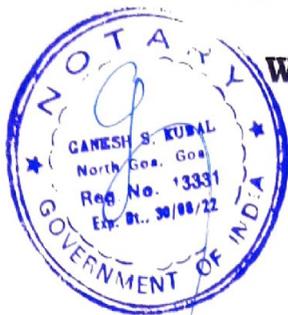


**BEFORE THE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH, PUNE**



Appeal No. 67/2018(WZ)

Kashinath Shetye & Ors.

.....Appellants

V/S

Nirmala P. Sawant & Ors.

.....Respondents

REPLY ON BEHALF OF RESPONDENT NO. 1

MAY IT PLEASED YOUR HONOUR:

- 1) The Respondent No. 1 is served with the notice dated 31/07/2020 issued by this Hon'ble Tribunal along with the copy of the appeal memo filed by the Appellants herein purported to under Section 16 r/w sec 18(1) of National Green Tribunal Act, 2010 (for Short referred to as NGT Act here after).

PRELIMINARY OBJECTIONS

- 2) It is submitted that the present appeal is filed by the Appellants based on false and concocted facts. Infact, the Appellants has approached this Hon'ble Tribunal by

Sawant

suppressing the relevant and material facts, even the reply which has been filed by this Respondent before the Respondent No. 2 is neither referred nor produced by the Appellants before this Hon'ble Tribunal, which itself signifies the malafide intention of the Appellant in approaching this Hon'ble Tribunal.

- 3) It is submitted that the Respondent No. 2 i.e. Goa Coastal Zone Management Authority in its 177th meeting held on 22/01/2018 considered the complaint filed by the Appellants and the reply by the Respondent No. 1 along with the relevant documents and also considered the report submitted by the expert panel who visited the site and prepared the detailed report and on consideration of the above said material, the Goa Coastal Zone Management Authority on application of mind proceeded to dismiss the complaint in accordance with law.
- 4) It is submitted that a decision taken by the Authority is based on the documents and the report of the expert panel clearly falsifies the plea raised by the Appellants. Having considered all the relevant documents and having disposed the said complaint in accordance with the provisions of Environment Protection Act, the question of the Appellants invoking powers of this Hon'ble Tribunal under Section 16 r/w sec 18(1) would not arise.



Shawar

- 5) It is most respectfully submitted that the Appellants have no cause of action to initiate the present appeal. The same has been initiated on false and concocted facts and only with an intention to harass the Respondent No. 1 who is a Senior Citizen and 74 years old.
- 6) It is further respectfully submitted that the provisions of CRZ Regulations are not attracted to the property belonging to the Respondent No. 1 namely property bearing Survey No. 28/1-C. River Banastari is infact about 400 mtrs or thereabout away from the house where this Respondent resides. Infact in between the river and the house of the Respondent No. 1, there is a public road which goes from Village Banastari to Village Marcel, beyond which is a sluice gate. It is stated that settle proposition of law that there is no tidal effects beyond the sluice gate, as such, the question of claiming violation of CRZ Regulation would not arise.
- 7) It is submitted that the present appeal is not tenable in terms of law in as much as the provisions of CRZ Regulations are not applicable in the facts of the case and considering the said fact, the appeal filed before this Hon'ble Tribunal would be incompetent and this Hon'ble Tribunal with respect would have no jurisdiction to entertain and dispose off the present appeal and on this count itself the appeal is liable to be rejected.

Spawant

- 8) The Respondent No.1 submits that the present appeal filed by the Appellants is ex-facie not tenable and that the provisions of CRZ are not in any way applicable to the property bearing Survey No. 28/1-C of Village Orga where the suit structure is situated.
- 9) The appeal in fact is filed on false and incorrect facts, merely on averments without any substantial records/proof pointing out the purported illegality of the Respondent No. 1 and the appeal in fact is full of rhetoric's and comprises of general observations which are not relatable to the Respondent No. 1 nor there are any averments which would warrant this Hon'ble Tribunal to entertain the present appeal under reply and on this count itself the appeal filed by the Appellants needs to be rejected at a threshold.
- 10) The Respondent No.1 states and submits that the present appeal is an abuse of process of this Hon'ble Tribunal and in fact the same is liable to be rejected as it does not conform to the requirements of Rule 16 of National Green Tribunal (Practice and Procedure) Rules, 2011. As a fact, the appeal under reply is a malafide attempt on the part of the Appellants to harass this Respondent.



Pawant

- 11) It is stated that the impugned order came to be passed on 11/07/2018 and the present appeal came to be filed on 13/08/2018 hence the same is barred by limitation, as the same is filed after 30 days, as prescribed period u/s 16 of the NGT Act, 2010, without any separate application for condonation of delay.
- 12) Without prejudice to the above the facts which are relevant for this Hon'ble Tribunal to appreciate the controversy involved in this present appeal are as follows:
- 13) The subject matter of dispute is pertaining to the property admeasuring an area of 3815 sq. mts bearing survey no. 28/1-C forming part of the larger property known "**Xette Bhat ani Pyari Bhat**" situated at Tivrem, within the limits of Village Panchayat of Tivrem-Orgao, having purchased the same via Deed of Sale dated 24/04/1987. That the said property originally formed part of the larger property bearing survey no. 28/1.
- 14) It is submitted that somewhere in the year 2016 the Appellants filed a complaint dated 23/05/2016 before the Goa Coastal Zone Management Authority, interalia contending that the Respondent No. 1 has allegedly violated the provisions of the CRZ I & III by building a new house in CRZ area at Tivrem in survey no. 28/1-C.
- Hereto annexed and marked as **Annexure "A"** is the copy of the said complaint dated 23/05/2016.

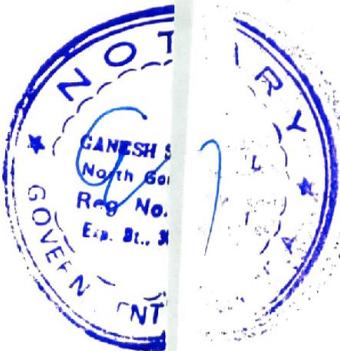


15) Acting on the said complaint, the appropriate authority issued a Show Cause Notice dated 20/06/2016 to this Respondent No.1. It is submitted that upon receiving the said Show Cause Notice dated 20/06/2016, this Respondent No. 1 filed its detailed reply on 08/07/2016 to the said Show Cause Notice putting forth the facts before the appropriate authority. Which reply this Appellants consciously choose to suppress from this Hon'ble Tribunal.

Hereto annexed and marked as **Annexure "B"**. Colly is the copy of the Show Cause Notice 20/06/2016 and Reply dated 08/07/2016 to the said Show Cause Notice 20/06/2016 for perusal of this Hon'ble Tribunal.

16) It is pertinent to note that the appropriate authority upon receiving the said reply to the show cause notice and upon being satisfied with the said reply, no further action was initiated by the appropriate authority against the Respondent No.1.

17) The Respondent no. 1 is the owner of the property bearing survey no. 28/1-C of Village Tivrem, having purchased the same vide a Deed of Sale dated 24/04/1987. The said property bearing Survey No. 28/1-C is part of the larger property bearing Survey No. 28/0. The said property bearing Survey No. 28/1-C is a property abutting on the public road which connects Banastarim to Marcela. In fact it is situated to the right of the road when one goes from Banastarim to Marcela.



Spawant

- 18) That one of the boundary of the said property namely the southern boundary is a pathway beyond which lies the property bearing Survey No. 30. The road is on the western boundary, and the northern and the eastern boundary is the remaining part of the larger property bearing Survey No. 28/0.
- 19) The Respondent no. 1 submits that infact upon purchasing the said property the Respondent No. 1 applied for permission from Town & Country Planning Department and the Village Panchayat of Tivrem - Orgao, P.O. Marcel and accordingly a Technical Order came to be granted by the Town and Country Planning Department and the Village Panchayat of Tivrem - Orgao, P.O. Marcel granted Construction License dated 14/12/1987 for the construction of a house, copies of the said permissions are annexed and marked hereto as **Annexure "C" - Colly**. In fact the construction was carried out upon obtaining Conversion Sanad of the said land vide Sanad dated 28/09/1987.
- 20) After constructing the said residential house and upon obtaining the Occupancy Certificate dated 21/07/1988 issued by the Village Panchayat of Tivrem - Orgao, P.O. Marcel, the Respondent No. 1 herein started occupying the same and started living therein along with family. Annexed and marked hereto as **Annexure "D"** is the copy of Occupancy Certificate dated 21/07/1988 issued by the Village Panchayat of Tivrem - Orgao, P.O. Marcel.

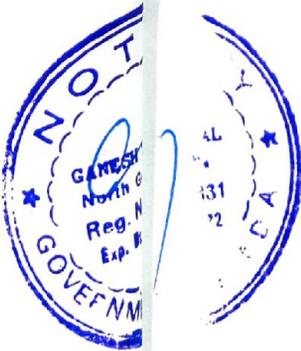


Ganesh Narayan

21) In the year 1996, the Respondent No. 1 decided to do certain alterations to the house and accordingly, the Respondent No. 1 applied for permission with the Town and Country Planning Department, which came to be granted by Order dated 06/01/1997. Annexed and marked hereto as Annexure "E" is the copy of Order dated 06/01/1997.

22) That somewhere in the year 2008 the Respondent No. 1 initiated partition proceedings before the Office of the Deputy Collector and S.D.O at Ponda with an intention to segregate the said property from the larger property bearing survey no. 28/1 and pursuant to carrying out site inspection at loco by the officer of the Court of the Deputy Collector, the Deputy Collector segregated the said property from the larger property and accordingly new survey no. 28/1-C was allotted to the said property.

23) It is pertinent to note that at no point of time upon applying for the relevant permissions, neither Town and Country Planning Department nor any other authorities ever directed this Respondent No. 1 to approach the CRZ authority and or pointed out the CRZ issue pertaining to the said property and or directed this Respondent No. 1 to seek any kind of permission from the CRZ authority, as obviously and ex-facie the said property do not attract the provisions of the Coastal Regulation Zone Regulations. As a fact the partition of the said holding bearing Survey No. 28/1-C was done in the year 2008 and that



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the Show Cause Notice was issued on 20/06/2016 pursuant to the Complaint dated 23/05/2016 by the Appellants.

- 24) Subsequently somewhere in the year 2012, the Respondent No. 1 decided to do further alteration to the said residential house and in that context applied for permission from the Town and Country Planning Department, which permissions came to be duly granted vide Technical Clearance Order bearing ref. no. TPP/Const/Tiv-Org/28/1/12/379 dated 18/06/2012 and the Village Panchayat of Tivrem-Orgao, P.O. Marcel granted Construction License dated 16/01/2013 and after obtaining the said permission, the Respondent carried out addition or alteration to the said house. The construction was carried out according to the approved plan. As a fact, the Respondent no. 1 undertook the alterations as per the plans approved by the aforesaid competent authorities. Annexed and marked as **Annexure "F" -Colly** is the copies of the Technical Clearance Order dated 18/06/2012, Construction License dated 16/1/2013 granted the Village Panchayat of Tivrem - Orgao, P.O. Marcel Survey Plan and Form I & XIV.
- 25) It is stated that except for the construction of the house and alterations carried out as per the approved plan, the Respondent no. 1 have not carried out any sort of construction, reconstruction or the extension of house and or added any further rooms to the existing house thereafter as alleged by the Appellants.



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26) It is submitted the said house does not fall within the CRZ limits and is not subject to CRZ regulation. So therefore the question of the Respondent's plot bearing Survey No. 28/1-C being covered by CRZ Regulation, does not arise.

