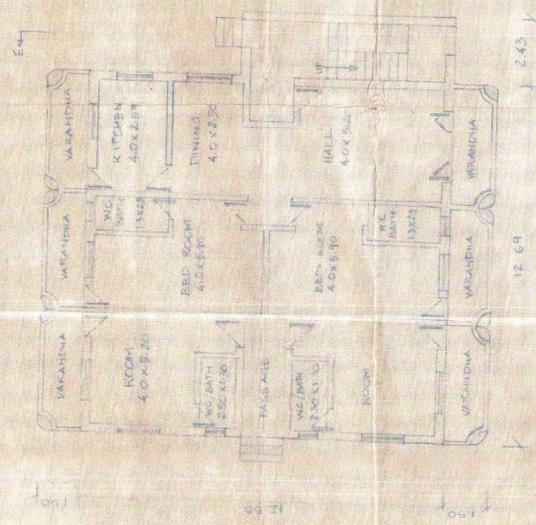
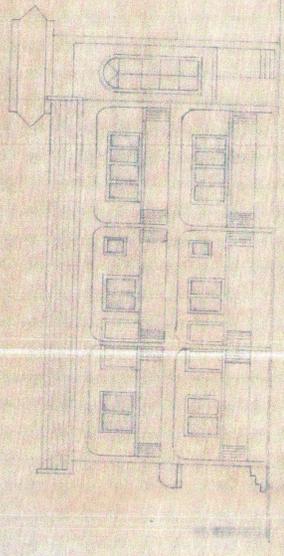
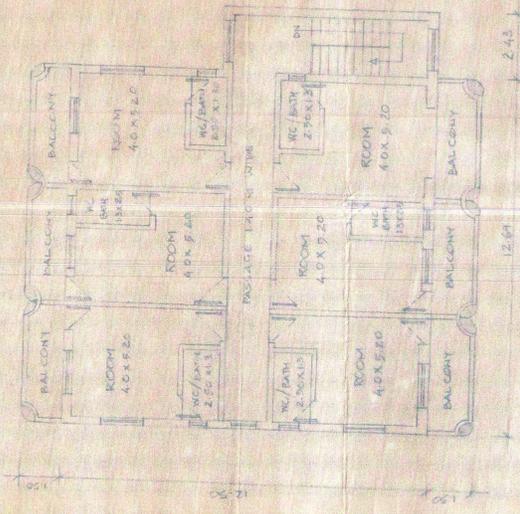
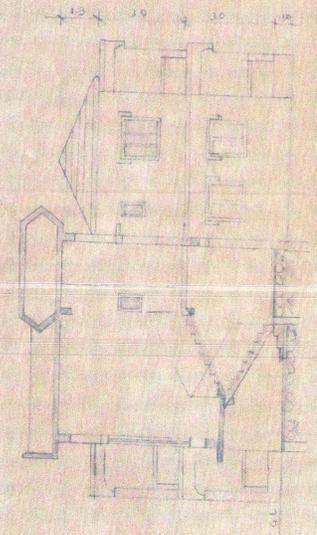
Town and Country Planning Dept.  
Public Information Officer (PIO)  
Department of Urban Planning  
At the District Town Planner  
Town & Country Planning Dept.  
Pune-40

SITE PLAN  
SCALE: 1/200

NAIK DALAL KRISHNA A  
B.E. (CIVIL) Bombay  
Reg. No. 25776

In Memo Form

ONR/C



PROPOSED RE-CONSTRUCTION OF THE EXISTING STRUCTURE A IN SURVEY NE-242/1 AT  
CALANGUTE VILLAGE - BARDEZ TALUKA



## ANNEXURE R-10

## GOA COASTAL ZONE MANAGEMENT AUTHORITY

C/o Department of Science, Technology &amp; Environment, Govt. of Goa,

1<sup>st</sup> Floor, Deendayal Upadhyay Bhavan,

Office of Directorate of Planning, Statistics &amp; Evaluation

Opp. Pundalik Devasthan, Pundalik Nagar,

Porvorim, Bardez, Goa-403521

Ref No: GCZMA/RTI/18-19/1509

Date: 15/11/2018

To,  
 ✓ Mrs. Nalini Fernandes,  
 Sauntavaddo  
 Calangute,  
 Bardez, Goa.

Sub: Information under Right to Information Act, 2005.

Ref: Your request under RTI Act 2005, dated 09/11/2018 received in this office on 12/11/2018.

Madam,

I am to refer to your above mentioned application and to inform you as under:

Sr.No.	Information Sought	Reply of PIO
1.	Letter and attached plans, bearing ref.no. DB/4820/TCP-90/202 dated 02/02/1990 (approval for Rev. Fr. Mario Pires)	Copies of documents as available on records of this file are enclosed herewith
2.	Any other correspondence, plans, etc referring to Rev. Fr. Mario Pires prior to 1991	

The information available with this Department may be collected from this Office, on payment of Rs. 10/- [Rs. 10/- (05 pages)].

The period within which an appeal against such rejection may be preferred is 30 days. And the Particulars of the Appellate Authority:

“The Member Secretary, Goa Coastal Zone Management Authority, Porvorim, Goa.”

This information is provided based on the records available in the Office and pursuant to your request under RTI Act, 2005.

Yours faithfully,

  
 (Sanjeev S. Joglekar)  
 Public Information Officer (GCZMA)

Ref: No. DP/4826/TCP/00/202  
GOB State Committee on Environment  
Town & Country Planning Dept,  
Panaji-Goa  
Date: 2.2.1990

To,  
Fr. Maria Pazos  
Santa Vaddo, Baga,  
Calangute Bardez-Goa

Sir, Proposed entails a renovation of the existing roof over the Second Floors of the existing building 'A' & 'B' in survey No. 242/1, at Calangute Village. Ref: Decision of the 2nd GSCE meeting held on 12-1-1990.

Sir, This is to inform you that your above proposal has been approved by the State Committee on Environment in the above mentioned meeting.

Therefore, approval of the GSCE is conveyed herewith the proposed repairs, and renovation of the existing roof over the second floors of the building 'A' & 'B', in survey No. 242/1, at Calangute Village.

A Motorable access is available as required.

Keeping a set of plan the rest are retained herewith.

Certified Copy of The Document  
Available in Office Records

Yours faithfully,

Public Information Officer  
(GCZMA)

(N. Pandaini)  
Chief Town Planner &  
Member Secretary, GSCE

Encl: As above  
Copy to:

- 1. The Sarpanch, V.P. Calangute.
- 2. Associate Town Planner TCP, Mpuan, Bardez, Goa.

*Q'air*

ANNEXURE -A1

Ph: 2276016

OFFICE OF THE VILLAGE PANCHAYAT

CALANGUTE

Bardez - Goa.403516

TRANSCRIBED HEREIN BELOW THE RESOLUTION OF THE  
MEETING HELD ON 03/11/2018 VIDE RESOLUTION NO. IX J

(99)

Proposed by: Mr. Sudesh Mayekar

Seconded by: Mr. Francisco Rodrigues

After receipt and due consideration of the application letter of Mrs. Nalini Fernandes, r/o H.No. 7/2F, Saunta Vaddo, dated 01.11.2018, referring to the demolition orders issued by the Calangute Panchayat, dated 28.01.2010 and 15.10.2012 for structures in survey no. 242/ 1, the summary is as follows:

Whereas a demolition order dated 28/01/2010, bearing no. VP/Cal/F-20/09-10/3425, was passed pursuant to a show cause notice dated 14/07/2009, which had stated that no construction is allowed within 200 m of the HTL, and the demolition order stated that the construction is to be demolished since no permission was produced and the reply was not satisfactory.

Whereas a demolition order dated 15/10/2012, bearing no. VP/Cal/F-20/12-13/2535, was passed pursuant to a show

cause notice dated 15/09/2012, stating that a ground plus two structure and a swimming pool were illegally constructed in survey no. 242/ 1, and the demolition order stated that the structure is to be demolished since no permission was produced.

Whereas these orders were carried in appeal and the said appeal has been dismissed on 10/08/2018 by the Honorable Supreme Court.

no. VP/ Cal/ F-20/9-10/3425, and dated 15/10/2012, bearing ref no. VP/Cal/F-20/ 12-13/2535, cannot be revoked without permission of the Hon'ble Supreme Court.

Hence the applicant in the interest Natural Justice may approach to the Hon'ble Supreme Court for a clarification / direction to this Panchayat. It is only on basis of the direction of the Hon'ble Supreme Court Thereafter that the Authority can examine all currently available documents and take a final decision in the matter.

Certified to be the transcribed copy of the original.

