

BEFORE THE NATIONAL GREEN TRIBUNAL

WESTERN ZONE, PUNE

Appeal No. 32/2022

Mr. Suvarna Rajaram Bandekar ...Appellant

v/s

State of Goa and Others ...Respondents

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Place:- Pune

Date:- 08.02.2023



Adv. for Respondent No. 3(a) & (b)

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE, PUNE

Appeal No. 32/2022

Mr. Suvarna Rajaram Bandekar ...Appellant

v/s

State of Goa and Others ...Respondents

**RESPONSE OF RESPONDENT NO. 3(a) & 3
(b) TO THE STATUS REPORT FILED BY
THE JOINT COMMITTEE APPOINTED BY
THIS HON'BLE TRIBUNAL VIDE ORDER
DATED 29.08.2022**

MAY IT PLEASE HON'BLE TRIBUNAL

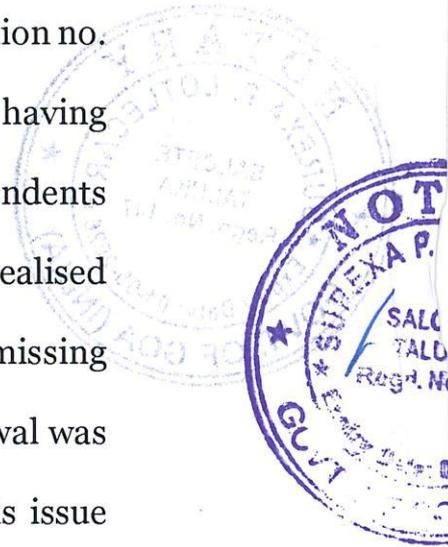
The Respondents No. 3(a) & (b) state and submit as
under:-

1. The respondents state that the order dated 29.08.2022 was passed by this Hon'ble Tribunal without hearing the respondents. The respondents



(Handwritten signature)

state that if the respondents were heard in the matter, the respondents would have pointed out that the appellant had filed Original Application no. 480/2018 (Newly numbered), which was having Original Application No. 23/2013. The respondents state that when the advocate for appellant realised that Hon'ble NGT was on the verge of dismissing the OA No. 480/2018, a prayer for withdrawal was made and seeking the liberty to agitate this issue before the appropriate authority. However the order dated 13.12.2018 simply allowed withdrawal and didn't grant any specific liberty to the appellant to pursue the matter before the GCZMA. The respondents state that this was an issue raised by the respondents before the GCZMA by filing a reply dated 18.02.2021. The respondents had also pointed out that whenever a liberty was being granted by this Hon'ble Tribunal it would specifically say that such liberty was being granted. Copies of the reply dated 18.02.2021, order dated 13.12.2018 and order dated 29.05.2019 passed in



Appeal No. 230/2018 (M.A. No.1413/2018 & M.A. No. 1414/2018) are hereto annexed and marked as **EXHIBIT A COLLY.**

2. The respondents states that the GCZMA itself had conducted an inspection on 17.03.2011 wherein it was specifically recorded that there were no sand dunes. In any case the GCZMA had passed an order on 24.08.2011 directing Late Armando Cardozo to remove the road allegedly constructed without approvals. A copy of the inspection report dated 18.03.2011 is hereto annexed and marked as **Exhibit B.**

3. The respondents state that in the entire order passed by the GCZMA there is no factual finding that predecessor in title of the respondent i.e. the late father of the respondents no. 3(b) had constructed the alleged road.

4. The respondents submit that this issue could have been decided by Hon'ble NGT in the OA no. 480/2018 which was withdrawn by the appellant.



5. The respondent's state that the fact that there were no sand dunes is also evident from the fact that in the complaints made on the behalf of the appellant to the panchayat in the year 2000 and thereafter followed up with another complaint dated 06.09.2010 to the GCZMA, in respect of the very road allegedly constructed by late Armando Cardozo, there is no whisper made to existence of sand dunes / destruction of the sand dunes by construction of this road. Copies of communication letter dated dated 29.09.2000 and 06.09.2010 are hereto annexed and marked as **EXHIBIT C Colly**.
6. The respondents state that therefore the existence of the sand dunes in the year 2011 itself is not established. Even the Coastal Zone management plan prepared by the GCZMA and approved by the MoEF &CC indicates that there are no Sand Dunes. CRZ 1 -A represents existence of Sand Dunes. A copy of superimposed plan of the road on the CZMP plan is annexed hereto and marked as **EXHIBIT D**.



