

BEFORE THE NATIONAL GREEN TRIBUNAL, WESTERN  
ZONE AT PUNE

Appeal no.07/2022(WZ)

Lavu Namdev Toraskar

.....Appellant

v/s

Goa Coastal Zone Management  
Authority & another's

.....Respondents

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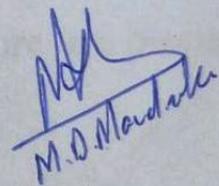
1. Reply

2. List of Documents

3. vakalatnama

Place: Mapusa

Date:12/04/2022

  
M.O. Mandate

Adv. Respondent no.1 and 2



BEFORE THE NATIONAL GREEN TRIBUNAL, WESTERN  
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Reply of the Respondent no.2 and 3

May it please your honour

The Respondent no.2 and 3 states as under:

1. The present Appeal is misconceived in fact and law and hence same is not maintainable.
  2. The Appellant herein has approached this authority with utmost unclean hands.
  3. The present Appeal is full of distorted facts and forged documents created with the sole intention of playing fraud on this authority. The Respondents therefore are placing on record the correct facts on record:
- 3A) The Subject matter of the present proceeding is the illegal structure bearing house no.443-B comprising of

*[Handwritten signature]*



3E) Initially the Respondent no.3 and 4 filed complaint before Village Panchayat however on flimsy ground Panchayat dropped the proceedings. Being offended by the said complaint said Lavu Toraskar thereafter started filing frivolous complaints on the Mundkarial house of these Respondents.

3F) The Respondent no.3 and 4 therefore approached this authority and taking cognizance of the illegality this authority was kind enough to designate an officer to conduct site inspection on 28/09/2016.

3G) Upon perusal of the site inspection report dated 06/12/2016 prepared by Mr. Lवेश Shirodkar it can be seen that not a single document was produced by said Lavu Toraskar to show that the said illegal structure was existing prior to 1998, nor any construction license was produced.

In spite of all the illegalities said Lवेश Shirodkar has gone extra mile to protect the said illegal structure which is evident from his observations. However the photograph annexed to the said report speaks volume about the illegalities committed by said Lavu Toraskar.

*Signature*



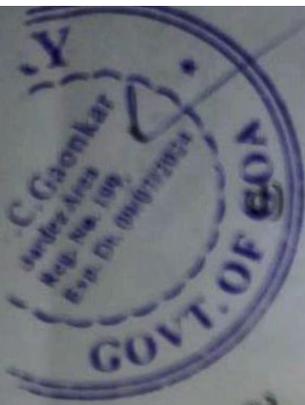
3H) Though the said illegal structure cannot be regularized and it is in blatant violation of the building rules, however said Lavesh Shirodkar was hell bent to save said illegal structure clearly shows his ill intentions.

3I) The Appellant is misguiding the authorities stating that the application for regularization is pending before NGPDA.

3J) The Respondent no.2 and 3 obtain the copy reply given by NGPDA to the Appellant vide letter dated 22/02/2016. The relevant paras of the letter dated 22/02/2016 are as under:

- "a) Proposed plan submitted for regularization does not tally to the site condition.
- b) FAR coverage exceeds permissible limits as per site condition.
- c) minimum required set back not maintain as per site condition.

*S. P. S. W. M.*



The plot is affected by proposed 25.0 mts. wide road as such 12.50 mts. from the center line of existing road to be left for road widening purpose.

- e) The property is falling within 500 mts from HTL/ sea as such prior approval from GCZMA has to be obtained.
- f) Clear title / ownership documents in favour of applicant has to be submitted."

3K) From the above observation it is ample clear that the said illegal structure cannot be regularized.

3L) The site inspection was conducted on 28/09/2016, however the Appellant deliberately suppressed about the letter dated 22/02/2016 received from NGPDA.

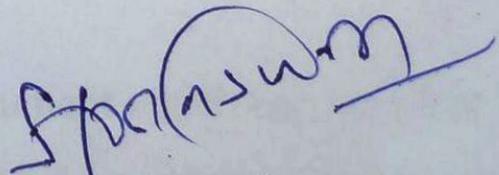
3M) The fraud played by the Appellant is also evident from the affidavit produced by him before NGPDA, wherein he is claiming to be the owner of the property, however the survey records the property bearing survey no.127/3 speaks otherwise.