Sd/-

Secretary  
V.P. Calangute

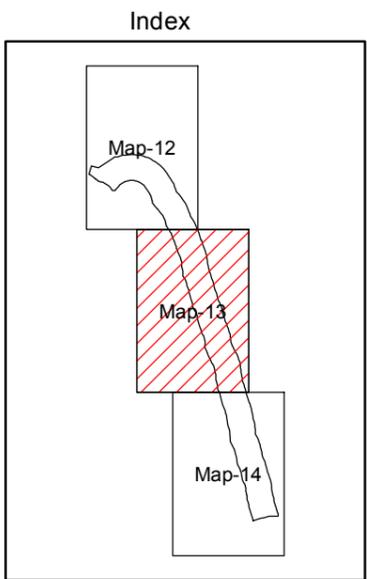
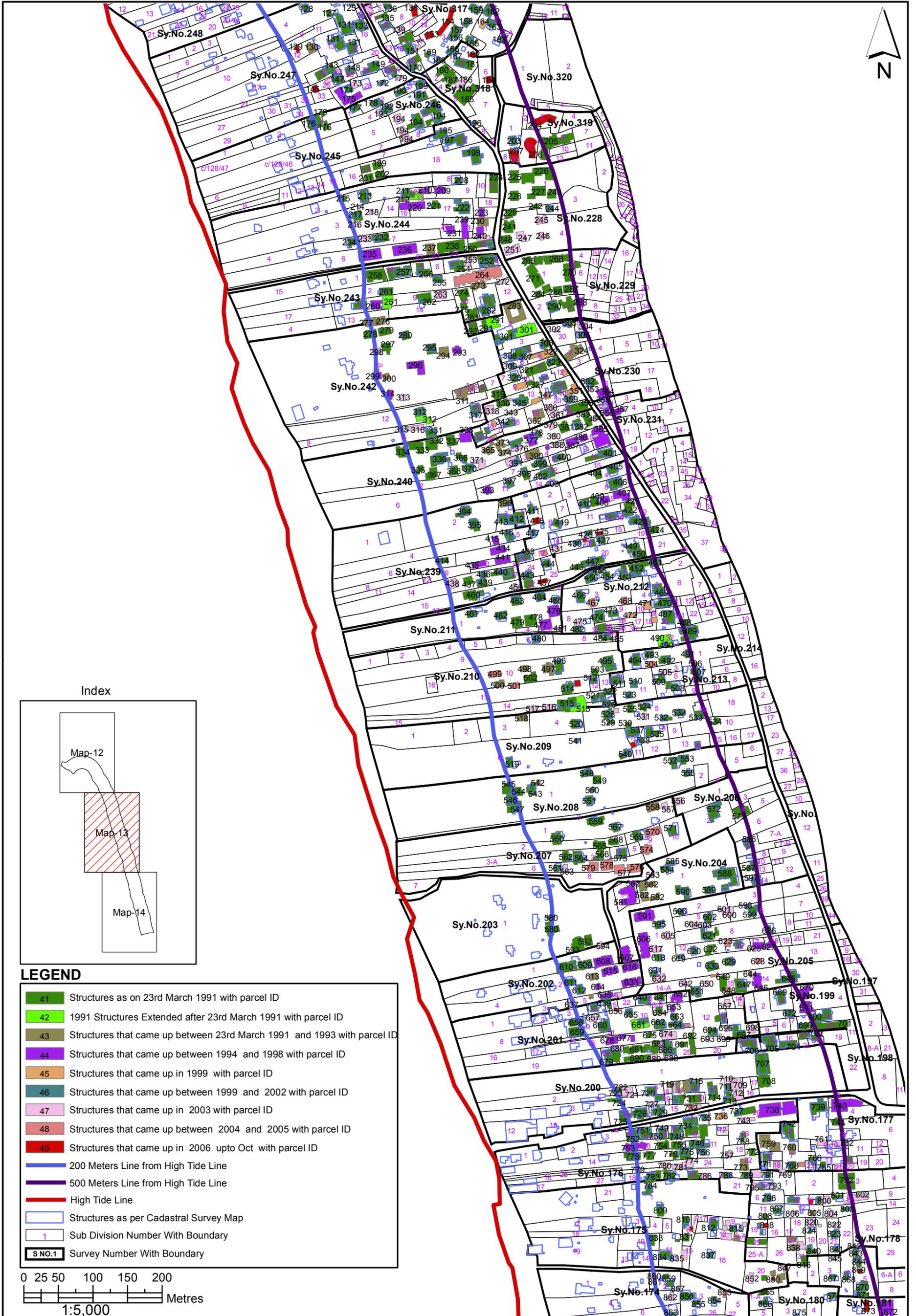
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TRUE COPY

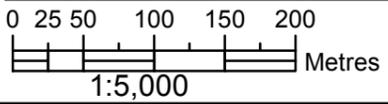
## INDEX

Taluka	Village	Maps
Pernem	QUERIM	Map-1
Pernem	PALIEM	Map-2
Pernem	ARAMBOL	Map-3, 4
Pernem	MANDREM	Map-5, 6
Pernem	MORJIM	Map-7, 8
Bardez	ANJUNA	Map-9, 10, 11
Bardez	CALANGUTE	Map-12, 13, 14
Bardez	CANDOLIM	Map-15, 16, 17
Murmgao	CHICALIM	Map-18, 19
Murmgao	CHICOLNA	Map-20
Murmgao	ISSORCIM	Map-21, 22
Murmgao	SANCOALE	Map-23, 24
Murmgao	PALE	Map-25
Murmgao	VLSAO	Map-26
Murmgao	CANSAULIM	Map-27
Salcet	ARROSIM	Map-28
Salcet	UTORDA	Map-29
Salcet	MAJORDA	Map-30
Salcet	GONSUA	Map-31
Salcet	BETALBATIM	Map-32
Salcet	COLVA	Map-33
Salcet	SERNABATIM	Map-34
Salcet	BENAU LIM	Map-35, 36
Salcet	VARCA	Map-37, 39
Salcet	CAVELOSSIM	Map-40, 41, 42, 43
Quipem	QUITAL	Map-44, 45
Canacona	NAQURIM	Map-46
Canacona	COLA	Map-47, 48, 49, 50, 51, 52, 53, 54
Canacona	AGONDA	Map-55,56, 57, 58
Canacona	NAGORCEMPALOLEM	Map-59, 60, 61, 62
Canacona	POINGUNIM	Map-63, 64
Canacona	LOLIEM	Map-65, 66, 67, 68, 69,70

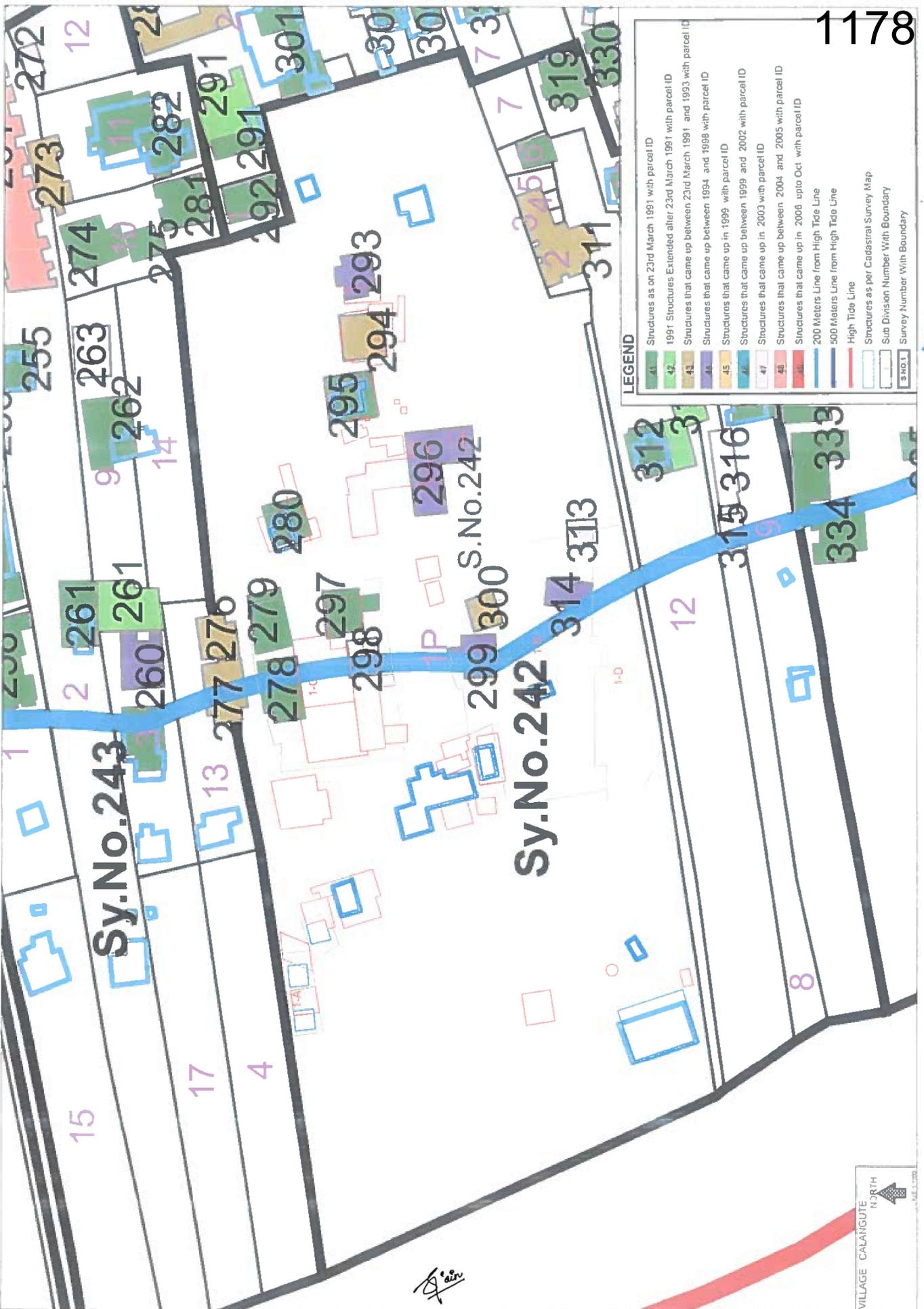


**LEGEND**

41	Structures as on 23rd March 1991 with parcel ID
42	1991 Structures Extended after 23rd March 1991 with parcel ID
43	Structures that came up between 23rd March 1991 and 1993 with parcel ID
44	Structures that came up between 1994 and 1998 with parcel ID
45	Structures that came up in 1999 with parcel ID
46	Structures that came up between 1999 and 2002 with parcel ID
47	Structures that came up in 2003 with parcel ID
48	Structures that came up between 2004 and 2005 with parcel ID
49	Structures that came up in 2006 upto Oct with parcel ID
(Blue line)	200 Meters Line from High Tide Line
(Purple line)	500 Meters Line from High Tide Line
(Red line)	High Tide Line
(Blue outline)	Structures as per Cadastral Survey Map
(Number 1 in box)	Sub Division Number With Boundary
(SNO.1 in box)	Survey Number With Boundary



772



Sy.No.243

Sy.No.242

S.No.242

LEGEND

- 41 Structures as on 23rd March 1991 with parcel ID
- 42 1991 Structures Extended after 23rd March 1991 and 1993 with parcel ID
- 43 Structures that came up between 23rd March 1991 and 1993 with parcel ID
- 44 Structures that came up between 1994 and 1998 with parcel ID
- 45 Structures that came up in 1999 with parcel ID
- 46 Structures that came up between 1999 and 2002 with parcel ID
- 47 Structures that came up in 2003 with parcel ID
- 48 Structures that came up between 2004 and 2005 with parcel ID
- 49 Structures that came up in 2006 upto Oct with parcel ID
- 50 200 Meters Line from High Tide Line
- 51 500 Meters Line from High Tide Line
- 52 High Tide Line
- 53 Structures as per Cadastral Survey Map
- 54 Sub Division Number With Boundary
- 55 Survey Number With Boundary

VILLAGE CALANGUTE NORTH

TRUE COPY



Ph.: 2276016

**OFFICE OF THE VILLAGE PANCHAYAT**  
**CALANGUTE**  
Bardez - Goa 403516

VP/Cal/F-53/21-22/469 €

Dated: 04/03/22

To,  
Mr. Herman Fernandes  
r/o Saunta Vaddo, Calangute, Bardez-Goa

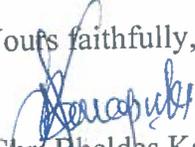
**Sub: Information under R.T.I. Act, 2005**

Sir,

With reference to your application vide inward no.10371 dated 28/02/22 on the above cited subject, I am enclosing the copies of the permissions pertaining to Sy. no. 242/1(part) of village Calangute.