7. The respondents state that before the GCZMA the expert members of the GCZMA had stated that the dug up area can be restored to its original morphology by simply transferring back the dug up sand and that within 1-2 years planting of ipomoea creepers is expected to restore the profile of the dune strip to its original state.
8. More importantly the Goa State Bio Diversity Board along with the expert members of the GCZMA had specifically observed that the entire stretch of the road is fully covered with vegetation including bushes and shrubs except a small portion of which of being seen free from natural vegetation. That over the year since the area was kept fellow and untouched sand mud deposition has taken place over which growth of vegetation is seen.
9. The respondents state that restoration of the sand dunes for the demolished road surface Sernabatim beach is seen happening by a natural process evidence is seen on the ground that herbaceous growth is taking place.



10. The respondents state that the said area and the road was seen to have a considerable vegetation including bushes , shrubs and sand dunes specific vegetation and eco system features. Based on these two reports the GCZMA had concluded that natural restoration of sand dunes has occurred over a time. Copies of the report of GCZMA and Goa State Bio Diversity Board both dated 28.10.2020 are hereto annexed and marked as **Exhibit E Colly**.
11. The respondents therefore would have pointed out that on face of these two report there was no further need to ascertain whether the restitution has already taken place naturally.
12. The respondents state that the committee which visited the site including the expert member of the GCZMA Mr, Flaviano Jose Miranda, who was party to the first inspection report of the GCZMA as well as the one who had endorsed the report of The Goa State Bio Diversity Board.
13. The respondents state that in the photographs produced by the committee, there is no existence of



road constructed above the sand dunes. In fact the appellant disturbed the plantation which was growing naturally in the place where the alleged road was exiting and the bushes and plants removed by the appellants can be seen in the photographs. A clear picture of the road toward the western side of the alleged road constructed can be seen however no such picture of the alleged road allegedly constructed over the sand dunes can be seen in any of the photographs.

14. In fact one of the photographs towards the north shows grass and scrubs above the alleged damaged sand dunes and towards the south grass and shrubs above the alleged sand dune can be seen, which plantation was in fact removed by using manual labour by the appellant.

15. Apart from this the field observations state that there are remnants of debris/mud above the area under the restitution and no such photographs are placed on record. In any case pursuant to the order of the GCZMA the entire road was removed by the



Deputy Collector and compliance report was filed before the GCZMA in the year 2012 itself as such there cannot be any presence of remnants of debris/mud above the area under restitution. More importantly the field observations specifically state that the area under restitution and naturally covered with scrubs and grass, which itself indicates that natural vegetation and natural restoration had already taken place.

16. The respondent also state that in part of the area Harmitage Builders which owns property 16/4 has planted coconut tree, Cashew plantation and Cajurina saplings which have taken deep roots and have grown at least to the extent of 3 meters. This plantation is at the place where the alleged road was constructed. Therefore it is clear that there cannot be any debris over the area under restitution. Photographs indicating the fully restored road area taken by the respondents.

17. The respondents state that in the status report, there is an observation at 3(d) that the presence of



incipient dune area for sediment supply is about 20 to 25m away from the restitution area which is separated by a unmetalled/mud road. In summary the report says that natural restitution is not possible due to the presence of the existing unmetalled/mud road very adjacent to the area under restitution because of the lack of sediment supply from beach face naturally by wind. It is submitted that there is lot of sand deposit beyond the road on the western side and which naturally happens. The report also ignores the fact that there are sand deposit, deposited by the winds blowing from west to east, much beyond the alleged road.