*Stankarum*



5. The Respondents no.2 and 3 applied for the abstract of Gud Book maintained by ISLR Mapusa. On bare perusal of said abstract it can be seen that the said structure was not shown. Surprisingly there is no mention about said structure in survey records (Form I&XIV) nor said structure is shown in survey plan. It is therefore clear that the abstract of Gud Book produced by Appellant is a fabricated document.

6. The Respondents therefore filed complaint before the vigilance department regarding fraud played by the concerned talathi. Tempering of Public document is a serious offence and hence a serious action needs to be taken against the Appellant.
7. Surprisingly even the electricity department don't have any documents submitted by Appellant at the time of energisation.
8. Prima facie both this documents lack credibility and hence same cannot be considered for deciding present Appeal.
9. On bare perusal of the present appeal revealed a serious fraud played by the Appellant on this authority.





- 9A) The Appellant relied on a certificate dated 10/07/2007 issued by the Village Panchayat of Candolim, it is marked as Annexure A2.
- 9B) It is mentioned in the said certificate that house no.443/B(new) and 13/5 (old) is a old house existing prior to the year 1968. Surprisingly said certificate was not produced before any authority in past and hence it makes it ample clear that said document is forged.
- 9C) First and foremost the house no.443/B and house no.13/5 are two different houses. The house no.13/5 is presently registered as house no.447/A and it is in the name of Fermina Ferrao Cardinho. Hereto annexed is the copy of letter dated 04/04/2022 issued by the Village Panchayat of Candolim.
- 9D) Secondly certificate dated 18/10/2016 issued by the Village Panchayat of Candolim clearly states as under:  
 “This is to certify that the house bearing H.No.443-B, is situated at Vaddy, Candolim, Bardez, Goa.  
 The said house is existing from the year 1999-2000 and standing in the name of of Shri Lavu Toraskar as per village Panchayat records.”
- 9E) Lastly there is not a single document which mention that the house no.443/B and house no.13/5 are of the same structure.

*[Handwritten signature]*



Moreover there is not a single house tax receipt of 1990 or 1989 produced by the Appellant.

10. The abstract Soil Classification Book pertaining to survey no.127/3 prepared in the year 1975 shows that the said property was used for cultivation of coconut trees and there is no mention of any construction in "Pot Kharab" column. It is therefore clear that as of 1975 there was no structure in the said property.

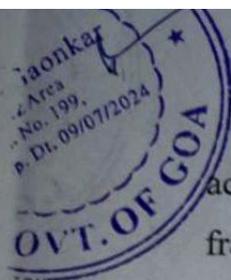
The copy of the Soil Classification Book and survey plan is annexed herewith.

11. The Respondents have applied for further documents to expose the fraud played by the Appellant. The Respondent hereby seek leave to produce those documents as and when made available by the village Panchayat of Candolim and Vigilance department.

12. The Appellant has failed to produce a single document to show that the said house was existing prior to 1991 let alone 1961 or 1968.

13. The Respondent no.2 and 3 further submits that a serious note may be taken of the fact the public documents are forged and manipulated by the Appellant, hence a strict

A handwritten signature in blue ink, appearing to be 'S. P. ...' with a flourish at the end.



action needs to be taken against the Appellant for playing fraud on this Hon'ble Authority.

14. The present appeal is devoid of merit and hence same is fit to be dismissed.

Place: Mapusa  
Date: 12/04/2022

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Respondent no.2

Handwritten signature in blue ink.

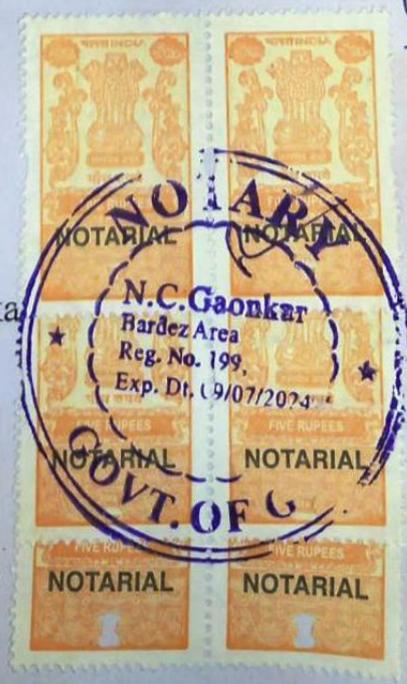
Respondent no.3

VERIFICATION

I, Shri Shanil Gurudas Toraskar, son of Gurudas Soiru Toraskar, 32 years of age, business, residing at House No.435, Vaddy, Candolim, Bardez, Goa; the Respondent no.3 above named do hereby on solemn affirmation verify that the contents of paras 1, 2, 3, 3A-3O, 4, 5, 6, 7, 8, 9, 9A-9E, 10, 11, 12 and 13 are true to my knowledge and that the contents of para 14 is my submission.