27) It is submitted that as set out in the reply to the show cause notice dated 20/06/2016, the river which flows through the village of Orgao i.e. river Banastarim, which is as stated in the reply dated 08/07/2016 filed by the Respondent No. 1 is 400 mts. or thereabout away from the property of Respondent No.1.

28) In fact on the left of the road which provides access to the house of the Respondent namely the Banastarim – Marcel road, there is a sluice gate which is about 25 mtrs away from the house of the Respondent. The sluice gate is situated on the left side of the road and through the drain constructed underneath the road, the water gets into the property bearing Survey No. 30 of Village Tivrem which belongs to the Comunidade and it has no tidal effect.

29) It is submitted that as a matter of fact, the said property bearing Survey No. 28/1-C is on the higher level than the property bearing Survey No. 30 where the water gets accumulated. It is at a height of above 6 mtrs of the said property and there are no mangroves or a creek within the property bearing Survey No. 28/1-C of Village Tivrem and there were none.

30) That the present appeal is a malafide attempt on part of the Appellants to harass the Respondent No. 1. It is falsely

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attributed by the Appellants that the Respondent No. 1 have obtained permissions as a Minister in the State of Goa. That the Respondent No. 1 has not obtained any permissions concerning her house while she was a Minister. The appeal is a deliberately filed by the Appellants to drag the Respondent before this Hon'ble Tribunal, the facts set out and the averments made by the Appellants in their appeal memo does not disclose any cause of action against this Respondent No. 1 and hence deserves to be dismissed with exemplary cost.

31) Thereafter somewhere in the year 2017, the Appellants approached this Hon'ble Tribunal by their application bearing no. 173/2017(WZ). This Respondent No. 1 upon being served with the notice of the Hon'ble Tribunal filed their interim reply dated 23/11/2017. That on 24/11/2017 upon hearing the parties, this Hon'ble Tribunal was pleased to direct the Appellants and the Respondent No. 1 to appear before the Respondent No. 2 i.e. the GCZMA. The Respondent No. 2 was further directed to hear the Appellants and Respondent No.1 in light of material placed before it and to take an appropriate decision in accordance with law.

32) Thereupon as per the direction of this Hon'ble Tribunal, the Respondent No. 2 heard the Appellants and the Respondent No. 1 and the joint site inspection by the expert members of the GCZMA was carried out on 22/01/2018 wherein the Appellants were represented by Mr. Narendra Chodankar and Mr. Harish Karmalkar for the said inspection. Pursuant to the said site inspection a detailed report came to be filed by the experts

M. B. Bawani

before the authority. The site inspection report submitted by the Expert Members contains various observations which are transcribed as follows:-

- i) The house constructed is on the elevated land /plot on the hillock and is towards the eastern side of the main Banastarim-Marcel road.
- ii) The large water body existing towards the southern side of the plot is a Khazan field and is beyond the main Banastarim-Marcel road and the sluice gate.
- iii) This water body beyond the sluice gate is not having any tidal effect. Page 17 of 36
- iv) The width of the tidally influenced Creek lying towards the western side of the plot is 6m and the NDZ applicable is only 6m from the bank of the Creek.
- v) The protection wall of the plot towards the western side facing the main road is 18m away from the edge of the Creek.
- vi) So, this 18m distance overlaps the 6m of NDZ due to the Creek.
- vii) As per the respondent, the 2m high retaining wall of rubble to the south side of the elevated land in the plot is existing prior to 1991. So, this does not give an indication of any land filing done at site.
- viii) As of now no mangroves could be seen towards this retaining wall side facing the Khazan filed. So, it is not possible to evaluate now whether the mangroves were cut or not.
- ix) Under the circumstances therefore, the Authority may decide about the legality of the house constructed in Sy. No. 28/ 1-C.
- x) The matter may be deliberated in the Authority meeting for a decision."

33) Pursuant to the site inspection report dated 22/01/2018, the matter was placed in the 177th GCZMA meeting which was held on 26/06/2018 for personal hearing on 23/01/2018, wherein the Respondent No. 2 upon hearing



M. S. Rao

both the parties and upon placing reliance on the records the Respondent No. 2 dropped the complaint as against the Respondent No. 1. The relevant para of the order dated 11/07/2018 is recited herein for the perusal of this Hon'ble Tribunal "**authority heard both the parties and took on record oral and written submissions made by the parties. Authority noted that site inspection carried out by Expert members clearly shows that the width of tidal influenced creek as 6m and the distance of protection wall of the plot in question from the edge of creek to be 18m. As such the location of the plot is outside NDZ area. In so far as the question of southern side of plot is concerned it lies beyond the sluice gate and is an agricultural field which cannot be construed as a tidal influenced water body. Therefore, the Authority resolved to drop the complaint as the plot area and construction thereof is beyond NDZ area**".

The above said finding has been recorded as a fact on ascertainment in loco the location of the site in question pursuant to the discretion of this learned Tribunal contained in the Order dated 24/11/2017.

Hereto annexed and marked as **Annexure "G"** is the copy of the order dated 11/07/2018 passed by the Respondent No. 2 i.e GCZMA.

34) That in facts and circumstances of the case there is no merit as the appeal memo does not disclose any cause of

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action against this Respondent No. 1 and hence deserves to be dismissed with exemplary cost.

35) Now dealing with the specific averments contained in the memo of appeal the Respondent No. 1 states as under:

- I. With regard to contents of para 4 and 5, the observations therein made are general in nature and interalia pertains to the "Doctrine of Public Trust". The Appellants no-where in the appeal, in light of the principles of "Doctrine of Public Trust" avers that the Respondent No. 1 has breached such public trust. The statements made by the Appellants in para 4 & 5 to that effect are in general nature and embodies the general principles and or general philosophy pertaining to "Doctrine of Public Trust" which by no stretch of imagination would apply to the case in hand. The contents of para 4 & 5 are therefore inconsequential and can be considered only as rhetoric.

- II. With regards to contents of para 6, Appellants in the said paragraph virtually transcribes the provision of the Constitution, the relevance of which vis-a-vis the suit structure has not been averred, hence the contents of the same are innocuous and inconsequential.

- III. With regards to contents of para 7, 8, 9 and 10 the Appellants chose to refer to various judgments wherein



the importance of public trust Doctrine has come to be considered by various Courts, the contents of which again do not establish any link to the facts of the case. The Respondent No. 1 states that the Respondent No.1 has undertaken construction of a residential house in the year 1987 thereabout after obtaining necessary permissions from the competent authorities. The provisions of CRZ and the Doctrine of Public Trust invoked by the Appellants in the said paragraph is nowhere applicable and or is with respect misplaced in the facts of the case. The averments made by the Appellants in the said paragraphs are not relatable to the structure constructed by Respondent No. 1 and the property owned by the Respondent No.1, the said observations which are transcribed in the said paragraphs are again pertaining to the principles of Doctrine of Public Trust for protecting interalia rivers, sea, tanks, trees, forests and associated natural ecosystem. The Respondent No. 1 states that the Banastarim river is about 400 mtrs or there about away from the suit property and the sluice gate which is of the left-hand side of the road going from Banastarim to Marcel, house of the Respondent No.1 being located on the right side of the road at a height of about 6mtrs or thereabout from the road is approximately about 25 mtrs away. As such so called Doctrine of Public Trust sought to be invoked by no



stretch of imagination could be applicable to the present case. Contents of para 7, 8, 9, 10 & 11 are therefore denied.

- IV. Now dealing with further averments at page 12 of the memo of appeal which is again earmarked as para 1 onwards, the Respondent No.1 denies that the Appellants are Social Activists and is interested in environment protection, the contents therein contained are specifically denied.
- V. With regards to contents of para 2, 3 & 4 contained at page 13 of the memo of appeal are denied for want of knowledge.
- VI. With regards to contents of para 5 at page 13 of the memo of appeal, it is denied that the Appellants are nature-lovers and try to curb illegal activities which destroy the environment within their limited capacity and resources as alleged. It is further denied that towards the said purported aim they have filed Contempt Petition as referred to in para 5 as alleged, contents of para 5 are therefore denied.
- VII. With regards to contents of 6 & 7 at page 13 and 14 respectively of the memo of appeal, based on the said aforesaid complaint dated 23/05/2016 filed by the



Appellants, the Respondent No. 2 issued Show Cause Notice dated 20/06/2016, as a matter of fact on receipt of show cause notice, the Respondent No. 1 filed a detailed reply along with the documents in support thereof to bring to the notice of the authority that the structure which is alleged to have been illegally constructed do not fall within CRZ regulation and that necessary permission required to be obtained for construction of the said structure has already been obtained by the Respondent No. 1 from the competent authority. The copies of the respective permissions granted by the competent authorities also came to be annexed thereto. That neither the present appeal memo nor the original application bearing no. 173/2017 filed before this Hon'ble Tribunal however for obvious reasons, though being aware of the said fact, chose not to annex the said reply to the show cause notice. The allegations made by the Appellants in the said complaint to the effect that there is illegal construction of a new house by cutting of mangroves and filling of creek / backwaters of Mandovi River, blocking of access at Tivrem, Ponda Goa in Survey No. 28/1-C is totally false and incorrect as the structure which is existing and which belongs to the Respondent No.1 is at a height of about 6 mtrs from the ground level and the same was constructed in the year 1987. Contents of para 6 & 7 are therefore denied.




VIII. With regards to contents of para 8 at page 14 of the memo of appeal, it is denied that any "substantial question relating to the environment" has been raised by the appellants. It is denied that there is illegal construction of new building, compound wall other illegal construction by cutting mangroves tress and filling of creek in eco sensitive CRZ-III in creek Banastarim area a tributary of river Mandovi in Tivrem Village Panchayat area with the help of local politicians by paying bribes as alleged. Such a statement made by the appellants is wholly unwarranted and irresponsible. The Banastarim river is infact 400 mtrs away from the said suit structure. Contents of para 8 are therefore specifically denied.

IX. With regards to contents of para 9 at page 15, it is denied that the Appellants have been complaining about the alleged irregularities and violations of the law to the authorities ever since they became aware of the same by misusing the Panchayat. It is matter of record that upon obtaining permissions in the year 1987, the Respondent No. 1 constructed a residential house in the property bearing Survey No. 28/1-C which forms part of the property bearing Survey No. 28/0 of the Village of Tivrem-Orgao. As a matter of fact, except for the complaint filed by the Appellants before the CRZ



Authority there is no other complaint filed by the appellants before any authority alleging irregularities by this Respondent No.1. The averments to the effect made in para 9 are false and incorrect.

X. It is denied that the structure constructed by Respondent No. 1 in the year 1987-1988 violates the CRZ notification as alleged. It is denied that said structure falls in no development zone as alleged. It is stated that the said structure is beyond the purview of CRZ Regulation as such there is no CRZ permission required for construction of the said structure. It is denied that there is any illegal construction and or building and or compound wall. It is further denied that there is any cutting of hill and mangrove tress and filling of creek in NDZ as alleged. Said statements made in para 9 are vague and appears to be made intentionally for obvious reasons.

XI. The Respondent No. 1 has not undertaken any illegal construction much less cutting of hill and cutting of mangroves trees and or filling of creek as alleged. The structure which has been constructed by Respondent No. 1 is at a height of 6 mts from the ground level as such there is no question of cutting of mangrove tress and filling of creek as alleged. It is denied that the Respondent No. 1 has encroached in the creek area by



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filling the creek and building a house without taking permissions from GCZMA and TCP as alleged. It is further denied that the creek area is destroyed by dumping construction debris thereby purportedly polluting the tributary of river Mandovi as alleged. It is denied that there is any tributary in and around the property owned and possessed by Respondent No.1.