18. Apart from this it appears that Committee has gone on the basis that there was a natural sand dunes existing, which fact is negative by the report of March 2011, the CZMP approved in the month of September 2022 and also by the correspondence made by the appellant while complaining about the construction of the road. In so far as the recommendations are concerned photographs do



not show existence of any debris whatsoever. In fact so far as point 2 is concerned the vegetation that has grown on the alleged road area is in fact plants such as Spinifex Sericeus, Saccharum Spontaneu, Ipomoea Pes-capre, Physalids minima, etc and point 3 states that the area is needs to be protected from anthropogenic activity, which protection is already existing.

19. The respondents state that this Hon'ble Authority would not have issued any directions to the GCZMA to deal with the issue as the order of the GCZMA had become final and there was no scope for review of the order of the GCZMA. The appellant having approached the NGT and agitated the issue before the NGT and ought to have obtained the order from the Hon'ble NGT.

20. The respondents state that the appellant even while approaching this Hon'ble Tribunal in the present appeal has misled this Hon'ble Tribunal and has given an impression that liberty was



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granted to the appellant to re-agitate the issue
before the GCZMA.

 Date:-08.02.2023

Place:- Pune



Adv. for Respondent No. 3(a) & (b)





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

Appeal No. 32/2022

Mr. Suvarna Rajaram Bandekar ..Appellant

v/s

State of Goa and Others ...Respondents

AFFIDAVIT



I, Mr. Jovek Cardozo, aged 46 years, Indian National, r/o residences of House no. 107/A, Ambeaxir Ward-Sernabatim, Colva, Salcete-Goa, the respondent no. 3(b) above named, do hereby an solemn affirmation state and submit as under:

1. I say that I and the respondent no. 3(a) have filed the present response to the status report dated
2. I say that the contents of paragraphs 1(P),2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19(p) and 20(P) of the accompanying the present response is true to my knowledge and belief and what is stated in the remaining Paras, 1(p), 19(p) and 20(p)is the nature of the legal submissions



and/or inferences of facts, which I have believe it to be true.

3. I say that the contents of paragraphs 1 and 2 of this Affidavit are true to my own knowledge and belief.

Solemnly affirmed at Margao on 9th day of February, 2023.




DEPONENT

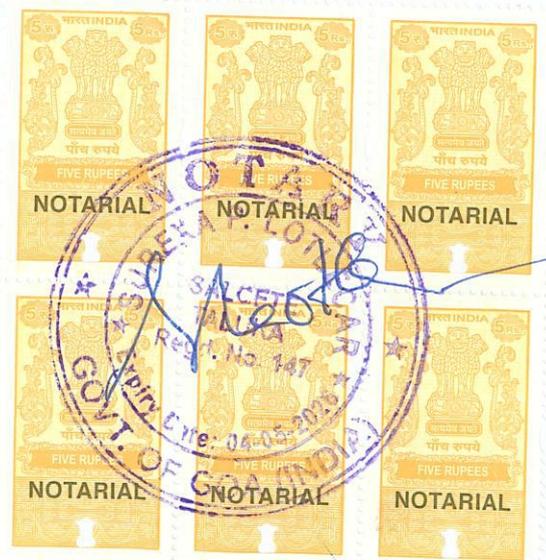
Identified by me:



Adv. for Respondent No. 3(a) & (b)

Solemnly affirmed before me by
Mr Jovak Cardozo
who is identified by
Aadhaar Card no 4985 55 70
8843
to whom I personally know
Reg. No. 1758 /2023
Date: 09/02/2023


SUREXA P. LOTLECAR
NOTARY MARGAO
SALCETE TALUKA
STATE OF GOA (INDIA)



Principal Secretary
Goa Coastal Zone Management Authority
c/o Department of Environment & Climate Change
Dempo Tower 4th Floor
Patto Plaza Panjim Goa - 403001

18/02/21

1 12
O/C Exhibit A
Colly

BEFORE THE GOA COASTAL ZONE MANAGEMENT AUTHORITY

Ref. No. GCZMA/SAL/SERNA/12-13/01/668

Suvarn Bandekar

..... Complainant

Versus

Maria Iecticia Cardozo & ors.