Place: Mapusa, Goa  
Date: April 12, 2022  
Identified by:

Manjunath D. Mandreka  
Advocate



Handwritten signature in blue ink.

Deponent

Solemnly affirmed Before me

Handwritten signature in blue ink.  
N. C. Gaonkar  
Advocate & Notary  
Mapusa Bardez - Goa  
Sr. No. 8670/22

12 APR 2022

Notary Public  
No. 199,  
Dt. 09/07/2024  
T. OF GOA

AFFIDAVIT

I, Shri Shanil Gurudas Toraskar, son of Gurudas Soiru Toraskar, 32 years of age, business, residing at House No.435, Vaddy, Candolim, Bardez, Goa; the Respondent no.3 above named do hereby on solemn affirmation state and submits as under:

1. I am filing the accompanying reply before this Honorable Tribunal. I crave leave to refer to and rely upon the averments made therein as if the same is specifically averred herein for the sake of brevity.
2. The Annexures to this reply are the true copies of the respective originals.
3. The contents of paras 1, 2, 3, 3A-3O, 4, 5, 6, 7, 8, 9, 9A-9E, 10, 11, 12 and 13 are true to my personal knowledge and based on the public documents, the content of para 14 is my legal submission, which I believe to be true.

Solemnly affirmed at Mhapsa  
April 12, 2022

*[Signature]*  
Deponent

Identified by:

*[Signature]*  
Manjunath D. Mandrekar  
Advocate



Solemnly affirmed  
Before me  
*[Signature]*  
N. C. Gaonkar  
Advocate & Notary  
Mapusa Bardez - Goa  
Dr. No. 8671

12 APR 2022

BEFORE THE NATIONAL GREEN TRIBUNAL, WESTERN  
ZONE AT PUNE

Appeal no.07/2022(WZ)  
.....Appellant

Lavu Namdev Toraskar

v/s

.....Respondents

Goa Coastal Zone Management  
Authority & another's

LIST OF DOCUMENTS

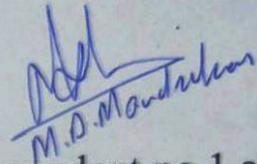
Sr. no.	Particulars	date
1.	Gud Book abstract	18/03/2021
2.	Soil Classification Book	20/01/1975
3.	Survey plan of Survey no.127/3	20/01/2016
4.	Form I&XIV of Survey no.127/3	27/03/2019
5.	Demand and Collection book	26/04/2018
6.	Letter issued by V.P. Candolim	04/04/2022