XII. The construction which was undertaken by the Respondent No.1 in the year 1988 and the subsequent alterations done are not subject to CRZ Regulations as the said structure falls beyond the purview of CRZ. As such the averments made at item no. 5 at para 9 at page 16 are inconsequential and irrelevant. It is stated that none of the construction undertaken by the Respondent falls within CRZ. The structure as per the records which are produced before this Hon'ble Tribunal makes it apparent that the said structure or house is constructed by the Respondent No. 1 after obtaining permissions in the year 1986 or thereabout and subsequent alteration and additions are made in terms of the approvals granted by the competent authorities. Contents of para 9 are therefore specifically denied.

XIII. With regards to contents of para 10, it is denied that any illegal construction of a new house by cutting of

mangrove trees and filling of creek / backwaters of Mandovi river, blocking of access at Tivrem, Ponda Goa has been undertaken in total violation of CRZ notification as alleged. It is denied that any mangroves has been cut and or that there is filling of creek / backwaters of Mandovi river, blocking of access at Tivrem Village, Ponda Goa as alleged. It is further denied that said alleged act continued even after show cause notice was issued and more new illegal construction have come up recently as alleged. The bald assertions made in the said paragraphs without there being any supporting material itself signifies the importance of the said averments. The contents of para 10 are therefore denied.

XIV. With regards to contents of para 11 & 12 at page 17, the show cause notice has been duly replied by the Respondent No. 1 which fact was well within the knowledge of the appellants. However, the appellants for obvious reasons chose not to refer to the said fact before this Hon'ble Tribunal and intentionally suppressed the said fact. Contents of para 11 & 12 are therefore specifically denied.

XV. With regards to contents of para 13, it is specifically denied that Respondent No. 1 has constructed series of new illegal construction structures, building and

compound retaining all in CRZ area in Tivrem Village Panchayat and violated CRZ rules without taking permissions of GCZMA and other authorities as alleged. It is denied that the google mapping reflects any illegal construction in Survey No. 28/1-C as alleged. In any way the photographs or the copy of the google maps which are annexed to the appeal memo has not disclosed the location stating the topography of the Respondent's house. In any event, the veracity of the said google map is specifically denied.

XVI. The Respondent No. 1 submits that the google maps cannot be relied for the purpose to ascertain and or identifying the real status of the land in question and come to the conclusion that there illegal construction in the said property. Contents of para 13 are therefore specifically denied.

XVII. With regards to contents of para 14 at page 17, it is denied that no action has been taken till date by the GCZMA i.e Respondent No. 2 after issuing the Show Cause Notice. The Respondent No. 1 states that the appellants despite of being aware of the fact that the show cause notice has been duly replied by the Respondent No.1 intentionally omitted to mention the said fact for obvious reasons. It is denied that no action has been taken till date due to political pressure and

illegal gratification received directly and indirectly as alleged. The said statement made by the appellants is with respect unwarranted and is made without any responsibility. It is further denied that the Respondent was Ex power minister the appellants moved the Hon'ble NGT on 23.10.2017 in application no. 173/2017 which was disposed off on 24.11.2017 with directions to GCZMA to dispose off within two months from 12.12.2017. Contents of para 14 are therefore specifically denied.

XVIII. With regards to the content of para 15, it is denied that the GCZMA i.e. Respondent No. 1 in wilfully and deliberately did not pass any order or dispose off the Complaint and showcase within two months i.e. by 12.02.2018 and without filing any application for extension time passed an order dated 11.07.2018 which is contempt of order passed by this Hon'ble Tribunal as alleged. It is submitted that the matter was fixed on 09/01/2018 and on that days said Mr. Kashinath Shetye was not in a position to attend the same and hence the matter was adjourned on 23/01/2018. That on the hearing date 23/01/2018 the same was adjourned due to the unavailability of Chairman of GCZMA due ensuing work of Budget Session for the State of Goa. That the again the matter was placed for hearing during 170th GCZMA meeting

held on 27/03/2018 wherein the Respondent No. 2 i.e. GCZMA heard both the parties. That the matter was adjourned 176th GCZMA meeting held on 22/06/2018 wherein the Respondent No. 1 sought for adjournment. Matter was finally taken up on its 177th GCZMA meeting wherein the authority once again heard the parties, placed its reliance on the documents produced by the Respondent No. 1 and observation contained in the site inspection report, wherein the authority resolved to drop the complaint as the property in question and were of the opinion that the construction thereof is beyond NDZ area. It is submitted that the GCZMA were very categorical in their order as to why the said order dated 11/07/2018 was not passed within the time framed by this Hon'ble Tribunal. Content of para 15 are therefore denied.

XIX. With regards to the content of the para 16, 17 and 18, it is denied that the order was passed without making any CZMP Plan which was important for this case. It is submitted that said order dated 11/07/2018 was passed pursuant to the observations contained in the site inspection which was carried out by the expert members along with the DSLR representative in presence of the representative of the appellants.

XX. The Respondent No. 1 further denies that the order dated 11.07.2018 is contrary to the google images and the bungalow falls within NDZ of the CRZ and has a tidal effect when the sluice gates are open and will not have any tidal effect when they are closed. It is submitted that the google maps cannot be relied for the purpose to ascertain and or identifying the real status of the land in question. The said google map assuming without admitting that it pertains to the property in question to depiction thereof is contrary to the records maintained under the provisions of the Land Revenue Code. It is denied that the sluice gates are made to stop the tidal flow to save from the CRZ effect. The sluice gate is situated on the left side of the road and through the drain constructed underneath the road, the water sometimes goes into the property bearing survey no. 30/1 of Village Tivrem which belongs to the Comunidade.

XXI. It is stated that beyond the sluice gate there is no tidal effect. The property bearing Survey No. 30/1 is owned by the Comunidade and the same is shown in the survey plan prepared under the Land Revenue Code. Form I & XIV also shows the nature of the said property bearing survey no. 30/1. Contents of the para 16, 17 and 18 are therefore denied.


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It is imperative to note that in the matter of Menino Gomes V/s. Atlas Fisheries which filed before the Hon'ble High Court of Bombay at Goa bearing W. P. No. 459/2006 wherein the Petitioner sought for demolition of buildings constructed in violation of CRZ Page 32 of 36 Notification, 1991 and approved CZMP Plan contending that the distance from the HTL i.e. 100 m applies incase of rivers, creeks and backwaters. In the said matter the GCZMA was directed to decide the controversy by precisely indicating on a plan the measurement of the distance of the impugned structure from the bank of River wherein the Authority after conducting due inquiry observed that the water level in the 'Poim' side does not vary although water level in the river side mostly varies due to receding tide and as such came to a conclusion that the 'Poim' does not have tidal effect and the same was accepted by the High Court and did not call for any interference.

XXII. As regards the grounds urged by Appellants at para 19, the Respondent No.1 states that there is no illegal structures in the property bearing Survey No. 28/1-C. It is denied that the said property bearing Survey No. 28/1-C is in CRZ-I and III as alleged. It is further denied that there is any illegal cutting of hill, the structures constructed by the Respondent No. 1 in the said property is after obtaining necessary permissions

from the competent authority. It is denied that the entire plot was a No Development Zone and mangroves, creek area in the tributary of river Mandovi. Therefore by no stretch of imagination can such area be permitted to be developed as alleged. As a matter of fact, the said area where the structure is situated is height of about 6 mtrs from the ground level as such the question of the said area does not arise. The Respondent has not undertaken cutting of any mangroves and has not undertaken filling of creek which purportedly by paying haftas to all Respondents who turn blind eye, said allegations are made without substantiating to the averments made in para 19 (a) to (c) are specifically denied has being false and motivatedly made.

XXIII. With regards to contents of para 20, it is denied that there will be any gross miscarriage of justice as alleged in para 20. It is stated that there are no illegalities committed by Respondent No. 1 as such the question of appellants seeking any direction to disconnect electricity and water connection for the purported illegal construction would not arise. The said CRZ provisions are not applicable to the area where the said structure is situated. Contents of para 20 are therefore specifically denied.

XXIV. With regards to contents of para 21, the Respondent shall crave leave to refer and rely on the said notification at the appropriate stage. The Respondent also craves leave to refer and rely on the judgement transcribed by the appellants at para 21. The Respondent states that except for general and vague allegations made in the appeal memo there are no specific averments made by the appellants against this Respondent No. 1 and rightly so as there are no such illegalities committed and or new construction/reconstruction or extension by Respondent No. 1. The entire appeal filed by the appellants appears to have been filed based on some conjectures and surmises based on general proposition of principles "Doctrine of Public Trust" which is in any way not applicable to the facts of the case. Contents of para 21 are therefore denied.

XXV. With regard to contents of para 22, it is denied that the appeal is filed within timeframe under section 16 r/w sec 18 of the NGT Act. That the impugned order came to be passed on 11/07/2018 and the said appeal came to be filed on 13/08/2018. That the averments made by the appellants that reached by post to Petitioner No. 1 on 17/08/2018. That the appellants have not produced any such records and or materials before this Hon'ble Tribunal to show that the appellants were

served much later as specified in the para 22 of the appeal memo. The averment made in the said appeal are self contradictory in as much as the appellants in the earlier paragraphs makes the statement that the appellants has been complaining about the purported irregularities ever since they became aware of the same.

XXVI. As such it becomes very apparent and clear that the appeal filed by the appellants is not within time and that the same is barred by limitation. It is denied that Cause of action as arose on as stated in the appeal memo, as the purported extension to the illegal construction of a new house by cutting of mangrove trees and filling of creek / backwaters of Mandovi River as alleged.

XXVII. As a matter of fact, Respondent No. 1 categorically states that except for the construction undertaken by the Respondent No.1 based on the permissions granted by the competent authorities as referred to above, the Respondent No.1 has not taken any construction/reconstruction/new-construction and the construction at site is as per the approved plans granted by the competent authority. The so called Cause of action purported to have occurred as stated in the appeal is a illusory cause of action craftily averred by the appellants to get the appeal within the

purview of limitation when as a matter of fact ex-facie record disclosed that said appeal is barred by law of limitation. That the present appeal filed on 13/08/2018 is barred by limitation, as the same is filed after 30 days, i.e beyond the period prescribed u/s 16 of the NGT Act, 2010. Unfortunately, in the present appeal, the Appellants has not filed any separate application for condonation of delay. The contents of para 22 are therefore denied.

36) The Respondent No. 1 specifically states that the entire appeal is nothing but an abuse of process of this Hon'ble Tribunal and is not tenable in law. The appellants are not entitled for any of the relief as sought for in the appeal, much less the interim relief. The structure which has been constructed by the Respondent No.1 is constructed after obtaining necessary permissions and approvals from the competent authorities as such the appellants are not entitled for any interim relief as sought for in the appeal.

Contents of the appeal which are not specifically admitted and which are contrary to what is stated herein above may be taken as specifically denied.

37) In view of the above, the Appellants are not entitled for any of the reliefs sought for in terms of the appeal muchless the interim relief. The Appellants are not entitled for main relief and interim relief as sought for in the

appeal. The provisions of CRZ Regulation is with respect not applicable to the present case and as such the appeal filed by the Appellants is liable to be dismissed with exemplary cost.