..... Respondents

Additional Written submissions on behalf of the Respondents

1. These Additional Written Submissions are being filed pursuant to the written submission dated 29/01/2021 filed by the Applicant/Complainant.
2. The Applicant / Complainant has sought to contend that the present application is not a review but it is a representation. It is submitted that the substance matters and not the nomenclature. The Applicant / Complainant is seeking a full scale review of the directions and is seeking to change the directions to penalise the Respondents No's. 1 and 2. This Hon'ble authority does not have powers of review and therefore cannot exercise any powers of review .

3. The application may be styled as representation or review makes no difference whatsoever. It is tried that form does not matter but what matters is the substance . In sum and substance the application is nothing but review of the directions of 24/05/2012.

4. The Applicant / Complainant has sought to contend that leave was granted and has quoted the order of the NGT to say that after the request was made for withdrawal the NGT has indeed stated that consequently the application is being dismissed as withdrawn. It is being contended that this means that the NGT has granted leave to the Applicant / Complainant to approach the GCZMA.

5. This contention is fallacious and has been so demonstrated by the Respondent vide his reply and written submissions. The Respondent has now obtained a copy of an order passed by the NGT in another matter being Appeal No. 230/2018 between Triumph Realty Pvt LTD Vs Goa Coastal Zone Management Authority and Ors. The order dated 29/05/2019 clearly demonstrates as to when the NGT intends to grant liberty to the Appellant to approach an appropriate forum it specifically grants such liberty on withdrawal of the original proceedings before it. In Appeal No.230/2018 the Appellant therein had sought withdrawal of his appeal with liberty that if any grievance remains he may approach forum appropriate in accordance with law . The NGT stated thus “ Consequently the Appeal no. 230/2018 is dismissed as withdrawn with liberty as aforesaid”. In the case of the Complainant/Applicant what is stated is thus “Consequently the Appeal is dismissed as withdrawn”. A comparison of the two would clearly demonstrate and establish that no leave

whatsoever was granted to the Complainant/Applicant to approach any forum much less the GCZMA. A copy of the order dated 29/05/2019 passed in Appeal no.230/2018 is hereto annexed and marked as EXHIBIT-A.

6. The Respondent states that for all the reasons stated in the reply as well as in the written submissions the application/representation made by the Applicant / Complainant is liable to be dismissed in-limine with exemplary costs . In the first place the same is hopelessly barred by limitation. Secondly no leave was granted by the NGT to approach any forum much less this authority and thirdly in any case assuming while not admitting that any leave was granted to approach this authority , this Hon'ble authority has no powers to review its earlier specific directions issued under Section 5 under of the Environment Protection Act 1986 dated 24/05/2012 which has attained finality and which is only appealable and can be corrected only by way of appeal under Section 16 of the NGT Act, 2010

Place: Panjim-Goa,
Date: 18/02/2021

Adv. Meghna Naik

Adv. for the Respondents

 ReplyForward

Exhibit 'D'

Exhibit 'A' 15
Copy

Item No. 06 (Through VC)

Court No. 2

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHIOriginal Application No. 480 of 2018
(Earlier O.A. No. 23/2013(WZ))

Suvarn Rajaram Bandekar

Applicant(s)

Versus

State of Goa & Ors.

Respondent(s)

Date of hearing: 13.12.2018

CORAM :

HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER

For Applicant(s)

Mr. N. Caze, Mr. Shailesh with
Ms. M. Joshi, Advocates

For Respondent(s)

Ms. Fawia Mesquita and Ms.
Prachi Sawant, Advocates for
R-1 & 2**ORDER**

After making submission for some time, the Learned Counsel for the applicant submits that he may be permitted to withdraw this original application with liberty to seek redress before the appropriate forum.

Consequently, the original application (480/2018) is dismissed as withdrawn.

Raghuvendra S. Rathore, JM

K. Ramakrishnan, JM

Dr. Satyawan Singh Garbyal, EM

December 13, 2018.(JG)

Item No. 09

Court No. 2

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHIAppeal No.230/2018
(M.A. No. 1413/2018 & M.A. No. 1414/2018)

Triumph Realty Pvt. Ltd.

Applicant(s)

Versus

Goa Coastal Zone Management
Authority&Anr.