7. Letter issued by V.P. Candolim 04/04/2022

8. Certificate of house tax record 18/10/2016

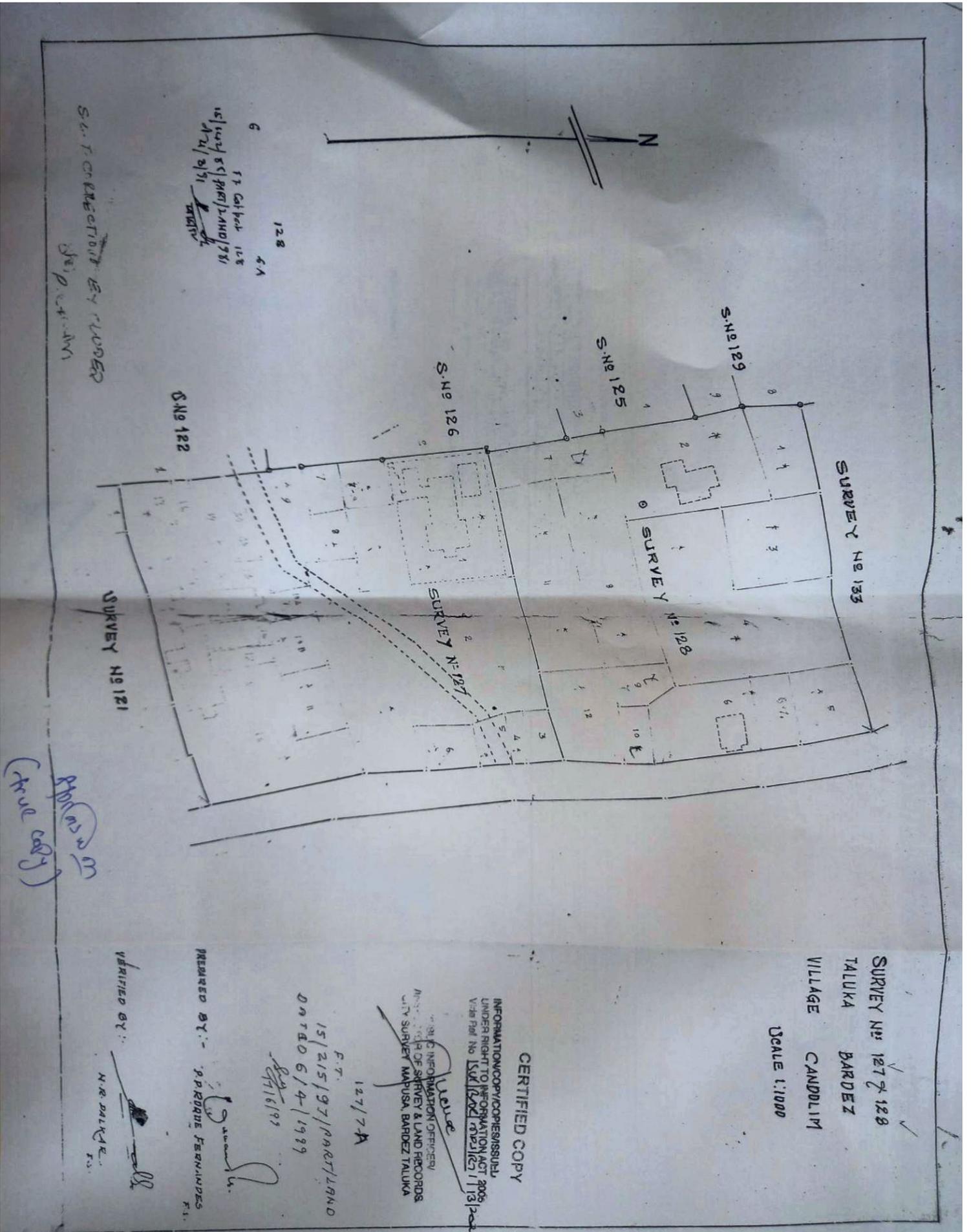
Place: Mapusa

Date: 12/04/2022



M.S. Mandrekar

Adv. Respondent no.1 and 2



SURVEY No. 127 & 128  
 TALUKA BARDEZ  
 VILLAGE CANDOLIM

SCALE 1:1000

CERTIFIED COPY

INFORMATION COPY / COPIES / ISSUED,  
 UNDER RIGHT TO INFORMATION ACT 2005  
 V/S No. 15/2021 (MPL/21/113) P.

SUB-COMMISSIONER / OFFICER,  
 OFFICE OF SURVEY & LAND RECORDS  
 CITY SURVEY MARIUSA, BARDEZ TALUKA

127/7A

F.T.  
 15/215/97/MRST/LAND  
 DATED 6/4/1999

PREPARED BY:- P. RAJESH FERNANDES

VERIFIED BY:- N.R. DALVI

Approved  
 (True copy)

DIRECTORATE OF LAND SURVEY, PANAJI-GOIA

Soil Classification Book

Village Candolim

Taluka Bardes

Dist. GOA

Date 20 Month February Year 1975

Land Holders and village servants present at the time of classification.

Shri Paik Parvathar

Survey No. 137 Hissa No. 3

Name of the field	Name of the land holder	Kind of Land	Area		Pot Kharab	Net cultivable area	
			Hec.	Are.			
<i>Wadi.</i>	O: Monohar Shivai Paik Paulekar.	Bharad					
		Rice					
		Coconut	F.	0.01.50			0.01.50
		Cashew					
		Other Garden					
		Total			0.01.50		

Details of classification

Area under cultivation

Area under waste

0.01.50

N  
Direction

Class Share Paise

Increase for double crop/coconut.