Place: Panaji - Goa



Date: 12.12.2020

Respondent No. 1



Adv. for Respondent No. 1

VERIFICATION

I, Smt. Nirmala Prabhakar Sawant, wife of Shri. Prabhakar Narayan Sawant, 74 years of age, married, Indian National, residing at H. No. 1, Tivrem, Marcel, Goa, the Respondent No. 1 above named being conversant with the facts of the case, do hereby on solemn affirmation begs to verify and state that whatever is stated in paragraphs 1, 2, 3, 4(part), 5, 6, 7(part), 8(part), 9(part), 10(part), 11(part), 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36 and 37 are facts true to my own knowledge and whatever stated in paragraphs 4(part),

31 

7(part), 8(part), 9(part), 10(part) and 11(part) are legal submission based on legal advice which I believe to be true.

Solemnly affirmed at Panaji Goa on this 12th day of December 2020.

Sawant
DEPONENT

Identified by

Solemnly affirmed before me by
S. S. Miranda P.
Sawant
Reg. No: *02/1291* Date: *14-12-20*
known / Identified to me by.

Ganesh
GANESH KUBAL
Notary (Govt. of India)
Panaji-Goa. India



AFFIDAVIT

I, Smt. Nirmala Prabhakar Sawant, wife of Shri. Prabhakar Narayan Sawant, 74 years of age, married, Indian National, residing at H. No. 1, Tivrem, Marcel, Goa, the Respondent No. 1 above named being conversant with the facts of the case, do hereby hereby on solemn affirmation state and submit that whatever is stated in paragraphs 1, 2, 3, 4(part), 5, 6, 7(part), 8(part), 9(part), 10(part), 11(part), 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36 and 37 are facts true to my own knowledge and whatever stated in paragraphs 4(part), 7(part), 8(part), 9(part), 10(part) and 11(part) are legal submission based on legal advice which I believe to be true.

Solemnly affirmed at Panaji Goa on this 12th day of December 2020.

M Sawant
DEPONENT

Identified by

Solemnly affirmed before me by
Smt. Nirmala P. Sawant
Reg. No: *03/17972* Date: *14.12.2020*
known / Identified to me by.



GANESH KUBAL
Notary (Govt. of India)
Panaji-Goa, India

From:
 Kashinath Jairam Shetye
 Residence ;102, Raj Excellency
 Ribandar- Goa.
 Dr Ketan Govekar
 Wadji Building St.Inez
 Panjim Goa.
 Mr. Desmond Alvares
 Doxxosir,h.No 470
 Assagao bardez Goa.
SONIA SATERDEKAR
 H. No 605, Bhutki Wada
 Socur Porvorim Goa.

Date: 23-05- 2016.

To,
 The Chief Town Planner
 Putu Raju
 Dempo Tower Panjim Goa
 The Levinson Martin
 The Member Secretary
 Goa Pollution Control Board
 Dempo Towers
 Patto Panjim Goa.
 The Member Secretary
 GCZMA
 Dempo House Panjim Goa
 Dy Collector
 Ponda Goa.
 The Secretary/Sarpanch
 Tivrem Panchyat
 Banastarim Goa.
 Member Secretary
 Bio diversity Board
 Saligao Goa.

23/5/16
 Town & Country Planning Department
 Government of Goa
 Panaji - Goa

Rhalk
23/5/16
 Goa State Pollution Control Board
 EDC, Patto Plaza
 Panaji, Goa - 403 001

Keppal
23/05/16

O/o. Member Secretary
 Goa Coastal Zone Management Authority
 Dempo towers, 3rd Floor,
 Patto Panaji Goa 403001
 Ph : 2438511

Sub: Complaint of CRZ I & III Violations By building new house in CRZ area at tivrem in survey no 28 sub dib 1-C by Nirmala Sawant misuse to be Minister at the relevant time ,manipulated all departments and others without CRZ permissions from GCZMA by cutting mangroves and filling the creek .

Sir, ,

The undersigned most respectfully states and submits as under: -

1. It was brought to the notice that a Complaint of CRZ I & III Violations By building new house in CRZ area at tivrem in survey no 28 sub dib 1-C by Nirmala Sawant misuse to be Minister at the relevant time ,manipulated all departments and others without CRZ permissions from GCZMA by cutting mangroves and filling the creek by cutting mangroves and filling the creek .without permissions and has filed Back waters of the mandovi river,cutting mangroves and has blocked the access and by filling without 17A and 17B permission from TCP which can be seen from google image 2003 and 2015,which is punishable under IPC and which is punishable under *sections 15,16 and 17 of the Environment Protection Act 1986* by the owner and builder of the Property by forging documents *without GSPCB,GCZMA, TCP and panchayats Permissions ..*
2. *Only the local habitat and fisherman are given permission to repair and renovate the structure in CRZ III Zone.This has been misused and a new bunglows and buildings has been built by by above persons .*
3. *Banastarim ,Adcona and Tivrem come under CRZ I &III Zone as per the CZMP Plan which cannot be changed by Goa government nor by GCZMA.*
4. 15. PENALTY FOR CONTRAVENTION OF THE PROVISIONS OF THE ACT AND THE RULES, ORDERS AND DIRECTIONS
 (1) Whoever fails to comply with or contravenes any of the provisions of this Act, or the rules made or orders or directions issued there under, shall, in respect of each such failure or contravention, be punishable with imprisonment for a term which may extend to five years with fine which may extend to one lakh rupees, or with both, and in case the failure or contravention continues, with additional fine which may extend to five thousand rupees for

every day during which such failure or contravention continues after the conviction for the first such failure or contravention.

(2) If the failure or contravention referred to in sub-section (1) continues beyond a period of one year after the date of conviction, the offender shall be punishable with imprisonment for a term which may extend to seven years.

16. OFFENCES BY COMPANIES

(1) Where any offence under this Act has been committed by a company, every person who, at the time the offence was committed, was directly in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation--For the purpose of this section,--

(a) "company" means any body corporate and includes a firm or other association of individuals;

(b) "director", in relation to a firm, means a partner in the firm.

17. OFFENCES BY GOVERNMENT DEPARTMENTS

(1) Where an offence under this Act has been committed by any Department of Government, the Head of the Department shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Provided that nothing contained in this section shall render such Head of the Department liable to any punishment if he proves that the offence was committed without his knowledge or that he exercise all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a Department of Government and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any officer, other than the Head of the Department, such officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

5. *You are therefore called upon to to invoke Sections 15 of Environment protection Act 1986 TCP act other laws applicable at the relevant time and against owner, contractors and others with illegal cutting of mass scaie mangroves and filling of low lying marshy land and others for illegal Gratification v/ho are conspiring with and/or acting in connivance with politicians for illegal benefits/gratification received by them directly or indirectly.*

6. Hence, clearly action under air act water act the GCZMA and the Goa pollution Control Board should Act .

7. It is a well settled law that under Section 154 of the Code of Criminal Procedure, 1973, upon receiving the *information* of a cognizable offence, it is required to be reduced into writing by the Police Officer/SHO/IO/PI receiving the same, and the substance thereof shall be entered in a book to be kept by such officer in such form as the State Government may prescribe in this behalf. As such you are bound by the duty to exercise the jurisdiction vested therein by Section

From:

Kashinath Jairam Shetye

Residence ;102, Raj Excellency

Ribandar- Goa.

Dr Ketan Govekar

Wadji Building St.Inez

Panjim Goa.

Mr. Desmond Alvares

Doxxosir.h.No 470

Assagao bardez Goa.

SONIA SATERDEKAR

H. No 605, Bhutki Wada

Socur Porvorim Goa.

Date: 23-05- 2016.

To,

The Chief Town Planner

Putu Raju

Dempo Tower Panjim Goa

The Levinson Martin

The Member Secretary

Goa Pollution Control Board

Dempo Towers

Patto Panjim Goa.

~~not~~ The Member Secretary

GCZMA

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Dy Collector

Ponda Goa.

The Secretary/Sarpanch

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Banastarim Goa.

Member Secretary

Bio diversity Board

Saligao Goa.

23/5/16
Town & Country Planning Department
Government of Goa
Panaji - Goa

Rhavitc
23/5/16
Goa State Pollution Control Board
E/D/C, Patto Plaza
Panaji, Goa - 403 601

Keep please
23/05/16

O/o. Member Secretary
Goa Coastal Zone Management Authority
Dempo Towers, 3rd Floor,
Patto Panaji Goa 403001
Ph : 2438511

Sub: Complaint of CRZ I & III Violations By building new house in CRZ

area at tivrem in survey no 28 sub dib 1-C by Nirmala Sawant misuse to be Minister at the relevant time ,manipulated all departments and others without CRZ permissions from GCZMA by cutting mangroves and filling the creek .

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every day during which such failure or contravention continues after the conviction for the first such failure or contravention.

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5. *You are therefore called upon to to invoke Sections 15 of Environment protection Act 1986*

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6. Hence, clearly action under air act water act the GCZMA and the Goa pollution Control Board should Act .

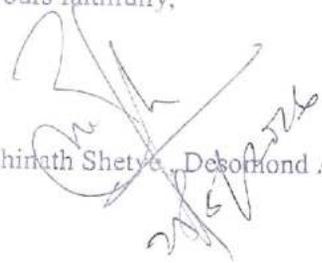
7. It is a well settled law that under Section 154 of the Code of Criminal Procedure, 1973, upon receiving the *information* of a cognizable offence, it is required to be reduced into writing by the Police Officer/SHO/IO/PI receiving the same, and the substance thereof shall be entered in a book to be kept by such officer in such form as the State Government may prescribe in this behalf. As such you are bound by the duty to exercise the jurisdiction vested therein by Section

154(1) of the Code of Criminal Procedure, to register an FIR with regards to my complaint.

8. You are therefore called upon to register an FIR of crimes in respect of all the matters pointed out hereinabove, forthwith and immediately, and to investigate the persons named herein and all those who are responsible for the said offences made out herein, as also for any other offences that your investigation may reveal to have been committed.

Further you are also requested that on receiving this complaint to immediately seize all the documents, inspect the sites and files pertaining to the above said matter as there is every possibility of manipulation of the documents and even destruction of files and other evidences pertaining to the above matter.

Yours faithfully,



Kashinath Shetye, Desai, Alvares, Sonia Saterdekar & Dr Ketan Govekar

GOA COASTAL ZONE MANAGEMENT AUTHORITY

A Department of Science, Technology and Environment (Govt. of Goa)

20th Floor, P. O. Box No. 100, Panaji - Goa-403 001

Phone No. 0832 - 2438511

E-mail: 20-sto.gen@nic.in, ms-gczma.goa@nic.in

Ref. No. GCZMA/2016/208/P. 16/13/27/760

Dated: 20/05/2016

SHOW CAUSE NOTICE ISSUED UNDER SECTION 5 OF THE ENVIRONMENT PROTECTION ACT 1986 READ WITH RULE 4 OF THE ENVIRONMENT PROTECTION RULES, 1986.

WHEREAS, the Goa Coastal Zone Management Authority (hereafter referred as 'the GCZMA', in short) has been constituted by the Ministry of Environment & Forests (MoEF), Government of India pursuant to the directions of the Hon'ble Supreme Court of India to deal, inter alia, with violation of the Coastal Regulation Zone (CRZ) Notification and implementation of the CRZ Notification;

WHEREAS, the Office of the GCZMA is in receipt of a complaint letter dated 23/05/2016 received from Mr. Kashinath Shetve & 3 ors. with regard to alleged illegal construction of a new house within CRZ area and also, cutting of mangroves and filling of creek carried out in the property bearing Sy. No. 28/1-C, at Tivrem, Ponda - Goa by Mrs. Nirmala Sawant. It is further informed that the said construction activity is carried out without obtaining prior permissions / approvals from the concerned authorities. Copy of the said complaint letter dated 23/05/2016 is enclosed herewith as Annexure 'A'.