Respondent(s)

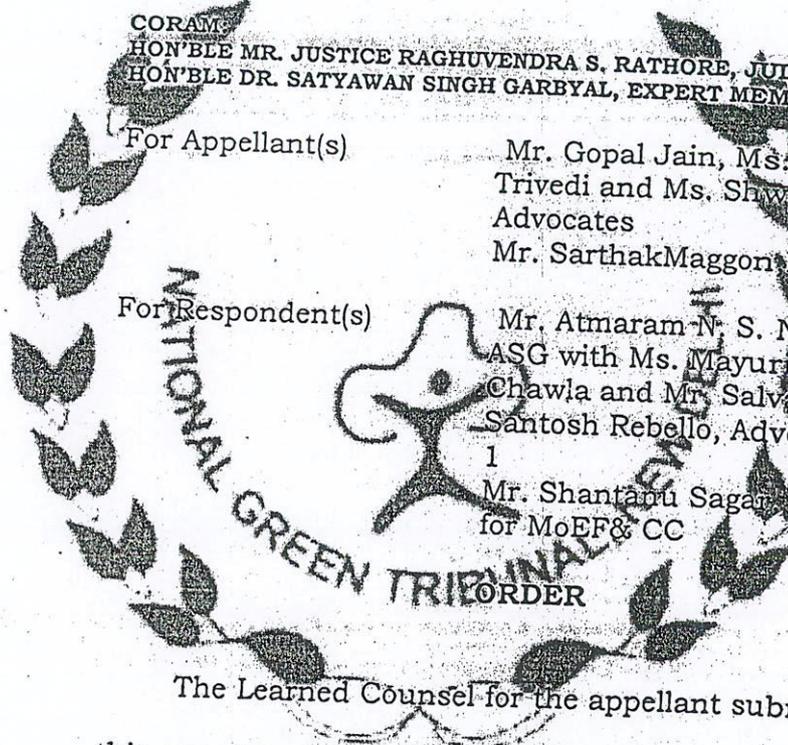
Date of hearing: 29.05.2019

CORAM
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER

For Appellant(s)

Mr. Gopal Jain, Ms. Trishala
Trivedi and Ms. Shweta Kabra,
Advocates
Mr. Sarthak Maggon Intervenor

For Respondent(s)

Mr. Atmaram N. S. Nadkarni,
ASG with Ms. Mayur Nayyar
Chawla and Mr. Salvador
Santosh Rebello, Advocates for R-
1
Mr. Shantanu Sagar, Advocate
for MoEF& CC

The Learned Counsel for the appellant submits that in this case he wishes to file a representation before the Goa Coastal Zone Management Authority (GCZMA). Therefore, he prays for withdrawal of this appeal, with liberty that in case any grievance remains he may approach appropriate forum, in accordance to law.

Consequently the appeal no. 230/2018 is dimssed as withdrawn with liberty as aforesaid.

M.A. Nos. 1413/2018 & 1414/2018

These misc. applications do not survive for consideration as the main appeal itself stands dismissed as withdrawn.

M.A. Nos. 1413/2018 & 1414/2018 are disposed of accordingly.

Raghuvendra S. Rathore, JM

Dr. Satyawan Singh Garbhal, EM

May 29, 2019
JG



SITE INSPECTION REPORT

Exhibit B 18

1. Date & time of inspection: 17th March 2011 at 5pm.
2. Name of the project: Construction of road.
3. Location:
 Survey No. 16/4, 4A Village: Semabatin Taluka: Saleto
 Chalta No. — P.T.S. No: — Town: —
4. Detailed description of status of adjoining properties:
 On the South is public asphalted road leading to Semabatin
 On the north is property under S.No 16/7 of Semabatin Village.
 On the east is property under S.No 14/1, 16/6
 On the west is Semabatin beach / Arabian Sea
5. Existing Land Use: CRZ area: 0-200 metres.
6. Accessibility: NA
7. Topography:
 Type of soil: Sandy, Rocky, Clay, Lateritic etc.
 Topography: Plain, Undulating, Gently sloping, Cliff etc.
 Existence of Sand dunes: Yes/No
 If Yes, Number of dunes in the property:
 Height of the dunes: NA
 Slope:
 Whether the dunes are virgin or tampered: Yes/No
 If Yes, give details NA
- Whether any lagoons, backwaters, or other water bodies exist in the plot. No
- (The location of sand dunes and water bodies should be marked on the site plan)
8. Vegetation:
 Pioneer vegetation like bushes, creepers and grasses:
 Secondary vegetation like coconut, casuarina or other trees.
 Mangroves:
 Any other vegetation or trees: —
9. Distance of seaward boundary from river/sea High Tide Line:
 Road constructed is within 200metres of HTL