Soil

1 2 100

Average faise 50

Confirmed faise 50

Water

1 2 100

Average faise 50

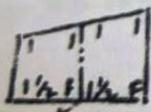
Confirmed faise 50

Position Class I

Condition good.

Trees

4 coconuts bearing



Scale: - 1:1000

*Spookswm*  
(true copy)

Particulars:-

- 1. Distance of S. No./H. No. from village site From <sup>Wadi.</sup> Hamlet From residence **Adjacent.**
- 2. Whether the land is regularly manured **yes.**
- 3. Source of drinking water for cattle **well from residence.**
- 4. Whether measurement area and particulars in Measurement Book are correct:— **yes.**
- 5. Whether S. NO./H. No. noted in the village map is in agreement with the site **yes**
- 6. Details of pot kharab



7. Whether boundary marks are in accordance with Rules and as per Measurement Book **yes.**

**sd/-**  
Signature  
Classer

Details of Rice Land **S. G. Ganekar**

1. Source of water supply to the rice land

**S. G. Ganekar**  
(true copy)

2. Whether sugarcane is grown in rice land

Whether double crop is raised



Digitally signed by: Domiana D Nazareth  
Reason: OriginalDigitalMapApproved  
Location: Panaji-India  
Date: D:2016.01.20 05:35:48+05'30'

# GOVERNMENT OF GOA

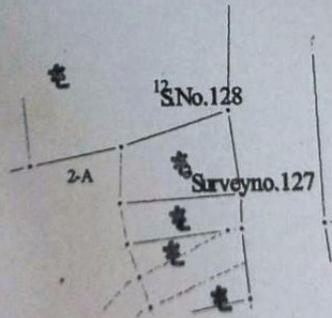
## Directorate Of Settlement and Land Records

### PANAJI - GOA



Plan Showing plots situated at

Village : CANDOLIM  
Taluka : BARDEZ  
Scale 1: 1000  
Survey No./Subdivision No. : 127 /3



*Sforansum*  
*(True copy)*

  
OFFICER IN CHARGE  
LAND RECORDS  
VIDE GOVERNMENT ORDER  
26/1/2001 - RD (7376)  
DATED 22/10/2001  
Ethix Infocom Private Limited  
Panaji-Goa

Date: 20-01-2016

Payment Received. Transaction ID: 185788

100008563232



Page 1 of 1

Date: 27/03/2019

Taluka BARDEZ

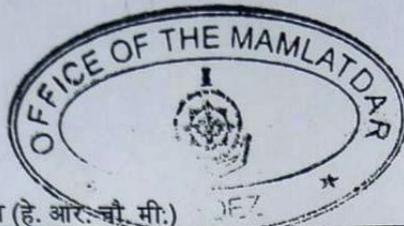
तालुका

Village Candolim

गांव

Name of the Field Wadi

शेताचे नांव



Survey No. 127

सर्वे नंबर

Sub Div. No. 3

हिस्सा नंबर

Tenure

सत्ता प्रकार

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

Dry Crop चिरायत	Garden बागायत	Rice तरी	Khajan खाजन	Ker केर	Morad मोरड	Total Cultivable Area एकूण लागण क्षेत्र
0000.00.00	0000.01.50	0000.00.00	0000.00.00	0000.00.00	0000.00.00	0000.01.50

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

Pot-Kharab पोट खराब

Remarks शेरा

Class (a) वर्ग (अ)	Class (b) वर्ग (ब)	Total Un-Cultivable Area एकूण नापिक जामीन	Grand Total एकूण
0000.00.00	0000.00.00	0000.00.00	0000.01.50

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 कळजेदाराचे नांव	Khata No. खाते नंबर	Mutation No. फेरफार नं	Remarks शेरा
1	Manohar Hiru Naik Parulkar		711	

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 चिरायत 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

CERTIFIED COPY

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

Copy applied for on 27/3/19  
 Copy ready for delivering on  
 Copy delivered on  
 Copying Fees Rs. 45/- Rupees  
 Paid vide TR/5 Receipt  
 Dated 27/3/19

Spandan M  
 (True Copy)

Mamlatdar of Bardez  
 Mapusa - Goa

OFFICIAL GAZETTE -  
EXTRAORDINARY

FORM No. 1

[See rule 30 (a)]