Thanking you,

Yours faithfully,

  
(Shri Bheldas Karapurkar)  
P.I.O.  
V.P. Calangute



To,  
The Sarpanch,  
Village Panchayat of Calangute,  
Calangute

20.4.82

Sub: Construction of Building A and B for Tourist  
Accommodation and Swimming Pool in Plot surveyed under  
No. 242/1 of Calangute Village  
Ref: VPT/CAL/F-13 AG/82/791 dt 16.3.82

Sir,

With reference to the above the following is noted:

- a) In principle there is no objection, over the proposed construction of Bldgs, A and B Tourist accommodation and swimming pool, in the above, plot provided that the following is done by the applicant.
- i) The 8.00 mtrs., wide access road to the rear of the plot ending in a cul-de-sac of 12 mts x 12 mts is arranged and developed by the applicants.
  - ii) The areas around the Mundcar house are shown in the plan as per the Mundcar Act. The same are also taken into account for observing set back for the proposed structures.
  - iii) The Architectural control specified for planning area viz. sloping roof with mangalore tiles is incorporated in the proposal.
  - iv) The conversion of use of land is done for the actual area for the building as per the land revenue Code 68.

The file is returned herewith for necessary action and one copy for office records.

Yours faithfully,



( J.A. DSouza )

Chief Town Planner

Information under [T.I.]

P.T.O. / Sarpanch  
Village Calangute

Encl: File

Copy for information to the A.E. WD II, SD, PWD Mapusa

SCHEDULE OF OPENINGS

DI	1000 X 1000	SIZE
DI	1000 X 1000	SIZE
DI	1000 X 1000	SIZE
DI	1000 X 1000	SIZE
DI	1000 X 1000	SIZE
DI	1000 X 1000	SIZE

AREA STATEMENTS

AREA OF PLOT 38635.00 SQ M  
 AREA FOR P.M. 38625.00 SQ M  
 NET EFFECTIVE PLOT AREA 38625.00 SQ M  
 FLOOR AREA

BUILDING 'A'

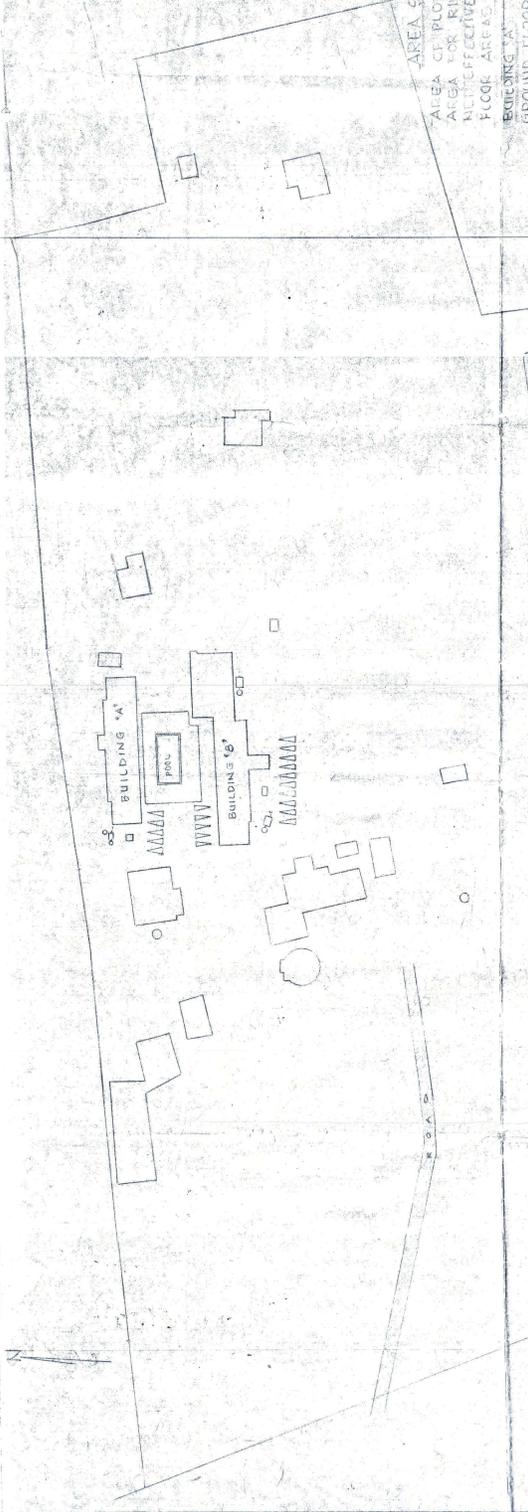
GROUND FLOOR AREA 279.12 M<sup>2</sup>  
 FIRST FLOOR AREA 200.41 M<sup>2</sup>  
 SECOND FLOOR AREA 172.64 M<sup>2</sup>  
 TOTAL FLOOR AREA 652.17 M<sup>2</sup>

BUILDING 'B'

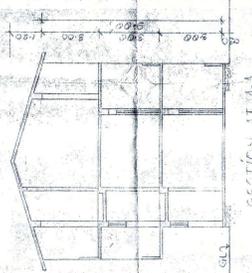
GROUND FLOOR AREA 408.06 M<sup>2</sup>  
 FIRST FLOOR AREA 310.17 M<sup>2</sup>  
 SECOND FLOOR AREA 336.47 M<sup>2</sup>  
 TOTAL FLOOR AREA 1054.70 M<sup>2</sup>

TOTAL AREA (BUILDINGS) 1647.80 M<sup>2</sup>  
 F.A.R. CONSUMED 500%  
 COVERAGE CONSUMED 208%

Approved with letter no. 107/541/FR/AC/Cont. 14-4/2020  
 dt. 30-1-2022

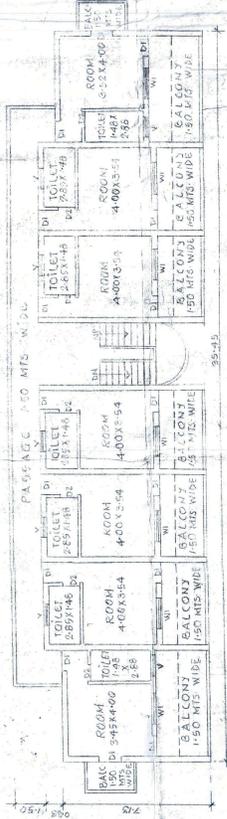


SITE PLAN (1:500)

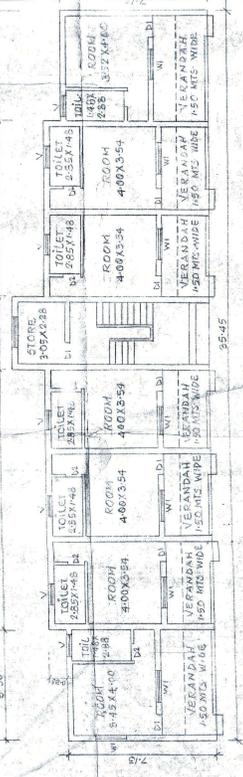


SECTION A-A (1:100)

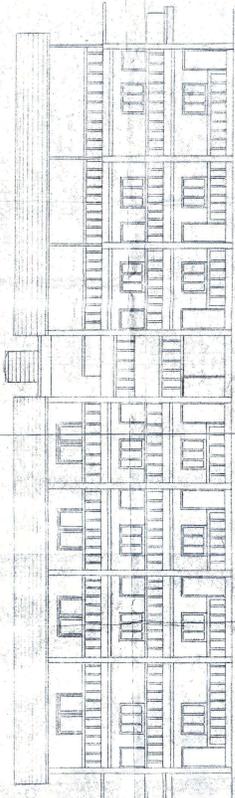
SECOND FLOOR PLAN (1:100)



FIRST FLOOR PLAN (1:100)



GROUND FLOOR PLAN (1:100)



FRONT ELEVATION (1:100)



PLAN OF SWIMMING POOL (1:100)



SECTION OF SWIMMING POOL (1:100)

In Mansu Bhu

PROPOSED CONSTRUCTION OF BUILDINGS 'A' AND 'B' FOR TOURIST ACCOMMODATION AND SWIMMING POOL IN SURVEY NO. 242/1, AT CALANGUTE BARDEZ - GOA.





Gram Panchayat Calangute  
Bardez-Goa.