WHEREAS, upon perusal of the said complaint letter dated 23/05/2016 the following alleged illegal construction resulting in violation of CRZ Notification, 1991 / 2011 was noticed. The details of the alleged violations are indicated below:-

Sr. No.	Name of the Party / Alleged Violator	Location / Survey No. / Village	Type of alleged Construction / Violation	Distance from HTL
1.	Mrs. Nirmala Sawant	Sy. No. 28/1-C, at Tivrem, Ponda - Goa	Illegal construction of a new house by cutting of mangroves and filling of creek / backwaters of Mandovi River, blocking of access at Tivrem, Ponda - Goa	Within CRZ Limits

WHEREAS, as per the CRZ Notification, 2011; the entire belt of 100 mts. from the High Tide Line (HTL) of river and 200mts. from the HTL from the sea is designated as the No Development Zone (NDZ) and hence no construction/development whatsoever are permissible in the said belt;

WHEREAS, all proposed "re-construction/construction/development/repair/renovation" between 200 mts. to 500 mts. of the High Tide Line (HTL) from sea and 100 mts. from the River, and those permissible activities, require the prior approval of this office under the CRZ Notification, 2011.

From : Mrs. Nirmala Sawant,
Tivrem, Ponda, Goa

Date : 8/07/2016

To,
The Member Secretary,
Goa Coastal Zone Management Authority,
c/o Department of Science, Technology and Environment
(Govt. of Goa)
3rd Floor, Dempo Towers, Patto,
Panaji, Goa

Ref : Show Cause Notice dated 20/6/2016 under Ref
No.GCZMA/N/ILLE-COMPL/16-17/27/760

Sub : Show Cause Notice under Section 5 of the Environment
(Protection) Act, 1986 read with Rule 4 of the Environment
(Protection) Rules 1986

Sir,

1. I am in receipt of the above referred Show Cause Notice dated 20/6/2016 issued by you acting on the Complaint filed by Kashinath Jairam Shetye and 3 others alleging therein that there is an illegal constructions of a new house within CRZ area and also cutting of mangrove and filling of creek in property bearing survey No.28/1-C of Village Tivrem. It is further alleged that the said construction activities were carried out without obtaining prior permission. You were kind enough to annex a copy of complaint filed by the said Kashinath Jairam Shetye and others and was further pleased to call upon me to show cause as to why direction to demolish the said

depen
08/07/16
O/o. Member Secretary
Goa Coastal Zone Management Authority
Dempo Towers, 3rd Floor,
Patto Panaji Goa 403001
Ph : 2438511

structure should not be issued and in that context to file reply by 08/07/2016.

2. At the outset, I would like to state that I have not carried out any illegal construction either in property bearing survey No. 28/1-C or any other property. I am the owner of the property bearing survey No. 28/1-C, I having purchased the same in the year vide Deed of Sale 24th April 1987. The said property originally formed part of the larger property bearing survey no.28/1 and after purchase of the said property, a partition came to be effected in respect of the portion purchased by me and accordingly independent survey i.e. survey No. 28/1-C came to be allotted to the said portion. By virtue of the said Sale Deed dated 24th April 1987, I have acquired ownership and possession of the said property since the year 1987 and I possess the same for the last almost 30 years.

The Show Cause Notice issued by you is apparently issued based on the letter and/or complaint filed by Kashinath Jairam Shetye on 23/5/2016. A perusal of the said complaint, in fact makes it very apparent, that except for narrating or transcribing the provisions of law, there are no factual matrix and/or base to support the said complaint and rightly so, as I have not carried out any illegal activities in the said property. The Complainant in para 1 very

vaguely states that I have manipulated Departments and other offices and without CRZ permission have cut mangroves and filled the purported creek and that I have filled backwaters of river Mandovi. Except for this bold and vague statements, there is nothing in the Complaint which would warrant even consideration of the same much less issuance of Show Cause Notice which your office chose to issue.

At the outset, whilst denying the allegations made in the said Complaint that I misused my position as a Minister at the relevant time and that I manipulated all the Departments, I would like to state that the said statement is unwarranted as after purchase of the said property and after obtaining permissions from all the relevant authorities, I have constructed the said structure in the said property and in fact started using the same and residing in the said property since the year 1988 after obtaining Occupancy Certificate from the competent authority. The alleged illegalities which is stated to have been done during 2003 and 2015, at that point of time also, I was neither the Minister in the State Government nor I was an Member of Legislative Assembly. That apart, the alleged illegalities which are stated to have been undertaken by me by constructing the said structure is also as per the own admission of the Complainant is of the time when I was not even MLA of the

constituency. As such, the attributions made to me that I have misused my position as a Minister is incorrect and is unwarranted.

Now, coming to the allegations based on which the Show Cause Notice came to be issued by you. I would beg to state and submit as under :

3. At the outset, I would state that the property bearing survey No.28/1-C does not fall within the purview of CRZ regulations inasmuch as the said survey number No.28/1-C is approximately about 400 mts away from Banastarim river. The property bearing survey No.28/1-C is at a height of about 6 mts. from ground level and surrounded by landed properties i.e. on the East by the balance property bearing survey 28/1 of Village Tivrem; on the West by public road; on the North by balance property bearing survey 28/1 of Village Tivrem; on the South by property bearing survey No.30/1 of Village Tivrem. A copy of the Form I and XIV of the said properties are enclosed herewith. There is no water body having tidal influence which would warrant compliance of CRZ Regulations. The river where there is tidal effect is at a distance of about 400 mts. from the property survey no.28/1-C. In the Show Cause Notice apparently acting on the complaint filed by said Kashinath Jairam

Shetye, you have stated that the said structure falls within CRZ limits, however as a matter of fact, the said property bearing survey no.28/1-C as stated above, does not fall within CRZ limits and is not subject to CRZ Regulations as the same is about 400 mts. away from Banastarim river. However, inspite of the said fact and to put the records straight, so that your office can ascertain the necessary facts, I would like to submit that somewhere in the year 2012, as I intended to do extension to the existing structure, I applied for permissions from the Town and Country Planning Department and Village Panchayat of Tivrem, Orgao. The Town and Country Planning Department Dept after visiting the site and conducting site inspection granted Technical Clearance for extension of the said structure vide technical clearance dated 13/06/12. Accordingly, the Village Panchayat Orgaon also after resolving to grant the construction licence issued construction licnece to me vide construction licence No. VPTO/CL/12-13/11/1621 upon payment of necessary licence fees which came to be duly paid in the year 2012. After obtaining the said permissions and in compliance with the approved plans, approved by the competent authorities, I undertook the extension work and in fact completed the extension of the said structure as desired and in accordance with the approved plan in the year 2012 or thereabout, and after completing the said structure as per the approved plan necessary Occupancy Certificate also came to

be obtained. The said Occupancy Certificate came to be issued based on the Completion Order issued by the Town and Country Planning Department which was issued on verification after conducting inspection at site that the structure which has been extended has been constructed by me in accordance with the approved plans and consequently Village Panchayat of Tivrem Orgao issued me Occupancy Certificate. It is also pertinent to note that except for the approval sought for by me, I have not constructed anything beyond the approved plans and the structure at site as it exists today, is in consonance with the plans approved by the competent authorities. It is rather wrong to say that the said structures are illegal. I am producing herewith the copies of the permission granted in the year 1988 as well as the permissions granted for undertaking extension of the said structure which are issued by the competent authorities, which would certify the fact that the said structure has been constructed as per the approved plans. The so called google map which is furnished to me is illegible and I could not apprehend as to in what context the said map is sought to be produced. It may be also pertinent to point out that as the said property was and is not falling within the limits of CRZ, there was no occasion for me to apply for any permission from CRZ Authority, which if required, and if the said property had falling within the limits of CRZ, I would have certainly applied. It is well

within your knowledge that the private properties which are duly surveyed and recorded in the survey records by no stretch of imagination would be part of any water bodies or any water front or back water or creek which would have any tidal influence.. The CRZ Regulations are very clear and unambiguous and the applicability of CRZ Regulations is also clearly laid down in the said Regulations. In any event, I reiterate and state that I have not constructed any illegal structures in violation of CRZ Regulations as my property is not subject to any CRZ limits. However, inspite of this Reply, if any further clarifications are required from my side, I shall be available to render the same so that the entire issue can be sorted out without any misunderstandings.

Thanking you.

Yours faithfully


(Nirmala Sawant)

Enclosed as above.

Office of the Village Panchayat

Tivrem-Orgaon

Construction Licence No. 10/12/88/19/657

Smt./Smt./Kam. Nirmala P. Sawant

From Word Tivrem-Orgaon is hereby granted licence for the

Proposed construction of a Bungalow of ground and first floor at
Shety Bhatt under survey no. 28 at Suwarwada-
Tivrem and compound wall with septic tank

in terms of the resolution No. 47(C) taken in the Panchayat meeting dated 16-11-87

as per the plans in triplicate/duplicate attached to his/her application under inward No. H-8-8/430 Plans - dated 13-8-87 one copy of the plans concerned, with the approval note carrying the embossed seal of this Panchayat and duly signed, is returned to the interested party, who shall comply with the following conditions :

- 1) To limit himself/herself to the Plans approved and statement therein
- 2) The construction shall be as per plan approved by this Village Panchayat and condition imposed on it,
- 3) To inform the Panchayat when the construction has been completed upto Plinth level.
- 4) To inform the Panchayat as soon as the construction is completed.
- 5) Not to inhabit the building without the prior permission of this Panchayat.
- 6) To abide by other related provision in force.
- 7) That the building or construction is carried out as per the allignmens given and the Plinth level fixed by the Panchayat.
- 8) The construction licence shall be revoked:
 - a) if the construction work is not executed as per the plans approved and statement therein;
 - b) wherever there is any false statement or any misrepresentation of any material passed, approved shown in the application on which the permit was based.

9) that the soak pit of the septic tank is placed at a distance of 90 mts. away from any drinking water well.

10) the court shall be carried out strictly as per approved plan.

11) the soak pit shall be located to a distance of not less than 200m. for the nearest well.

12) the Bungalow shall not be occupied before obtaining occupancy certificate

13) the compound wall in portion which is proposed to be constructed along the road side shall be constructed keeping a distance of 6.00m. from the center of the devaloped road and shall be constructed on temporary basis and shall be demolished by the owner when the matter is served to them without any compensation for the same.

The licence shall be valid for a period of ONE TWO / THREE year/s beginning from the day He has paid the respective tax/fees to the tune of Rs. 2205 = 00

by Receipt No. 192/94 dated 14-12-87

This carries embossed seal of this Panchayat
Office of the Village Panchayat Tivrem-Orgaon

14th December
1987

[Signature]
Secretary
VILLAGE PANCHAYAT TIVREM-ORGAON



[Signature]
Sarpanch
VILLAGE PANCHAYAT TIVREM-ORGAON

Sub-Divisional Officer,
Ponda Sub-Division, Panaji.

Dt. 28-9-87

Government of Goa, Daman and Diu
OFFICE OF THE

Read: Application under Sub-section (1) of Section 32 of Goa, Daman & Diu Land Revenue Code, 1968. Dated:

SANAD
SCHEDULE-II

[See Rule 7 of the Goa, Daman and Diu Land Revenue (Conversion of use of land and non-agricultural Assessment) Rules, 1969].