Demand and Collect

Name of Tax Payer: House Toralkar H.No: 493B  
 Details of Tax: House Tax

Reference No. of the Register of Assessments	Yearwise Demand and the amount collected				Demand and Collect				Total													
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)	(20)	(21)	
Arrears of Tax (BF from previous year)	Year demand	Total Tax payable (12)-(13)	Amount paid Receipt and date	Arrears of Tax (BF from previous year)	Year demand	Total Tax payable (8)-(7)	Amount paid Receipt and date	Arrears of Tax (BF from previous year)	Year demand	Total Tax payable (10)-(9)	Amount of Tax (BF from previous year)	Year Demand	Total Tax payable (15)-(14)	Amount paid Receipt No. and date	Arrears of Tax (BF from previous year)	Year Demand	Total Tax payable (18)-(17)	Amount paid Receipt No. and date	Arrears of Tax (BF from previous year)	Year Demand	Total Tax payable (20)-(19)	Amount paid Receipt No. and date
60	300	300	13/10/1950	300	300	300	13/10/1950	300	300	300	300	300	300	13/10/1950	300	300	300	13/10/1950	300	300	300	13/10/1950
150	150	150	6/7/54	150	150	150	6/7/54	150	150	150	150	150	150	6/7/54	150	150	150	6/7/54	150	150	150	6/7/54
150	150	150	13/10/1950	150	150	150	13/10/1950	150	150	150	150	150	150	13/10/1950	150	150	150	13/10/1950	150	150	150	13/10/1950



John Toralkar, H.No. 493B  
 John Toralkar, H.No. 493B  
 John Toralkar, H.No. 493B

(True Copy)  
 [Signature]

Ph: 2489061

**Village Panchayat Candolim**

Bardez-Goa

403 515

Date: 04/04/2022

Ref. No.: VPC/ 33/24/2022-23



To,

Shri. Shanil G. Toraskar,

H. No. 435, Vaddy,

Candolim, Bardez, Goa.

Sub:- Application dated 26/03/2022 under Right to Information Act, 2005.

Sir,

With reference to your application dated 26/03/2022 having inward no. 4350, on the above cited subject, this is to inform you that the H. No. 443/B is registered in the name Lavu Toraskar H. no. 443-B is registered in the name of Ankush Toraskar and H. No. 13/5 is registered as H. No. 447A(13/5) in the name of Fermina Ferrao Cardinho.

Yours faithfully,

**P.I.O./ V.P. Secretary**

Public Information Officer

V P Secretary

V P Candolim

Bardez Goa



Shanil G. Toraskar  
(true copy)



Ref. No.: VPC/33/23/2022-23

Ph: 2489061

**Village Panchayat Candolim**  
Bardez-Goa  
403 515

Date: 04/04/2022

To,

Shri. Shanil G. Toraskar,

H. No. 435, Vaddy,

Candolim, Bardez, Goa.

Sub:- Application dated 26/03/2022 under Right to Information Act, 2005.

Sir,

With reference to your application dated 26/03/2022 having inward no. 4348, on the above cited subject, this is to inform you that the H. No. 13/5 is registered as H. no. 447A(13/5) and in the name of Fermina Ferrao Cardinho.

Yours faithfully,

**P.I.O./ V.P. Secretary**

**Public Information Officer**

V P Secretary

V P Candolim

Bardez Goa



*Shanil G. Toraskar*  
(True copy)



Ph.: 2489061

## Office of the Village Panchayat

CANDOLIM

Bardez - Goa 403 515

Ref. No. VP/C/9/2460/2018-17

Date: 18/10/2016CERTIFICATE OF HOUSE TAX RECORD

This is to certify that the house bearing H.No.443-B, is situated at Vaddy, Candolim, Bardez, Goa.

The said house is existing from the year 1999 – 2000 and standing in the name of Shri. Lavu Toraskar as per the village Panchayat records.

Shri. Lavu Toraskar paid an additional House Tax on the said House No. from the year 2000 – 2001

This certificate is issued as per the Resolution No.6(9) passed in the Village Panchayat meeting dated 13/10/2016 at the request of Shri. Gurudas S. Toraskar.



RUI CARDOSO

SECRETARY

VILLAGE PANCHAYAT CANDOLIM

BARDEZ - GOA

Stankumar  
(true copy)

P