Ref. No. VPT / CAL/F-13 AC/Const-Lic/82/236<sup>44</sup> Date 30-6-1982

Read: Technical approval under No. DB/2132/1659/82

dated 20-4-82

To

Shri Fr. Marie Pires, Santa Wada - Calangute

Sub: Licence for proposed construction of buildings 'A' and 'B' for Tourist accommodation and swimming pool

Sir,

With reference to your application dated 24-2-82 on the above cited

Subject, permission for construction of Hdy. A & B for tourist accommodation and swimming pool Santa Wada

V. P. Calangute is granted to you under section 83 of the Goa Daman & Diu V. Regulation ( Amendment ) Act: 1969 on the following conditions :-

The work of the construction of the building should be notified to the Panchayat and the Technical Office at the following stages of construction.

- 1) Upon commencement of the work.
- 2) Upon completion up to the plinth level and before erection of the foundation walls.
- 3) Upon total completion of the work authorised by the building permit and before occupancy.
- 2) The set backs as shown in the plan are duly maintained.
- 3) The construction should be \_\_\_\_\_ mts away from N. H. and \_\_\_\_\_ mts away from Major Disetilet Road and \_\_\_\_\_ mts away from V. P. road.
- 4) R. C. C. work should not be started unless the structural design and calculations are approved by this Panchayat and the Technical Officer.
- 5) R. C. C. work approved by this Panchayat and T. O. shall be subject to unconditional responsibility of the consulting Engineer.
- 6) No material of construction or earth from excavation or any other materials can be dumped on the footpath or carriageway of the road without prior permission of the Panchayat subject to cancellation of licence issued.
- 7) The building shall not be occupied after its completion unless necessary certificate of occupancy is granted by Panchayat and Technical Officer on production of completion certificate from your Architect
- 8) This licence is valid for three years from the date of issue under rule 7 of the Goa Daman & Diu V. P. Regulation building Rules 1971.
- 9) The construction licence granted shall be revoked if the construction work is not executed as per the plan approved and statement there in and if without fulfilling the above conditions.
- 10) The soak pit should be placed at a lower level than the existing well water and away by 20 mts.
- 11) The existing waterways should be retained

Information under R.O.I.

P. O. Secretary  
Village Panchayat Calangute,  
Bardez - Goa.

**GOA COASTAL ZONE MANAGEMENT AUTHORITY**

C/o Department Environment & Climate Change (Govt. of Goa)  
4<sup>th</sup> floor, Dempo Tower, Patto Plaza, Panaji Goa-403 001  
Website: www.czma.goa.gov.in

Ref. No. GCZMA/N/23-24/15/ 3211

Date: 15/01/2024

To,  
✓ Mrs. Nalini Fernandes,  
Tito's Lane,  
Calangute, Bardez – Goa.

**Sub:- Permission for Construction of Swimming Pool in Sy. No. 242/1-C of Calangute Village, Bardez – Goa.**

**Ref.:- Your application No. Nil dated 04/05/2023.**

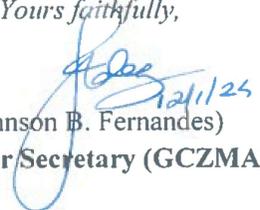
Sir / Madam,

With reference to your application on the above mentioned subject, the Goa Coastal Zone Management Authority (GCZMA) has examined your aforementioned proposal in its 376<sup>th</sup> GCZMA Meeting held on 02/12/2023 in accordance with the provisions of para 8 of the CRZ Notification 2011, (as amended). As such the Authority decided to approve the proposal Permission for Construction of Swimming Pool in Sy. No. 242/1-C of Calangute Village, Bardez – Goa and to the compliance of the following conditions:

1. All the provisions of the CRZ Notification, 2011 as amended should be strictly complied with. In the event of a change in project profile or change in the implementation agency, a fresh reference shall be made to the GCZMA.
2. This NOC/ Approval is issued without prejudice to any other permission as required under the law including that of ownership of house, court case etc. As such, prior to the commencement of the aforementioned 'Construction', work it will be incumbent upon the applicant to obtain permission from any other authority as required under the law including the local authority, Town and Country Planning Department, Revenue Authority etc.
3. Traditional access/easement shall not be blocked.
4. The applicant/occupier should ensure that no waste is discharged into the nearest water body from the proposed construction activities.
5. This permission/NOC shall be valid for the period of 07 years from the date of issue.
6. This permission is liable to be revoked, if it is found, at any stage, that the application contained false information/wrong plans/ calculations/ documents/

misleading or false information, etc. or accounts for violations of  
aforementioned conditions.

*Yours faithfully,*

  
(Johnson B. Fernandes)  
Member Secretary (GCZMA)

**Encl: As above**

Copy to:

1. P.A to Secretary (Environment) / Chairman (GCZMA), Secretariat, Porvorim.....for kind information.
2. The Chief Town Planner, Town & Country Planning Department, Patto, Panaji-Goa.....for information and necessary action.
3. The Secretary, Village Panchayat of Calangute, Bardez Taluka ....for information and necessary action



TRUE COPY



**OFFICE OF THE SENIOR TOWN PLANNER**  
Town & Country Planning Dept., North Goa District Office,  
302, Govt. Building Complex, Mapusa, Bardez - Goa.

Ref No.: TPB/9446/CAL/TCP-2024/ 1186

Dated: 05/02/2024

Inward no.622

dt. 18/01/2024

**TECHNICAL CLEARANCE ORDER**

Technical Clearance is hereby granted for carrying out the **proposed construction of Swimming pool** as per the enclosed approved plans in the property Zoned as “Residential ( S2) Zone & the plot falls within 500mtrs from High Tide Line of Arabian Sea” as per Outline Development Plan Calangute Candolim Planning Area 2025 situated at property bearing Survey No. 242/1-C of village Calangute with the following conditions:-

1. Construction shall be strictly as per the approved plans. No changes shall be effected in the approved plans/approved built spaces without the prior permission of this Authority.
2. The permission granted shall be revoked, if any information, plans, calculations, documents and any other accompaniments of the application are found incorrect or wrong at any stage after the grant of the permission and the applicant will not be entitled for any compensation.
3. The development permission will not entitle the applicant for making/laying any claim on water and any other connection from the Government of Goa.
4. The Developer/applicant should display a sign board of minimum size 1.00 Mts. X 0.50 Mts. with writing in black color on a white background at the site, as required under the Regulations.
5. The applicant shall obtain Conversion Sanad under the Goa Land Revenue Code, 1968, before the Commencement of development/construction as per the permission granted by this order.
6. The commencement and the completion of the work shall be notified to the authority in writing in appropriate forms
7. Storm water drain should be constructed along the boundary of the effected plot abutting to the road.
8. In case of any cutting of sloppy land or filing of low-lying land, beyond permissible limits, prior permission of the Chief Town Planner shall be obtained before the commencement of the works per the provisions of Section 17(A) of the Goa Town & Country Planning Act, 1974.
9. The Ownership and tenancy position as on 2.11.1990 & thereafter of the plot/property under reference shall be verified by the licensing body before the issuing of the license.
10. The village Panchayat shall ensure about the availability of Power and Water Supply and any other required infrastructure before issuing the license.
11. The Village Panchayat shall take cognizance of any issue in case of any complaints/ court orders before issue of construction license.
12. Traditional access, if any passing through the property shall not be blocked and the same shall be verified by the Village Panchayat before issuing construction license.
13. Applicant shall dispose the construction debris at his/her own level and / or the same shall be taken to the designated site as per the disposal plan given by the applicant in the affidavit to be produced to the village Panchayat.
14. The applicant shall obtain prior permission from Tree Officer/ Forest Dept. for proposal involving felling of trees as mandated under section 8 & 9 of Goa Preservation of Tree Act.
15. The applicant shall pay Labour cess of 1% of the total cost of construction project to the Commissioner of Labour & Employment and Secretary Goa Building & Other construction Workers Welfare Board before applying for completion certificate to the Authority.

*A. Sir*

TRUE COPY



**-1-**  
**CONSTRUCTION LICENCE**

**CONSTRUCTION LICENCE NO. VPCAL/1-47/2023-2024/6148 Dated: 27/02/2024**

License is hereby granted to you in pursuance of Resolution No. II(06) duly approved by the Village Panchayat Calangute in its meeting held on date 21/02/24 for carrying out the -

**PROPOSED CONSTRUCTION OF SWIMMING POOL IN SY NO 242/1-C OF CALANGUTE VILLAGE**

**Subject to the following conditions:-**

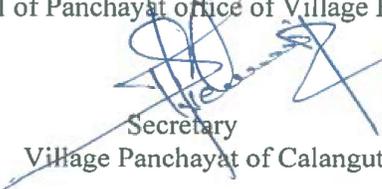
1. The applicant shall notify the Panchayat for giving the alignment of the swimming pool.
2. The construction should maintain the minimum prescribed horizontal and vertical clearances from any overhead electrical line passing adjacent to the construction.
3. All RCC/Structural works shall be designed and supervised by the Engineer who was signed the Structural Liability Certificate submitted to the Panchayat.
4. No material for construction or earth from excavation or any other Construction material shall be stacked on the public roads.
5. The construction licence shall be revoked if the construction work is not as per the approved plans and the statements therein and whenever there is any false statement or misrepresentation of any material passed, approved or shown in the application on which the permit was based.
6. Not to engage labourers for any construction /building work unless they are screened for malaria and posses health cards theses card are to be renewed regularly every 3month. Also arrangement should be done to get their blood tested immediately in case of fever and ensure that full treatment is taken in consultation with NVBDCP program me.
7. Labourers to be provided with basic amenities like proper shelter, water for drinking and domestic propose, proper sanitary condition including toilet facilities.
8. To fill the pits/ditches water pools etc to avoid stagnation and to ensure no mosquito breeding sites in and around especially in unused items like tyres, bottles, tins etc.
9. Drain/Nallus to be maintained clean around the site so that there is no blockade to flow of water. The gradient should be proper for drainage /flow and also proper cleaning of water should be done.
10. The health units at the respective level should be involved in the planning process
11. All the conditions Stipulated in the Technical Clearance order bearing No. TPB/9446/CAL/TCP-2024/1186 dated 05/02/2024 from the Office of the Senior Town Planner, Town & Country Planning Dept, Mapusa, Bardez-Goa should be strictly followed.