Whereas an application has been made to the Collector of Goa (hereinafter referred to as "the Collector" which expression shall include any Officer whom the Collector shall appoint to exercise and perform his powers and duties under this grant) under Section 32 of the Goa, Daman and Diu Land Revenue Code, 1968 (hereinafter referred to as "the said Code" which expression shall, where the context so admits include the rules and orders thereunder) by Shri/Smt. Premanand Anand..... Kholkar r/o Chimalwada-Marvela, Ponda Goa,

... being the occupant of the plot registered under known as "....." situated at Tivrem, Ponda registered under No. Sy.No.28-0 (hereinafter referred to as "the applicant" which expression shall, where the context so admits include his/her heirs, executors, administrators and assigns) for the permission to use the plots of land (hereinafter referred to as the "said plot" described in the Appendix I hereto, forming a part of Survey No.28-0 of village Tivrem Taluka Ponda

admeasuring 500.00 square metres be the same a little more or less for the purpose of residential use

Now, this is to certify that the permission to use for the said plots is hereby granted, subject to the provisions of the said Code, and rules thereunder, and on the following conditions, namely:—

1. *Levelling 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 insanitary 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 sanad.
3. *Use*—The applicant shall not use the said land and building erected or to be erected thereon for any purpose other than residential/~~Industrial/Any other non-agricultural~~ purpose, without the previous sanction of the Collector.
4. *Building time limit*—The applicant shall within one year from the date hereof, commence on the said plot construction of building of a substantial and permanent description, failing which unless the said period is extended by the Collector from time to time, the permission granted shall be deemed to have lapsed.
5. *Liability for rates*—The applicant shall pay all taxes, rates and cesses leviable on the said land.
6. *Penalty clause*—(a) if the applicant contravenes any of the foregoing conditions the Collector may, without prejudice to any other penalty to which the applicant may be liable under 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 specified in that behalf by the Collector, and on 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

North to South	East to West	Total Superficial Area	Forming (part of) Survey No. or Hissa No.	North, South, East and West
1	2	3	4	5
25.00	20.00	500 m2	Survey No. 28/0 of village Tivrem Taluka Ponda.	Survey No. 28 28 28 28



In witness whereof the Dy. Collector (S.D.O.) Ponda Sub-Division has hereunto set his hand and the seal of his Office on behalf of the Administrator of Goa, Daman and Diu and the applicant Premanand Anand Kholkar here also hereunto set his hand this 28th day of September 1987.

[Signature]
 (Signature of the applicant)

OFFICE OF THE DEPUTY COLLECTOR
 (G. V. P. Dessai)
 Dy. Collector, Sub-Divisional Officer, Ponda Sub-Division
 Panaji-Goa

Signature and designation of Witnesses
 1. *[Signature]* (C.R. Trishit)
 2. *[Signature]* (Shri. Montine)

Signature and designation of Witnesses
 1.
 2.
 We declare that Shri/Smt. who has signed this Sanad is, to our personal knowledge, the person he/she represents himself to be, and that he/she has affixed his/her signature hereto in our presence.

1. *[Signature]*
 2. *[Signature]*
 Attested

PLAN

OF THE PLOT BEARING SURVEY NO 28 (PART)
SITUATED AT TIVREM VILLAGE POND TALUKA
APPLIED BY SHRI. PREMANAND ANAND
KHOLKAR FOR CONVERSION OF USE OF LAND
FROM AGRICULTURAL INTO NON AGRICULTURAL
PURPOSE.

SCALE 1: 1000



AREA TO BE CONVERTED 500 sq. mts



DEPUTY COLLECTOR
Ponda Sub-Division,
BANAJI

G. V. P. Desai
28/9/87

I. S. R.



R O A D

SURVEY NO 28



S. NO 30

CHECKED BY

A. R. W. Waiter
TRACED BY

SURVEYED BY A. R. W. Waiter.
F.S.

FILE NO 8/484/87-65



No. VPTO/ OC 188-89/348

13

Office of the Village Panchayat

TIVREM-ORGAO P. O. MARCEL, 403 107

TALUKA PONDA-GOIA

Date 21-7-88

Occupancy Certificate

Whereas Smt. Nirmala P. Sawant resident of Loma-Marela was licensed to construct a residential bungalow of ground and first floor at Luwarwada-Sivrem vide this Panchayat licence No. VPTO/CH/87-88/19/657, dated 14-12-87.

And whereas Smt. Nirmala P. Sawant has intimated this Panchayat at all stages of intimation and complied ~~various~~ conditions imposed by this Panchayat.

And whereas the bungalow of ground floor has been duly completed to the satisfaction of Technical officer as intimated to this Panchayat vide his letter No. PWO/SO/1W0XVIII/F-20/94/87-88, dated 17-9-87.

Smt. Nirmala P. Sawant is given the Occupancy certificate provided the house is duly assessed for the various taxes to be paid to this Panchayat.



SANPANCH
VILLAGE PANCHAYAT TIVREM-ORGAO

Ref. No. TPP/cons/tiv-org/28/97
Town & Country Planning Deptt.,

Taluka Office,
Govt. Bldg. Ponda - Goa.

Dr. G. H. 197

To,
The Sarpanch,
Office of the village panchayat,
Tivra - Orgao,
Ponda - Goa.

Sub :- Application of sh////emt. Shri. P. P.

Sanct for Addition/

Alteration of residential bungalow
on survey No. _____

25/0 plot No. _____

of Village Tivra Ponda Goa.

Ref :- Your letter no. APP/28-97/10360 dated
20/12/96.

Sir,

With reference to the above mentioned subject, this is to inform you that there is no objection over the proposed construction of Addition/Alteration to the Existing Bungalow building from the planning point of view on following conditions :-

1. The permission is recommended as per the plans hereby annexed.
2. The Permission is liable to be revoked if it is based on false information wrong plans/calculations/documents or any other accompaniments of the application are found to be incorrect or wrong at any stage.
3. Any change to be effected to the approved plans prior permission has to be obtained.
4. There should not be any drinking water well within 15 mts. of septic tank.
5. The Coverage F.S.R. and setbacks should be maintained as per approved plans.
6. The building shall have slopy roof style with Mangalore tiles.
7. If electric line is passing through the plot, N.O.C. from electricity Department should be obtained.
8. No trees should be cut without prior permission of the competent authority.
9. The building should be used only for the purpose for which the permission is granted.

P.T.O.

- 10. Licence for construction permission shall be issued by Panchayat only after the applicant submit valid conversion sanad to the Panchayat regarding use of land as contemplated under Goa, Daman Diu Land Revenue Code, 1968.
- 11. Ownership of the land shall be verified by the Panchayat before issue for construction licence.
- 12. Licence for construction should be issued after obtaining approval for the structural drawing from the Assistant Engineer, S.D. III, S.D. XVI (Central) P.W.D. Ponda.
- 13. Occupancy certificate shall be issued only after obtaining certificate to this effect from this office.
- 14. The plan approved by this Dept. vide our letter no. TTP/Const/eng/20/64/111 dated 16/1/68 is treated as cancelled on account of this fresh approval.

Yours faithfully

 (JAMES MATHEW)
 Dy. Town Planner.

Encl :- AS above.

Copy to :-
 The Assistant Engineer,
 S.D. III, S.D. XVI (Central)
 Ponda, P.W.D.

Applicant

TK/-

Office of the Village Panchayat

Tivrem-Orgeo

Construction Licence No. VITQCL/97-98/13/844

Shri/Smt./Kum. Nirmala Sawant
From Tivrem Ward Guwarwada is hereby granted licence for the
construction of addition/alteration of residential bungalow on Survey
No 28/0 of Village Tivrem, Tal. Ponda. -659.

in terms of the resolution No. 30/3 taken in the Panchayat meeting
dated 18-9-97 as per the plans in triplicate/duplicate attached to ~~his~~
application under inward No. Plans dated 6-9-97 one copy
of the plant concerned, with the approval note carrying the embossed seal of this Panchayat and
duly signed, is returned to the interested party, who shall, comply with the following conditions :

- 1) To limit himself/herself to the Plans approved and statement therein
- 2) The construction shall be as per plan approved by this Village Panchayat and condition imposed on it.
- 3) To inform the Panchayat when the construction has been completed upto Plinth level
- 4) To inform the Panchayat as soon as the construction is completed.
- 5) Not to inhabit the building without the prior permission of this Panchayat.
- 6) To abide by other related provision in force.
- 7) That the building or construction is carried out as per the alignments given and the Plinth level fixed by the Panchayat.
- 8) The construction licence shall be revoked:
 - a) if the construction work is not executed as per the plans approved and statement therein
 - b) wherever there is any false statement or any misrepresentation of any material passed, approved shown in the application on which the permit was based
- 9) To Comply the Conditions imposed by Town & Country Planning Dept. Ponda vide his letter No. TPP/Const-Tiv.Orgeo/28/97/11 dated 6-1-97, by Health Officer, Betki Panch. Health Centre, Betki, vide his letter No. PHCE/12-97-98/113 dt-28-4-97, by PWD, vide letter No. PWD/SDM/Div. XVI (Bc)/323/97-98 July, 97 and by Asst. Eng. Elect. Ponda vide his certificate No. AEE/ORM/T 31/97-98/3789 dt-3-3-97.
- 10) The applicant shall carry work of the structure as per the plan approved by the above authorities strictly with

The licence shall be valid for a period of ~~ONE TWO~~ THREE years beginning from today. He has paid the respective tax/fees to the tune of Rs. 1650 = 00
By Receipt No. 332/28 dated 24-11-97

This carries embossed seal of this Panchayat
Office of the Village Panchayat, Tivrem Orgeo
24/11/1997

SECRETARY,
V. P. TIVREM, ORGEO.

Sarpanch

IN THE COURT OF THE DEPUTY COLLECTOR & SUB DIVISION OFFICER,
PONDA SUB DIVISION, PONDA GOA.

Case.No. PON/LRC/PART/45/2008/1408

Smt. Nirjala P. Sawant

..... Applicant

V/s

Shri Anand S. Kholkar & others

..... Respondents

ORDER

Whereas, the above applicants have made an application to this court under section 61 of Land Revenue Code 1968 and rules made there under for the partition of holding surveyed under survey No.28/0 of village Tivrem Taluka Ponda for the separation of their share admeasuring an area of 4060 sq.mts.

AND WHEREAS formal enquiries was conducted in the matter by issuing notices to the concerned parties and also publication of proclamation as required under Rule 3(1)(20) of the Goa Daman & Diu Land Revenue (Partition of holdings Rules 1969).

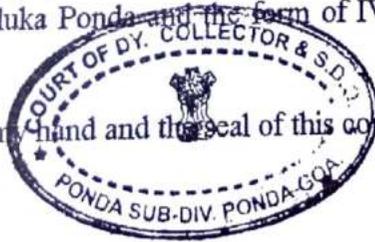
AND WHEREAS no objection were received from the other co-holders or persons, if any interested therein.

AND WHEREAS the proceeding were carried out ex-parte in terms of section 175(2) of Goa Daman & Diu Land Revenue Code 1968.

NOW THEREFORE, I Jayant G. Tari, Dy. Collector & S.D.O, Sub-Division, Ponda in pursuance of Rule 5 of aforesaid rule hereby order that the Inspector of Settlement and Land records, Panaji/Enquiry Officer, City Survey, Panaji shall carry out the partition of holding surveyed under survey No.28/0 by separating portion shown in the site plan furnished by the applicant. Also they are directed to show in the new sub-division, so created by separating the said portion, any houses existing therein or rights of any other nature, as per existing Records of Rights.

The copy of the plan showing therein the partition of the plot made of survey No.28/0 of village Tivrem Taluka Ponda and the form of IV shall be sent to this court for confirmation of partition.