12. All the conditions Stipulated in the Permission Bearing No. GCZMA/N/23-24/15/3211 dated 15/01/2024 from the Goa Coastal Zone Management Authority, Panaji-Goa should be strictly followed.
13. All the conditions Stipulated in the NOC Bearing No. \_\_\_-\_\_\_ dated \_\_\_-\_\_\_ from the Directorate of Health Services, Primary Health Center, Candolim - Goa should be strictly followed.
14. The waste generated during the Course Construction /repair renovation etc. shall be disposed off by the applicant /s in a scientific manner without harming the environment in its own property. The information furnished by the applicant for obtaining for the permission for **PROPOSED CONSTRUCTION OF SWIMMING POOL IN SY NO 242/1-C OF CALANGUTE VILLAGE,** if found to be false at later stage, or if the condition stated herein above are not complied with, the permission issued shall be liable to be withdrawn without pre-judice to the legal action that may be taken against the applicant.
15. The Area under Road widening shall not been enclosed /encroached. Affidavit / undertaking in this regard shall be sworn before the village Panchayat/P.W.D Dept.
16. You should obtain the Consent from the Goa Pollution Control Board before the commencement of construction work, failing which the above construction licence will be null and void.
17. The permission is granted as per ownership title of documents produce this office, In future, if any disputes / litigation arises regarding the ownership, title etc, then the applicant shall be solely responsible at their cost of applicant at his own peril. The Panchayat or any other authorized officer on behalf has reserves a right of liberty to revoke construction license granted without giving any notice / reasons.
18. Applicant shall settle / clear up all the disputes & litigation before commencement of construction work, if any. In future, if any disputes / litigation on the tenancy position, mundcarial as regards complaints, pertaining to encroachment, judicial orders / directive and other legal issues, If found then the applicant shall be solely responsible at their own cost and peril. The Panchayat or any other authorized officer on behalf has reserves a right of liberty to revoke construction license granted without giving any notice / reasons.

THIS LICENCE IS VALID FOR A PERIOD OF ONE/ TWO/THREE YEARS FROM THE DATE OF ISSUE OF THIS LICENCE. RENEWAL IF REQUIRED SHALL BE APPLIED WITHIN THE PERIOD OF THE VALIDITY OF THE LICENCE. The Applicant had paid the respective fee the tune of Rs. 7590/- by Receipt No 48/76 Dt. 27/2/24 And 1% Labour Cess fee the tune of Rs. 15069/- by Receipt No 48/76 Dt. 27/2/24

This carries the embossed seal of Panchayat office of Village Panchayat Calangute

  
Secretary  
Village Panchayat of Calangute



To,  
Mrs. Nalini Rosa Fernandes  
Titos Lane, Calangute, Bardez-Goa



Demolition report

Upon the demolition order with ref. No. DEMO-SQUAD/41/2025/1183 dated 13/03/2025 demolition was fixed on 20/03/2025, in the survey Nos. 242/1, 242/1-A and 242/1-C of Calangute village in Bardez Taluka carried out by Mr. Luis Antanio Lose Sarto Pires, Lalan Ines Da Rosa, Jaques, Nalini da Rasa e Fernandes, Ladru Fernandes and Isabela Fernandes, r/o Saunto vaddo, Calangute, Bardez Goa.

Demolition commenced of the structures within the Lalan Ines Da Rosa property, the structures to be demolished were identified and the occupants were requested to vacate the said premises.

Demolition commenced by clearing the access to the structure. first floor roofing metal sheets were cut. however at around 3:30pm it was telephonically informed that the party (Lalan Ines Da Rosa) has approached GCZMA office and had asked for 15 days time to carry out self demolition.

Further, demolition squad moved towards structures w.r.t. Joseph Rosa. Onsite it was informed by representative that they have received GCZMA order on 22/02/2025 and 30 days are not completed, for which AD cards were crosschecked and confirmed. Hence demolition couldn't b carried out.

later, w.r.t stuctures in Nalini da Rasa e Fernandes property the said illegal structures were self demolished and few debries were left which the party (Nalini da Rasa e Fernandes) undertook to remove by self, for which compliance report is attached herein.

And structures w.r.t Isabela Fernandes and other structures, parties have filed an application for review of the demolition order before the Authority, hence demolition is kept pending till review is decided.

Siddhi Morajkar  
(F.S. GCZMA)

Compliance report against demolition order No. DEMO-SQUAD/41/2025/1183 dated 13/03/2025 with regards to Nalini da Roza e Fernandes

Upon the demolition order with ref. No. DEMO-SQUAD/41/2025/1183 dated 13/03/2025 demolition was fixed on 20/03/2025, in the suevey Nos. 242/1, 242/1-A and 242/1-C of Calangute village in Bardez Taluka carried out by Mr. Luis Antanio Lose Sarto Pires, Lalan Ines Da Rosa, Jaques, Nalini da Rasa e Fernandes, Ladru Fernandes and Isabela Fernandes, r/o Saunto vaddo, Calangute, Bardez Goa.

At the time of demolition it was observed that the Nalini da Roza e Fernandes has already done self demolition of the structures mentioned below. However, few debries were lying around which the occupant/party under took to remove by self.

Following are the structures in Sy. No. 242/1 of Nalini da Roza e Fernandes which were directed to be demolished. "Q1" "P1" "Y" and "I1" "J1" ( top portion of the structure erected with GI Sheets) and "Z" (first floor of the said structure) , GI sheets which are leading from J1 to the Kitchen. As per the mapping done on 24/11/2023 and mapping plan submitted by DSLR with ref. No. 19/DSLR/ Re-Cell/CRZ- Mapping/23/13/4409 dated 12/12/2023 inwarded to GCZMA with inward no. 4730 on 14/12/23.

And in Sy. No. 242/1-C, structure "B" and "G" of the mapping done on 20/05/2024 with notice ref. No. GCZMA/ N/ ILLE-COMP/23-24/02/528 dated 14/05/2024 and report prepared by GCZMA Officials.

**Q1 (Temporary shed attached to Circular Structure "G1")**- Complied with the order.



**P1 (Temporary G.I. shed projection to structure "L1")-** Complied with the order.



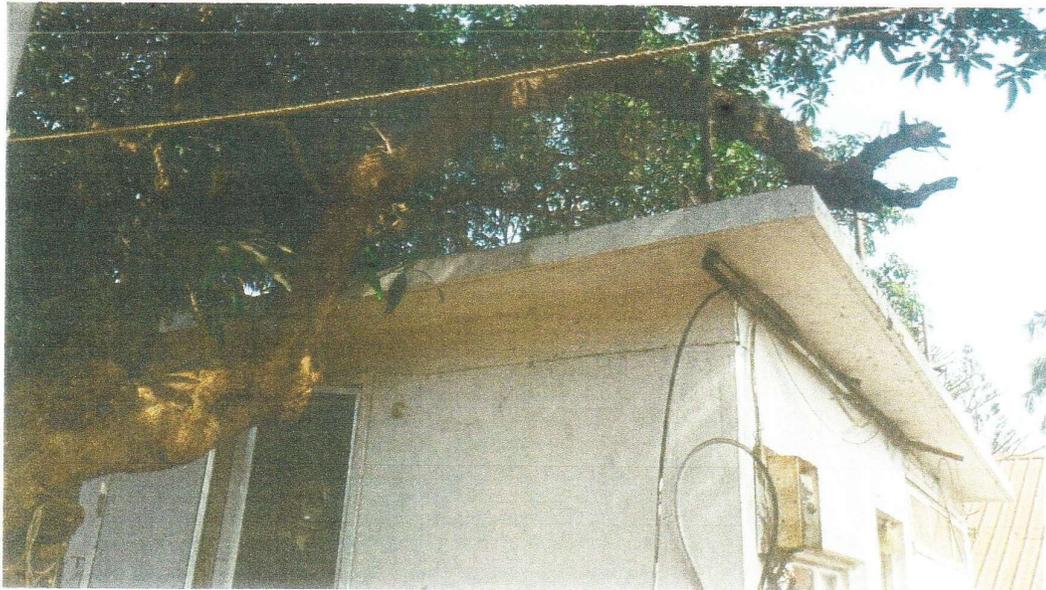
**Y (Non-functional generator room with laterite stone masonry walls covered with sloping G.I. sheet roofing constructed on permanent plinth) -** Complied with the order (debris present on site).



**I1 (Temporary metal shed attached to structure "J1" consisting of G.I. sheet roofing fixed on square tube steel section supported on circular steel pipes) - Complied with the order.**



**J1 [Top portion] (Top portion of structure is erected with temporary shed consisting of G.I. sheet roofing supported on circular steel pipes) - Complied with the order.**



**Z [Top Floor] (The top floor of the structure is covered with G.I. sheets wall and roof covering and attached with metal fabricated staircase leading from ground floor to top floor) - Complied with the order.**



**B (Metal Fab. Shed supported Circular pipes erected on Concrete bed) - Complied with the order.**



**G (Permanent platform consist of lateritic masonry Stones) - Complied with the order (debries present on site).**



Siddhi Morajkar  
(F.S. GCZMA)

TRUE COPY

ITEM NO.39

COURT NO.7

SECTION IX

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).  
12032-12035/2018

(Arising out of impugned final judgment and order dated 26-02-2018 in WP No. 749/2014 26-02-2018 in WP No. 764/2015 06-04-2018 in CA No. 5/2018 06-04-2018 in CA No. 4/2018 passed by the High Court Of Judicature At Bombay At Goa)

FR. MARIO PIRES THROUGH LEGAL HEIR NALINI DA  
ROSA FERNANDES ETC. ETC.

Petitioner(s)

VERSUS

VILLAGE PANCHAYAT OF CALANGUTE AND ORS. ETC.

Respondent(s)

Date : 10-08-2018 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N.V. RAMANA  
HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR

For Petitioner(s)

Mr. Dhruv Mehta, Sr.Adv.  
Mr. Ninad Laud, Adv.  
Mr. Aman Varma, AOR  
Mr. Ivo D'Costa, Adv.

For Respondent(s)

Mr. Huzefa Ahmadi, Sr.Adv.  
Mr. Yashraj Singh Deora, AOR  
Mr. Shyam Agarwal, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

Heard learned senior counsel appearing on behalf of the  
petitioners as well as learned senior counsel on behalf of

Respondent No.2, at length.

Signature Not Verified  
Digitally Signed by  
SUKHEER PAUL KAUR  
Date: 2018.08.14  
15:55:40 PKT  
Reason:

None present on behalf of other respondents.

We are not inclined to interfere with the impugned orders  
passed by the High Court. The special leave petitions are,

accordingly, dismissed.

The petitioners are, however, permitted to continue with their business for a period of three months from today. After the expiry of three months, the petitioners have to demolish the building, as per the orders passed by the Village Panchayat.

As a sequel to the above, pending applications, if any, shall also stand disposed of.

(SUKHBIR PAUL KAUR)  
AR CUM PS

(RAJ RANI NEGI)  
ASSISTANT REGISTRAR

A handwritten signature in black ink, appearing to be 'Raj Rani Negi', written over a horizontal line.

TRUE COPY

ITEM NO.1002

SECTION IX

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G SR.P.(C) Nos.400-403/2019 in SLP(C) Nos.12032-12035/2018FR.MARIO PIRES THROUGH LEGAL HEIR NALINI  
DA ROSA FERNANDES ETC.

Petitioner(s)

VERSUS

VILLAGE PANCHAYAT OF CALANGUTE THR.ITS  
SECRETARY & ORS.ETC.

Respondent(s)

Date : 19-02-2019 These matters were circulated today.

CORAM :

HON'BLE MR. JUSTICE N.V. RAMANA  
HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR

By Circulation

UPON perusing papers the Court made the following  
O R D E R

Delay condoned.

The application for oral hearing is rejected.

The Review Petitions are dismissed in terms of the signed order.

(SATISH KUMAR YADAV)  
AR-CUM-PS(RAJ RANI NEGI)  
ASSISTANT REGISTRAR

(Signed order is placed on the file)



TRUE COPY

INFORMATION ISSUED UNDER RTI ACT, 2005

(120)



No. CM/Pet/8/90.

Office of the Chief Minister,  
Government of Goa,  
Secretariat,  
Panaji - Goa 403 001

Dated: 3/5/90.  
7

1990  
Tel. No. 1320

To,

The Chief Town Planner,  
Panaji-Goa.

Subj: Request for clearance of project by  
Eco Dev. Council.

Sir,

I am directed to forward herewith representa-  
tion dated 12-4-1990 from Rev. Fr. Mario Pires,  
resident of Calangute, addressed to the Hon. Chief  
Minister requesting therein clearance of his project  
by the Eco Dev. Council with a request that the  
same may kindly be looked into.

If necessary the matter may be referred to the  
Eco Dev. Council for necessary action in view of  
the explanation contained in the above representation  
of Rev. Fr. Pires on the instant proposal.

Yours faithfully,

(Anthony Ferrao)

P.S. to Hon. Chief Minister.

Encl: As above.

Copy to:-

Fr. Mario Pires, Sautwaddo, Calangute,  
Bardez-Goa.

Central Govt.  
Available in online

Public Information Office  
(CCZMA)

*air*

## ANNEXURE R-22

26 February 2020.

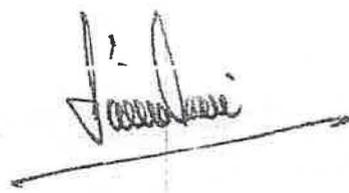
**REPORT OF SITE INSPECTION  
IN MATTER OF PIL WP NO. 4/2020 IN SRY. NO. 242/1 OF VILLAGE CALANGUTE.**

**I. INTRODUCTION.**

1. As per directions of the Hon'ble High Court of Bombay at Goa vide order dated 22.01.2020 in PIL WP No.4/2020, and as requested by Member Secretary GCZMA vide notice of site inspection dated 11.02.2020, site inspection of the property under Sry no. 242/1 and others of village Calangute Taluka Bardez was carried out on 13.02.2020 by us, Sávio Joaquim Filipe Correia and Sujeetkumar Mariapa Dongre, Expert Members, GCZMA, alongwith Shri Devendra Gaonkar FS GCZMA and Shri Rajesh Harmalkar FS DSLR.
2. The inspection commenced at 10:30am. The petitioner's Shri George Fernandes and Shri Wenceslaus D'Souza remained present at site along with their Advocate Shri J. Karn. The private respondents i.e. R7 Smt. Nalini da Rosa Fernandes, R8 Shri Joseph da Rosa and R12 Smt. Lalan Jacques were present along with their Advocate Shri N. Takkekar.

**II. BRIEF COMMENTS PRIOR TO THE COMMENCEMENT OF INSPECTION:**

3. The site is located in *Saunta Vaddo* ward of Calangute village behind "Club Tito's". The original property known as *Sawta wado*<sup>1</sup> under Sry no. 242/1 that admeasured 39200 sq. meters or thereabouts now comprises of four parcels, namely, Sry nos. 242/1, 242/1-A, 242/1-B, and 242/1-C. The parcel under Sry no. 242/1 admeasures about 34,267 sq. metres (occupants: Shri Luis Pires and others); under Sry no. 242/1-A admeasures about 300 sq. meters (occupant: Shri Jose da Rosa); under Sry no. 242/1-B admeasures 2,500 sq. meters (Occupant: Shri Sylvester D'Souza); and that under Sry no. 242/1-C admeasures about 2158 sq. meters (occupant: Smt Nalini Rosa Fernandes). It may be noted that proceedings for CRZ violations are pending with this Authority in respect of parcel under Sry no 142/1-B of Sylvester D'Souza.

<sup>1</sup> Name of the field in record of rights (Form I & XIV).

4. There exists a tarred road in the north-south direction that severs the said larger property under Sry no. 242/1 into two parts; the western part admeasures about 25200 sq. meters and the eastern part alongside the eastern boundary of Sry no. 242/1-C (on the landward side of the road) admeasuring about 13700 sq. meters.
5. There appears to be encroachment along the northern boundary of the property adjoining Sry no. 243/13 by some structures and a partly tarred road. In addition, there are three residential structures in the eastern part of the property that are said to be of mundkars of the property.
6. The present position of the property can be better appreciated from the plan prepared by the DSLR team that goes annexed to this report. The GPS coordinates of the larger property under Sry no. 242/1 are 15°33'19.47" N and 73°45'13.34" E<sup>2</sup>; it lies within 0 – 500 meters from the HTL.

### III. SUBJECT MATTER OF THE PUBLIC INTEREST LITIGATION.

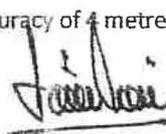
7. From a perusal of the PIL writ petition available in the file and, in particular, the "points for consideration" at Pg. D, it appears that the issue in the PIL is the alleged failure of R2 (CCZMA) and R3 (Village Panchayat of Calangute) to demolish illegal constructions/cottages owned and constructed by R7, R8 and R12 that lie within the no development zone.
8. Under CRZ Notification 2011, the area upto 200mts from HTL on the landward side in case of seafront and 100mts along tidal influenced water bodies or width of the creek whichever is less is earmarked as "No Development Zone" (NDZ).

### IV. OBSERVATIONS.

#### Compliance by R7 of demolition orders dated 28.01.2010 and 12.10.2012.

9. At the outset we proceeded to ascertain the demolition of structures by R7 Nalini da Rosa Fernandes in compliance of demolition orders dated 28.01.2010 and 12.10.2012 issued by R3 Village Panchayat of Calangute, duly confirmed by the Hon'ble Supreme Court in SLP(C) No. 012032 - 012035 / 2018.

<sup>2</sup> All GPS coordinates were recorded using app *GPS Logger*, with accuracy of 4 metres.



10. As per available records, the order dated 28.01.2010 was for demolition of 2<sup>nd</sup> floor of a G+2 structure<sup>3</sup>, while the second demolition order dated 12.10.2012 was for demolition of a G+1 structure and a swimming pool.
11. We found that the said second floor of the building has been demolished. Likewise, the entire G+1 building and the swimming pool between the two buildings have been demolished and are not existing on site. Accordingly, the annexed DSLR plan does not show the said building and swimming pool.
12. An inquiry report of the Director of Panchayat dated 07.11.2019 filed in the Hon. High Court in WP No. 186/2018 was placed in our hands by R7. The said report confirms full compliance of the two demolition orders.
13. Hence, we conclude that 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.

Legality of structures within the No-Development Zone (NDZ).

14. Next, we proceeded to ascertain the legality of the structures within the No Development Zone (NDZ) in the larger property under Sry no. 242/1 (except the parcel under Sry no. 242/1-B) as identified by the petitioners. The 200-meter line is marked in red color line in the annexed DSLR - prepared plan; the area to the west of this line falls within the NDZ.
15. There are two ground-floor structures on the south-western side of the property, the first admeasuring about 264 sq. metres containing eight rooms<sup>4</sup>, and the other admeasuring 80 sq. metres having two rooms<sup>5</sup>. These were claimed by R8 Shri Joseph da Rosa as belonging to him. He claims that these two cottages and three other cottages on the northern side (to which we shall advert later in the report) comprise his commercial establishment known as "Seaview Cottages". The first

<sup>3</sup> Identified as "G" on annexed DSLR plan.

<sup>4</sup> Identified as "A" on annexed DSLR plan.

<sup>5</sup> Identified as "B" on annexed DSLR plan.