Given under my hand and the seal of this court, on this day of 7th of Jul, 2008.



(Jayant G. Tari)

Deputy Collector & S.D.O.,
Ponda Sub Division, Ponda Goa.

To,

1. The Inspector of Settlement & Land Records, Panaji/Enquiry Officer, City Survey for necessary action.
2. Copy to the applicant they may contact the Inspector of Settlement & Land Records for pursuing the matter.

APPENDIX-C2
Technical Clearance Order from TCP Dept.

Office of the Town Planner,
Town & Country Planning Department,
Ponda Taluka Office,
Ponda Goa.

Ref No: TPP/const/Tiv-org/28/1/12/379

Dated: 13/06/12

TECHNICAL CLEARANCE ORDER
Technical Clearance granted for carrying out the

(a) Construction of Addition & Alteration to Existing House.

As per the enclosed approved plans in the property zones as Settlement in Regional plan 2001 and situated at Tivrem Village/Town bearing Survey No. 28/1 of plot No.3 of approved sub-division reference No 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, plan calculations, documents and other accompaniments of the application are found incorrect or wrong at any stage the grant of the permission and the applicant will not be entitled for any compensation.
3. The permission shall be revoked if found expedient to such an action under the provision of Section 50 of The Goa Town and Country Planning Act, 1974.
4. The Development permission will not entitle the applicant for making/laying any claim on water and any other connection from the Government of Goa.
5. The Developers/applicant should display a sign board of minimum size 1.00mts X 0.50 mts with writing in black color on a white background at the site, as required under the regulations.
6. The commencement and the completion of the work shall be notified to the authority in writing in appropriate forms.
7. Completion Certificate has to be obtained from this Authority before applying for occupancy certificate from the licensing authority.
8. Storm water drain should be constructed along the boundary of the effected plot abutting to the road.
9. Adequate utility space for the dustbin, transformer etc, should be reserved within the plot area. In case of any cutting of sloppy land or filling of low-lying land, prior permission of the Chief Town Planner shall be obtained before the commencement of the works as per the provisions of section 17(A) of The Goa Town and Country Planning Act, 1974.

10. This N.O.C is subject to the obtaining separate survey plan and form 1 & XIV for the said plot after following due procedure.
11. The ownership of the property, tenancy as on 02/11/1990 and thereafter and the traditional access, if any, passing through the property shall be verified by the Village Panchayat Office before issue of construction licence.
12. The Village Panchayat shall not issue any trade licence in the stilt floor/garage and shall be strictly used for parking of Vehicles only.
13. All the set backs shown in the approved site plan has to be strictly maintained.
14. No completion order in appendix-C6 shall be issued if the construction is carried out in violation in the approved plan.
15. Stilt parking and garage shall be strictly used for the purpose of parking of Vehicle only.
16. Shops shall be strictly used for the soft commercial purpose only.
17. Adequate arrangement shall be made for the collection of garbage and its safe disposal at the satisfaction of the Village Panchayat.
18. As per circular No. 29/8/Tech-Gen/2011/Vol.II/4808 dt. 25/11/2011. All permission granted during the period of facilitation process shall be subject to review/revocation if found inconsistent with the criteria.
19. This NOC is issued after obtaining concurrence from Chief Town Planner Vide note no. TPP/Const/Tiv-Org/28/12/349 dtd. 6/6/2012.

Applicant has paid the infrastructure tax for an amount of Rs 39,591 vide Challan No 810/12 dt 4/4/2012 towards the construction of Addition & Alteration of Existing House.

THIS ORDER IS ISSUED WITH REFERENCE TO THE APPLICATION DATED 08/2/2012 FROM Smt. Nirmaia P. Sawant.

THIS ORDER IS VALID FOR THREE YEARS FROM THE DATE OF ISSUE.

(A.A. Deshpande)
13/6/12
(A.A. Deshpande)
Dy. Town Planner

To,
Smt. Nirmaia Sawant,
H.No. 67/1/1 Zuparwada,
Tivrem-Orgao, Ponda-Goa.

Copy to:
The Sarpanch of Village Panchayat Tivrem -Orgao, Ponda-Goa.



OFFICE OF THE VILLAGE PANCHAYAT TIVREM-ORGAO

Construction Licence VPTO/CL/12-13/11/1621

Smt. Nirmala Sawant From Tivrem Marcela Goa is hereby granted licence for the Construction of Addition & Alteration to existing house in Sy. No. 28/1 plot No. 3 of Village Tivrem Taluka Ponda Goa. In terms of the resolution No. 08 taken in the Panchayat meeting dated 11/01/2013 as per the plans in triplicate/duplicate attached to his /her application under inward No.516 dated 25/06/2012 on copy of the plans concerned with the approval note carrying the embossed seal of this Panchayat and duly signed, is returned to the interested part, who shall comply the following condition:

- 1) To limit himself to the plans approved and statement therein.
- 2) The construction shall be as per approved by this Panchayat and conditions Imposed on it.
- 3) To inform the Panchayat after excavation and before laying or plinth Foundation.
- 4) To inform the Panchayat when the construction has been completed upto Plinth level.
- 5) To inform the Panchayat as soon as the construction is completed.
- 6) Not to in habit the building without the prior permission of this Panchayat.
- 7) To abide by the other relation provision in force.
- 8) That building or construction is carried out as per the allignment given the Plinth level fixed by the Panchayat.
- 9) The construction licence shall be revoked.
 - a) If the construction work is not executed as per the plans approved and statement therein:
 - b) Whenever there is any false statement or any misrepresentation of any material approved or shown in the application on which the permit was passed.
 - c) Garbage dispose properly.
- 10) The conditions imposed by the Town Planner, Ponda vide Letter No.
 - i) TPP/CONST/TIV-ORG/28/1/12/379 dtd.13/06/2012. shall be strictly followed
- 11) The labourers engaged for the construction shall possess health card failing Which each labouerer shall be penalisedd with a fine of Rs.1000/- at the first Instance and Rs.50/- daily as per the Goa Public Health Act 1985.
- 12) Health NOC should be submit before applying occupancy certificate.

The licence shall be valid for a period of ONE/TWO/THREE years beginning from today. He/her had paid the respective tax/fees to the tune of Rs.16790/- by Receipt No.675/82

Dated:-/6/01/2013

This carries the embossed seal of this Panchayat
Office of the Village Panchayat of Tivrem-Orgao

16th January 2013

SECRETARY
V.P. TIVTREM-ORGAO

FORM I & XIV

नमुना नं. १ व १४

Page 1 of 1

Date: 29/1/2009

Taluka Ponda
जिल्हा तालुका

Village Tivrem
गाव

Name of the Field Sheti Bhat and Pyari Bhat
हेताचे नाव

Survey No. 28
सर्व्हे नंबर

Sub Div. No. 1-C
हिल्ला नंबर

Tenure
साला प्रकार

Cultivable Area (Ha.Ars.Sq.Mtrs)

लागण क्षेत्र (हे.आर.चौ.मी)

Dry Crop जिरायत	Garden बागायत	Rice तरी	Khajan खाजण	Ker कर	Morad मोरड	Total Cultivable Area एकूण लागण क्षेत्र
0000.00.00	0000.38.15	0000.00.00	0000.00.00	0000.00.00	0000.00.00	0000.38.15

Un-cultivable Area (Ha.Ars.Sq.Mtrs) नापिक क्षेत्र (हे.आर.चौ.मी)

Pot-Kharab पोट खराब

Class (a) वर्ग (अ)	Class (b) वर्ग (ब)	Total Un-Cultivable एकूण नापिक जमीन	Grand Total एकूण	Remarks शेरा
0000.00.00	0000.00.00	0000.00.00	0000.38.15	

Assessment : आकार	Rs. 0.00	Foro फोर	Rs. 0.00	Predial प्रदियाल	Rs. 0.00	Rent रेट	Rs. 0.00

S.No.	Name of the Occupant कवजेदाराचे नाव	Khata No. खाले नंबर	Mutation No. फेरकार नं.	Remarks शेरा
1	Nirmala Prabhakar Sawant		16201	

S.No.	Name of the Tenant कुलाचे नाव	Khata No. खाले नंबर	Mutation No. फेरकार नं.	Remarks शेरा
1	NIL			

Other Rights - इतर हक्क	Mutation No. फेरकार नं.	Remarks शेरा
Name of Person holding rights and nature of rights: इतर हक्क धारण करणा-याचे नाव व हक्काचा प्रकार ***** NIL *****		

Details of Cropped Area पिकाखालील क्षेत्राचा तपशील

Year वर्ष	Name of the Cultivator लागण करणा-याचे नाव	Mode रीत	Season मौसम	Name of Crop पिकाचे नाव	Irrigated बागायत	Unirrigated जिरायत	Land not Available for cultivation नणिक जमीन		Source of irrigation सिंचनाचा प्रकार	Remarks शेरा
					Ha.Ars.Sq.Mts हे.आर.चौ.मी	Ha.Ars.Sq.Mts हे.आर.चौ.मी	Nature प्रकार	Area हे.आर.चौ.मी		

End of Report

For any further enquiry, please contact the Mamlatdar of the concerned Tahuka

Copy applied on... 29/01/09

Copy ready on... 29/01/09

Copy delivered on... 20/01/09

Received by... Twenty only

as per this... No. 107/21/09

29/01/09



Mamlatdar of
Ponda - G.

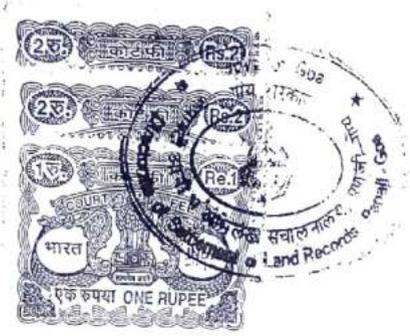


GOVERNMENT OF GOA
Directorate of Settlement and Land Records
PANAJI - GOA

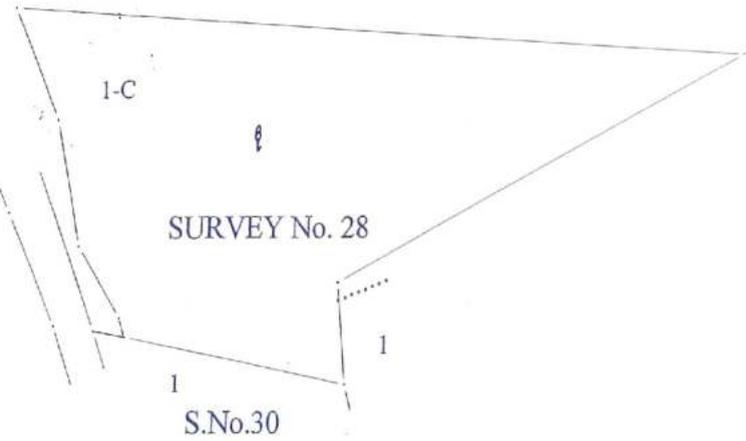
Inward No: 6108



Plan Showing plots situated at
Village : TIVREM
Taluka : PONDA
Survey No./Subdivision No. : 28/ 1-C
Scale : 1 :1000



P. P. Banikar
SHRI PANKAJ P. BANDEKAR
Inspector of Survey &
Land Records.



Generated By: *Ajay Sawant* (D'Man Gr.III)
On : 01-07-2016

Damodar C. Dabholkar
01/06/16
Compared By: Damodar C. Dabholkar (D'Man Gr.I)



FORM I & XIV

नसुता नं १ व १४

Date : 01/07/2016

Taluka PONDA

Page 1 of 1

तालुका
Village Tivrem

Survey No. 30

सर्वे नंबर

गांव
Name of the Field

Sub Div. No. 1

हिस्सा नंबर

शेताचें नांव

Tenure

सत्ता प्रकार

Cultivable Area (Ha.Ars.Sq.Mtrs) लागण क्षेत्र (हे. आर. चौ. मी.)

Dry Crop जिरायत	Garden बागायत	Rice तरी	Khajan खाजन	Ker केर	Morad मोरड	Total Cultivable Area एकूण लागण क्षेत्र
0000.00.00	0000.00.00	0000.00.00	0000.00.00	0000.00.00	0000.00.00	0000.00.00

Un-cultivable Area (Ha.Ars.Sq.Mtrs) नापिक क्षेत्र (हे. आर. चौ. मी.)

Class (a) वर्ग (अ)	Class (b) वर्ग (ब)	Total Un-Cultivable Area एकूण नापिक जामीन	Grand Total एकूण	Remarks शेरा
0000.00.00	0004.09.25	0004.09.25	0004.09.25	

Assessment : आकार	Rs. 0.00	Foro फोर	Rs. 0.00	Predial प्रेदियाल	Rs. 0.00	Rent रेंट	Rs. 0.00
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S.No.	Name of the Occupant कब्जेदाराचे नांव	Khata No. खाते नंबर	Mutation No. फेरफार नं	Remarks शेरा
1	Comunidade		15	
2	Govt. of Goa, Executive Engineer, Work Division III (PHE) P.W.D.		437	

S.No.	Name of the Tenant कुळाचे नांव	Khata No. खाते नंबर	Mutation No. फेरफार नं	Remarks शेरा
1	-----Nil-----			

Other Rights इतर हक्क	Mutation No. फेरफार नं	Remarks शेरा
Name of Person holding rights and nature of rights: इतर हक्क धारण करणा-याचे नांव व हक्क प्रकार -----Nil-----		

Details of Cropped Area पिकाखालील क्षेत्राचा तापशील

Year वर्ष	Name of the Cultivator लागण करणा-याचे नांव	Mode रीत	Season मौसम	Name of Crop पिकाचे नांव	Irrigated बागायत Ha.Ars.Sq.Mts हे. आर. चौ. मी.	Unirrigated जिरायत Ha.Ars.Sq.Mts हे. आर. चौ. मी.	Land not Available for cultivation नापिक जमीन Nature प्रकार	Area क्षेत्र Ha.Ars.Sq.Mts हे. आर. चौ. मी.	Source of irrigation सिंचनाचा प्रारि	Remarks शेरा
	-----Nil-----									

End of Report

For any further inquires, please contact the Mamlatdar of the concerned Taluka.

OFFICE IN CHARGE
LAND RECORDS
VIDE GOVERNMENT ORDER
26/1/2001 RD (7376)
dated: 22/10/2001
Ethinx Inform Private Limited
Date of Issue
Place Panaji - Goa

ANNEXURE "G" 127

GOA COASTAL ZONE MANAGEMENT AUTHORITY

C/o Department of Science, Technology and Environment (Govt. of Goa)

1st floor, Pt. Deendayal Upadhyay Bhavan, Pundalik Nagar, Alto,

Porvorim, Bardez- Goa-403 521

email:dir-ste.goa@nic.in, goacoastalzone@gmail.com

Ref. No. GCZMA/N/ILLE-COMPL/16-17/27/608

Date: 11/07/2018

MOST URGENT
NGT MATTER

ORDER

Sub: Order to discharge the show cause notice issued to Mrs. Nirmala Sawant.

- Ref.:** (1) Complaint dated 23/05/2016 filed by Mr. Kashinath Shetye & others.
(2) Show Cause Notice dated 20/06/2016 issued to Mrs. Nirmala Sawant.
(3) Application bearing No. 173/2017 filed by Mr. Kashinath Shetye before Hon'ble NGT(WZ), Pune.
(4) Site Inspection report by Expert member dated 22/01/2018
(5) 177th GCZMA meeting held on 26/06/2018.

WHEREAS, the Office of the Goa Coastal Zone Management Authority (hereinafter referred as the GCZMA, in short) was in receipt of a complaint dated 23/05/2016 from Mr. Kashinath Shetye, r/o 102, Raj excellency, Ribandar, Goa., Dr. Ketan Govekar, St.Inez., Panaji, Goa. Mr. Desmond Alvares, Doxxosir, Assagao, Goa and Ms Sonia Saterdekar, Sucur, Porvorim, Goa with regard to alleged illegal construction of a new house within CRZ area and also cutting of mangroves and filling of creek carried out in the property bearing sy.no. 28/1-C at Tivrem, Ponda, Goa by Mrs. Nirmala Sawant, without obtaining prior permissions/approvals from the concerned authorities.

AND WHEREAS, upon receipt of the complaint letter show cause notice cum Stop Work Order dated 20/06/2016 bearing no. GCZMA/N/ILLE-Compl/16-17/27/760 issued to Mrs. Nirmala Sawant as referred above at Sr. No. (2). subsequently, a reply dated 08/07/2016 and 12/12/2017 have been received from Mrs. Nirmala Sawant.

AND WHEREAS, an application as referred above at Sr.No. (3) has been filed by Mr. Kashinath Shetye, before the Hon'ble NGT, Pune challenging the alleged illegal construction of new house by cutting of mangroves and filling of creek/backwaters of Mandovi River, blocking of access at Tivrem, Ponda Goa.

AND WHEREAS, vide Order dated 24/11/2017 the said matter is disposed off by Hon'ble NGT, Pune directing the complainant and the respondent to appear before

GCZMA on 12/12/2017 with all the relevant material in support of their respective cases and shall take decision in accordance with law within 2 months. However Authority postponed its meeting to 27/12/2017 due to Winter Legal Assembly session.

AND WHEREAS, The said matter was placed during 166th GCZMA meeting held on 27/12/2017 wherein the Authority noted that an inspection has not been carried out. And hence, decided to carry out a joint inspection and survey along with the surveyor of DSLR. Further the Authority decided to hear the matter on 09/01/2018 however, the complainant Shri. Kashinath Shetye was not in a position to attend the hearing on 09/01/2018 as he had a matter in Hon'ble NGT. Hence, the Authority has decided to hear the matter on 23/01/2018. The respondent also agreed for the same.

AND WHEREAS, in terms of decision taken in 166th GCZMA meeting held on 27/12/2017 site was inspected by the Expert Members of the GCZMA on 22/01/2018. The inspection report submitted by the Expert Members contains various observations as under: *"The house constructed is on the elevated land /plot on the hillock and is towards the eastern side of the main Banastarim-Marcel road. The large water body existing towards the southern side of the plot is a Khazan field and is beyond the main Banastarim-Marcel road and the sluice gate. This water body beyond the sluice gate is not having any tidal effect. The width of the tidally influenced Creek lying towards the western side of the plot is 6m and the NDZ applicable is only 6m from the bank of the Creek. The protection wall of the plot towards the western side facing the main road is 18m away from the edge of the Creek. So, this 18m distance overlaps the 6m of NDZ due to the Creek."*

A Copy of the site inspection report submitted by Expert Member dated 22/01/2018 is enclosed herewith as Annexure 'A'.

AND WHEREAS, the matter was placed for personal hearing on 23/01/2018 however the meeting was rescheduled to 09/02/2018. On the 09/02/2018 the meeting was adjourned due to unavailability of Chairman GCZMA due ensuing work of Budget Session for the State of Goa. The matter was also placed in the 170th GCZMA meeting held on 27/03/2018.

AND WHEREAS The said matter was placed for hearing during 170th GCZMA meeting held on 27/03/2018 wherein the Authority heard both the parties and decided to issue necessary documents like site inspection report and other relevant documents to both the parties and further decided to take up the matter in its next meeting.

AND WHEREAS the said matter was placed for hearing during 176th GCZMA meeting held on 22/06/2018 wherein the respondent sought adjournment in the matter. Authority after detailed discussion and deliberation decided to place the matter for personal hearing on 26/06/2018.

AND WHEREAS, the matter was placed in the 177th GCZMA meeting held on 26/06/2018 wherein the personal hearing where held conclusively. The proceedings held in the 177th GCZMA meeting held on 26/06/2018 can be seen as under- "*Complainant Mr. Kashinath Shetye was present in person to defend his matter. Advocate Somnath Karpe alongwith Tirodkar to defend Nirmla Sawant (respondent). The complainant submitted that the inspection report submitted by expert member of GCZMA were not given relevant documents and information about existence of Khazan land. Khazan lands are not mapped however the same is underway. Further the complainant referred to relevant provisions pertaining to CRZ area .ie. Khazan Lands, mangroves etc. Further, complainant submitted that in the year 1996 the respondent has done addition/alteration to the existing house and has not taken any permission subsequently. Advocate Somnath Karpe on behalf of respondent submitted that subject matter land is much higher and does not come under Khazan land structure is constructed as per the permissions from the authorities. The statement made in complaint is based on general allegations. Further he placed a reliance of judgment of Hon'ble high court of Bombay covering the aspect beyond sluice gate there is no tidal influence.*"

AND WHEREAS, in the 177th GCZMA meeting held on 26/06/2018 it was decided that, "*the Authority heard both the parties and took on record oral and written submissions made by the parties. Authority noted that site inspection carried out by Expert members clearly shows the width of tidal influenced creek as 6m and the distance of protection wall of the plot in question from the edge of creek to be 18m. As such the location of the plot is outside NDZ area. In so far as the question of southern side of plot is concerned it lies beyond the sluice gate and is an agricultural field which cannot be construed as a tidal influenced water body. Therefore, the Authority resolved to drop the complaint as the plot area and construction thereof is beyond NDZ area*".

A Copy of the extract of the minutes of 177th GCZMA meeting held on 26/06/2018 is enclosed herewith as Annexure 'B'.

NOW THEREFORE, the GCZMA in exercise of the powers conferred under Section 5 of the Environment (Protection) Act, 1986 (Central Act 29 of 1986) read with

sub-rule (3) (a) of Rule 4 of the Environment (Protection) Rules 1986, and read with power vested with the GCZMA vide Order S.O. 3324 (E) dated 26/10/2016 issued by the Ministry of Environment & Forests, Government of India, the GCZMA hereby discharges the Show Cause Notice dated 20/06/2016 issued to Mrs. Nirmala Sawant as decided by the authority in its 177th GCZMA meeting held on 26/06/2018 and case is disposed off accordingly.

For and on behalf of the
Goa Coastal Zone Management Authority



(Ravi Jha, IAS)
Member Secretary GCZMA

Encl: As above.

To,

1. Mrs. Nirmala Sawant, Tivrem, Ponda, Goa.

Copy to:

1. The Secretary, village Panchayat of Tivrem, Tivrem, Ponda, Goa..... *for information.*
2. The Collector & District Magistrate (North), Office of the Collector (North), Collectorate Building, Panaji-Goa... *for information.*
3. The Dy. Collector & S.D.O of Ponda, Ponda - Goa..... *for information.*
- ✓ 4. Mr. Kashinath J. Shetye, R/o 102, Raj Excellency, Ribander-Goa... *for information.*
5. Mr. Desmond Alvares, Doxxosir, H.No. 470, Assagao, Goa... *for information.*
6. Dr. Ketan Govekar, Wadji building St.Inez., Panaji, Goa, ... *for information.*
7. Ms Sonia Saterdekar, H.No.605, Bhutki wada, Sujur, Porvorim, Goa... *for information.*