*J. A. Jacob*

*J. A. Jacob*

structure<sup>6</sup> admeasuring 264 sq. meters is shown on the DSLR survey plan; hence prima facie it appears to be existing prior to February 1991. The structure is seen in the background of first photograph at page 35, second photograph at page 36 and an identical first photograph at page 57. We did not observe any appreciable increase in the plinth area. R8 Shri Rosa submitted a compilation of documents to the Authority alongwith cover letters dated 21.02.2020 and 24.02.2020, that includes copy of license issued by *Municipal Council of Bardez* dated 18.11.1970 under no. 55 to Fr Mario Pires for construction of residential house and septic tank pertaining to this cottage structure.

16. On perusal of the original DSLR survey plan and municipal licence, we *prima facie* find that the said structure is authorized and constructed prior to February 1991.

17. The second structure<sup>7</sup> is seen in the background of second photograph at page 34 and second photograph at page 37 of the petition. R8 produced construction licence of Gram Panchayat Calangute dated 28.06.1978 ref no. VPT/CAL/78-19/F-13AC/404/78 alongwith approved plan of a cottage with two independent lodging rooms issued to Fr Mario Pires. The licence was transferred in name of R8 on 20.06.1979. The structure on the approved plan tallies with the said structure.

18. On perusal of the foregoing document, we *prima facie* find that the said structure is authorized and existing prior to February 1991.

19. The next cluster<sup>8</sup> located largely within survey no 242/1-A comprises three cottages with two rooms each, within 50 – 100 metres from HTL. They are claimed by R8 Joseph da Rosa as belonging to him and allotted house nos. 7/2B, 7/2C & 7/2D by the Village Panchayat of Calangute. The first cottage<sup>9</sup> towards the West admeasures about 59 sq. meters, the second cottage<sup>10</sup> admeasures about 59 sq. meters and the third cottage<sup>11</sup> towards the east admeasures about 76 sq. meters.

<sup>6</sup> GPS Coordinates: 15°33'16.42" N and 73°45'10.37" E.

<sup>7</sup> GPS Coordinates: 15°33'17.61" N and 73°45'10.68" E.

<sup>8</sup> GPS Coordinates: 15°33'20.00" N and 73°45'11.24" E.

<sup>9</sup> Identified as "C" on annexed DSLR plan.

<sup>10</sup> Identified as "D" on annexed DSLR plan.

<sup>11</sup> Identified as "E" on annexed DSLR plan.

Handwritten signature and initials, possibly 'Rosa' and 'R8', with a flourish.

20. In support of legality of the three cottages, R8 submitted the following documents:

- (a) 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<sup>12</sup> alongwith receipt no. 25 dated 12.06.1981.
- (b) 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.
- (c) Survey map issued by DSLR showing existence of the three structures.

21. In addition to the foregoing, it appears that this Authority had exonerated R8 of any violations with respect to the said structures in earlier proceedings. This Authority's decision under Item 6.8 (17) at the 68<sup>th</sup> Meeting (Sub-Committee) held on 19.04.2012 is reproduced below:

(17) Mr. Joseph S. Rosa, Calangute.

Sr.no.	Name of the occupier	Survey no/ Village	Type of construction	Distance from HTL
18	Mr. Joseph S. Rosa	242/1 Calangute	Illegal construction of cottages and illegal excavation for foundation	Within 50 metres from HTL.

Proceedings: Shri Joseph S. Rosa appeared before the Authority and submitted a copy of the reply to a Show Cause Notice (SCN) dated 23/10/2009; on 17/11/2009. He stated and submitted that the structure is legal and old and encloses the copy of the Order passed by the Addl. Collector in the year April, 1981; which was permitted to regularize the structure existing in the property bearing Survey No. 242/1. He draws attention to the construction licence given by Village Panchayat of Calangute dated 28/6/1978. He stated that the said licence stands transferred in his name in following year in 1979. He shown the details of the complaint and photos enclosed which he denies being the same.

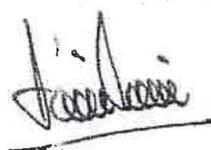
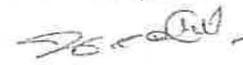
Decision: The GCZMA Members have perused the documents on record and have concluded that *prima facie* from the documents available it appears that there is no violation apparent on record which can be termed as violation in terms of CRZ Notification this being the case SCN dated 23/10/2009 stands discharged.

22. The aforesaid documents and Authority decision *prima facie* suggest that said cottages of R8 Joseph da Rosa are authorized and were constructed prior to February 1991.

23. There exists a house structure<sup>13</sup> next to / to the south of the third cottage ("E") referred at paragraph 19 above. We were informed that it belongs to one John

<sup>12</sup> R8 claimed that by this order, the conversion of the land whereon the three cottages were built was regularized after imposition of a fine of Rs. 231.30/-

<sup>13</sup> GPS Coordinates: 15°33'19.34" N and 73°45'11.55" E.

Joseph Pires (uncle of the respondents) residing in Canada. This structure is visible in the background of first photograph at page 33 of the petition, the same photograph being repeated at page 35. Although the DSLR survey plan of Sry no. 242/1 shows a structure at this location, we noticed a substantial increase in its plinth area. The old structure shown on the survey plan appears to have been demolished and reconstructed, and the plinth extended about three-fold in the bargain.

24. However, as the said John Joseph Pires is not arraigned as a respondent in the PIL and therefore not present at the inspection, we could not verify the area and legitimacy of the extension to the original structure. Nevertheless, since it stands within the NDZ, we recommend that the Authority may inquire into the legality of this house structure and take appropriate action.

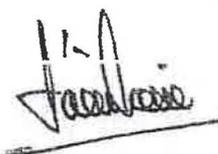
25. Next, we inspected the G+1 structure<sup>14</sup> admeasuring about 222 sq. metres located behind/to the east of the house structure referred in the foregoing paragraph. The said RCC-framed structure<sup>15</sup> was claimed by R7 Nalini da Rosa Fernandes as belonging to her and wherein she has her residence alongwith eight lodging rooms.

26. R7 Nalini da Rosa Fernandes claimed she had approvals from competent authorities that confirm pre-existence prior to 1991, and produced the following documents alongwith her letter dated 10.02.2020 addressed to the Authority:

- (a) Conversion order dated 26.07.1977 no. RB/CNV/430/77/303 issued by Collector of Goa for conversion of 3760 m<sup>2</sup> of Sry no. 242/1 (part) for commercial purposes.
- (b) Construction licence of Gram Panchayat Calangute dated 27.06.1978 ref no. VPT/CAL/78-19/F-13AC/401/78 for construction of house and septic tank.
- (c) Certificate dated 07.02.1979 issued by Agnelo Mascarenhas, Civil Engineer, Calangute certifying value of completion of civil works of the said building having area of 277 m<sup>2</sup>.

<sup>14</sup> GPS Coordinates: 15°33'19.98" N and 73°45'12.85" E.

<sup>15</sup> Identified as "F" on annexed DSLR plan.



(d) Letter dated 16.12.1988 ref no. DB/8301/TCP.88/411 issued by Goa State Committee on Environment conveying approval for reconstruction of existing building in Survey no. 242/1 at Calangute village.

(e) Survey plan issued by Directorate of Settlement & Land Records (DSLRL).

27. This structure is shown to be existing as on March 1991 in the study conducted by Remote Sensing Instruments (RSI) Hyderabad.<sup>16</sup> Besides, it is also shown on the survey map issued by DSLR.

28. On perusal of the foregoing documents, we *prima facie* find that the said structure is authorized and constructed prior to February 1991.

29. The next structure indicated by the petitioners and claimed by R7 Nalini da Rosa Fernandes falls partly within NDZ and is identified as "G" in the annexed DSLR plan. This is a G+1 RCC-framed structure admeasuring about 405 sq. metres; the part falling within NDZ admeasures about 204 sq. metres. It is operating under the commercial name "Palm Grove Cottages". The second floor has been demolished as referred in earlier part of this report. R7 claimed she had approvals from competent authorities that confirm pre-existence prior to 1991, and produced the following documents alongwith her letter dated 10.02.2020:

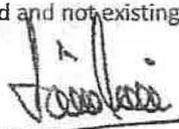
(a) Conversion order dated 26.07.1977 no. RB/CNV/430/77/303 issued by Collector of Goa for conversion of 3760 m<sup>2</sup> of Sry no. 242/1 (part) for commercial purposes.

(b) Letter dated 02.02.1990 ref no. DB/4820/TCP-90/202 issued by Goa State Committee on Environment conveying approval for repairs and renovation of existing roof over second floor of Building "A" & "B" in Survey no. 242/1 at Calangute village.

(c) Approved plan<sup>17</sup> for repairs & renovation of existing roof over second floor of Buildings "A" and "B" issued pursuant to above letter.

<sup>16</sup> Remote Sensing Instruments Hyderabad, *Technical Report of the Project on Consultancy Services to Conduct Survey and Inquiry in CRZ III of Goa Coast*, (2008) Map 13 Structure no. 278; Also see Pg. 105 of Report. Available at <http://czma.goa.gov.in/Reports/reports.aspx>

<sup>17</sup> The approved plan points to existence of two buildings "A" and "B" at the location with a swimming pool in between. Building "B" and the swimming pool have been demolished and not existing on site.



(d) Extract of resolution of Village panchayat of Calangute dated 03.11.2018 Item no. IX J (99).

30. A perusal of the boundaries described at Schedule I of the conversion sanad dated 26.07.1977 above confirms that the said building falls within the converted land. The approvals conveyed by then Goa State Committee on Environment point to probability of the said building being in existence prior to 1991. This structure is also shown to be existing as on March 1991 in the study conducted by RSI Hyderabad.<sup>18</sup> The resolution of the local body throws abundant light on legitimacy of the said structure. *Inter alia*, while considering the circumstances arising out of belated production of documents by R7 Nalini, they conclude that the structure was existing prior to 1991, that the documents contradict the previous complaints and allegations of violations within NDZ, and expressing their helplessness to undo the damage without permission of the Hon'ble Supreme Court, where apparently the litigation was resting at the time.

31. R7 has produced an RTI reply by this Authority dated 15.11.2018 whereunder the approvals granted to this and other structures were furnished, thus implying that she obtained the vital documents only in November 2018.

32. In view of the foregoing, we *prima facie* conclude that the said structure "G" is authorized and constructed prior to February 1991.

33. The last structures in the NDZ are within a cluster<sup>19</sup> that has an old house, a circular-shaped structure with open sides and a structure containing a reception room of "Sea View Cottages". The old house is shown on the survey plan and there is no noticeable increase in its plinth area. Hence it appears to be pre-existing the CRZ notification. The other two structures are visible in the background of first photograph at page 34, and repeated at page 36. With respect to these structures, we did not find any specific complaint in the records. Besides, the petitioners did not identify these structures as being in violation of CRZ Notifications.

<sup>18</sup> See Note 16; Structure no. 297.

<sup>19</sup> GPS Coordinates: 15°33'18.57" N and 73°45'12.53" E.

Handwritten signature and initials, possibly 'J. J. J.' and 'D. S. S.', with a horizontal line underneath the signature.

Structure of R12 Smt Lalan Jacques.

34. We now turn to the structure shown in the other photographs appended to the petition. The photographs at pages 38 to 40 are of a single structure<sup>20</sup> claimed by R12 Smt Lalan Jacques as belonging to her. It consists of a Z-shaped ground floor RCC-framed structure with nine rooms and GI sheet roof on the first floor. It finds reference at paragraph 11 (3<sup>rd</sup> sub para) of the petition. It is shown as having been constructed between 1994 and 1998 in the RSI Report.<sup>21</sup> However this structure falls well outside the NDZ, being about 300 metres away from the HTL.

35. Incidentally, R8 Joseph da Rosa produced a document in his compilation being conversion order dated 26.07.1977 no. RB/CNV/430/77/301 issued by Collector of Goa for conversion of 9565 m<sup>2</sup> of Sry no. 242/1 (part) to commercial purpose. On closer perusal of the said order, it transpired that it pertained to the eastern part of the property that includes the land whereupon which this structure stands.

Apparent blatant violation within NDZ in neighboring property.

36. Before parting, we bring to the notice of the Authority what appeared to us to be a blatant violation of CRZ Notification within the NDZ in a neighboring property. In course of the inspection, we observed a hotel/resort adjoining the north-western boundary of the property under Sry no. 242/1 under the commercial name "Zinho's Beach Resort". It appears to stand in the property surveyed under no. 243/13 and/or 243/13-A of village Calangute. We found a G+2 RCC-framed resort building in operation with swimming pool<sup>22</sup> within approx 150 metres from the HTL. We could not ascertain sewage and waste disposal measures being undertaken by the occupant.

37. Considering the magnitude of this development within the NDZ and the threat it poses to the fragile coastal ecosystem of the locality, we recommend an inquiry into the legality of the development within this property and take appropriate action by the Authority.

<sup>20</sup> GPS Coordinates: 15°33'19.22" N and 73°45'16.03" E.

<sup>21</sup> See Note 16; Structure no. 296.

<sup>22</sup> Existence of swimming pool ascertained from Google Earth images.

Handwritten signature and initials, possibly 'D. S. S.', with a horizontal line underneath and a checkmark-like symbol to the right.

38. Inspection concluded at about 2.30pm.

V. 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.

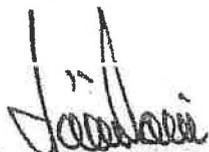
40. The structures within the NDZ of larger property under Sry no. 242/1 of village Calangute owned by R7 and R8 indicated by the petitioner's during inspection *prima facie* appear to be legal and existing prior to February 1991 on basis of documents made available and other reference material accessed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

42. The apparent violation by Shri John Joseph Pires within the NDZ as set out paragraphs 23 and 24 above may be inquired into by the Authority and appropriate action taken.

43. The apparent blatant violation by owner of "Zinho's Beach Resort" within the NDZ in property under Sry. No. 243/13 / 243/13-A set out in paragraphs 36 and 37 above may be inquired into by the Authority and appropriate action taken.

Submitted.



Sávio Joaquim Filipe Correia  
Expert Member, GCZMA.



Sujeetkumar Mariapa Dongre  
Expert Member, GCZMA.

Enclosure: DSLR prepared plan.

\*\*\*



Member Secretary

G.C.Z.M.A.

Inward No. 58261

Date 27-02-2020

9/3/2020

Issue  
number of  
hearing &  
copy of  
enclosure  
& report

GOVERNMENT OF GOA

**DIRECTORATE OF SETTLEMENT AND LAND RECORDS.****PANAJI - GOA.**Phone: (0832) - 2422036, 2422453 Fax: 2234360 Email: [dir-land.goa@nic.in](mailto:dir-land.goa@nic.in)

No.19/DSLRL/Re- Cell/CRZ-Mapping /20/01 /79#

Dated: 24/02/2020.

✓ To

The Member Secretary

Goa Coastal Zone Management Authority,

C/o Department of Science, Technology and Environment,

1 Floor, Pt. Deendayal Upadhyaya Bhavan, Pudalik Nagar,

Alto Porvorim, Bardez-Goa-403521.

**Sub:** Site Inspection pertaining to Survey No. 242/1(part), 1-C of Village Calangute of Bardez Taluka.

Sir,

With reference to your letter No.GCZMA/H.C.M/PIL.W.P.4/2020/19-20/06/2420 dated 11/02/2020, please find enclosed herewith the photo copy of the proceedings of the site inspection along with 2 sets of plan in respect of S.No. 242/1(part),1-C of Village Calangute of Bardez Taluka, enclosed herewith for further necessary action.

Yours faithfully,

(Domiana Nazareth)

Suptd. Of Survey &amp; Land Records

Panaji -Goa.

**Enclosed:** As above

GOVERNMENT OF GOA  
DIRECTORATE OF SETTLEMENT & LAND RECORDS,  
PANAJI-GOA

PROCEEDINGS OF SITE INSPECTION

FILE NO:- 19/DSLRL/Resurvey Cell/ 122 - Mapping 120101  
DATE: 13 / 02 / 2020

SUB: 1) CRZ delineation  
2) Survey/Mapping of Structures

REF:- CTCZMA / H.C.M / PLL N 7.4 / 2010 / 19-22/06/2420 dt. 11/04/20

Village : Calangute Taluka: Bardol Survey: 242/1 Sub. Div. No. 1

Parties /Officers Present:-

- 1. Superintendent of Calangute
  - 2. SANJO J.F. CORREIA (EXPERT MEMBER GOZMA)
  - 3. George B. Fernandes 13/2/20
  - 4. Adv. Jayant Kair 13/02/20
- 5) Without admitting the contents the parties hereby sign this document
- a) Nalini da Rosa Fernandes
  - b) Joseph Rosa
  - c) Kalash Das da Rosa Jaques

Parties Absent:-

Brief description of proceedings:-

Inspection was carried out on a scheduled date and time with respect to S.No 242/1 of Calangute village in presence of the Expert GOZMA Members / parties present on site. Accordingly as directed by the Expert GOZMA Members, only structures those identified by the Expert Members were measured and recorded.

x Present as Complainant

(Signature)  
(Signature)

Signatures:  
(Signature)

All structures belonging to Respondent No. 7, 8 & 12 need to be identified & described in the inspection report  
13/02/20



GOVERNMENT OF GOA  
Directorate of Settlement and Land Records  
PANAJI-GOIA

SITE PLAN

as per the notice of site inspection of Member Secretary, Goa Coastal Zone Management Authority vide their letter No.GCZMA/H.C.M/PIL W.P.4/2020/19-20/06/2420 dated 11/02/2020 in respect of S.No./ Sub Div. No.242/1(part),1-C of Village Calangute of Bardez Taluka.

Scale : 1:1000

NOTE:-

THE LEGALITY / ILLEGALITY OF STRUCTURES SHOWN ON THIS PLAN IS NOT KNOWN AND THEREFORE THIS PLAN SHALL NOT BE USED FOR ANY PURPOSE SUCH AS DEVELOPMENT OF STRUCTURES, REVENUE SURVEY MATTERS, OBTAINING LICENSES, PERMISSIONS, CONVERSION OF LAND, ETC. THIS PLAN SHALL BE USED FOR REFERENCE PURPOSE ONLY.

LEGEND:-

- New structure
- Temporary Shed
- Well
- Structure as per Survey Plan
- 200 Mts CRZ Line
- High Tide Line
- New Road



Surveyed & Prepared by

Rajesh Harmalkar (F.S.)

Surveyed on :- 13/02/2020

seen by

Arun Kumar Dhale  
(H.S.)

FILE NO.19/DSL/R/Re- Cell/CRZ-Mapping/2001

TRUE COPY



Pushkar Sharma &lt;pushkar2006sharma@gmail.com&gt;

**Re: Service of Reply on behalf of Respondent No. 2 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 23:23

To: fawia31@gmail.com, gczma gczma &lt;goacoastalzone@gmail.com&gt;

Cc: chaitanya dixit &lt;dixitchaitanya2000@gmail.com&gt;, Yuvraj Pratap Singh &lt;ysyuvrajsingh4@gmail.com&gt;, Pushkar2006sharma@gmail.com

Download Attachment

Available until 16 Dec 2025

Sir/Ma'am,

With reference to the aforementioned matter, PFA herewith reply on behalf of Respondent No.2.

[Click to Download](#)

reply final nalini (2).pdf

0 bytes

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

On 16 Nov 2025, at 9:04 PM, Samridhi Jain &lt;samridhi12318@gmail.com&gt; wrote:

Sir/Ma'am,

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

&lt;joseph rosa final reply.pdf&gt;

Thanks & Regards,  
Samridhi Jain,  
Advocate on Record  
Supreme Court of India  
A-10, LGF, Lajpat Nagar- III,

11/17/25, 11:57 AM

Gmail - Re: Service of Reply on behalf of Respondent No. 2 in Appeal No. 82/2025 between Sylvester D'Souza v. Joseph S Rosa...

New Delhi- 110024  
Mob. 9890210579

1133