Access

10. Existing structures within the plot:

Nil

11. Whether any proposed work has been carried out at the site:
(a brief description of the type and extent of the work carries out)

An approximate bushes wide road in earth subsoil about 30-40cms height with subbase of laterite stone of approx length 80meters in the property under S.No. 16/4 & 4A, Serud

12. Whether any traditional access through the plot exists:

Yes, towards west of this newly constructed road this had a road access is about 4 meters wide motorable road in the property under S.No. 16/4 & 4A as observed from survey plan.

13. Any other information about the site that is relevant to the environment:

No development activity is permitted in this area being within boundaries of ATE.

Dated: 18/3/2011
Place: Serudathin.

Pascoal
18/3/2011
Signature, Name and Date
Designation

Dr. Pascoal B. Naronha
Member, OCZ MA

Note: It is necessary to demarcate at base the road as reflects on the survey plan of property under S.No. 16/4 & 4A.

As per the satellite imagery it is observed that this new road now constructed is towards east of the existing road as reflected on survey plan.

Enclosed Report No. 200/SRE/CRZ/SO/Rep/2010/555 dt 22/11/2011 and Representation of Plaintiff besides

Pascoal
18/3/2011

598

Exhibit C) 20
Colly

Suvarn R. Bandekar
B. E. (Mech)

Suvarn Bandekar Building
P. O. Box No. 11
Vasco-da-Gama, Goa - 403 802, India.
Grams : RAINANA
Phones : 91-832-612557/2334/3209/3145
Fax : 91-832-6123431/3427
E-Mail : rnsb@goa1.dot.net.in
Website : http://www.bandekars.com

AW/R1

Ref. No. ADM/RSS/1136

29.11.2000

To,
The Sarpanch,
Colva Panchayat,
Salcete Taluka,
GOA.

Office of the Village Panchayat
Sernabatim Vanelim Colva & Gandaulim
Received on 30-11-2000
Inward No 1088

REGISTERED AND

Sir,

I would like to inform you that I am the owners in possession of property known as 'PRAYA' situated at Sernabatim, Colva, within the Panchayat limits of Colva bearing Survey No.16/4A, admeasuring an area of 11,900 sq.mts.

It has been observed by my representative that you have laid a public road without my permission and knowledge in my said property. Further, there was no acquisition proceedings initiated by you under the relevant provisions of the Goa Panchayatraj Act and the rules made thereunder. You have also not followed the established procedure for acquisition of private property for public purposes. You have also not intimated us anything about either the laying of the public road or the compensation to be paid to us for the same.

It is pertinent to note at this juncture that the area that was utilised by you in my property for the laying of the public road is about 6 mts. x 80 mts. that is 480 sq. mts. approximately. The prevailing rate in the vicinity is Rs.2,000/- per sq. mts.

Under the above circumstances I hereby make a demand of Rs.9,60,000.00 (Rupees Nine Lakhs Sixty Thousand only) as compensation for laying a public road, as detailed above in our property. You may please arrange to pay the same within 15 days of receipt of this letter, failing which we will be constrained to institute any legal proceedings which we may deem fit under the circumstances which needless to say shall be entirely at your risk as to costs and consequences.

Contd..2/-

[Signature]

SECRETARY
Village Panchayat
SERNABATIM, VANELIM,
COLVA & GANDULIM

CERTIFIED BY :-

Suvarn R. Bandekar

- 2 -

In such an event ^I we will be compelled to charge interest at the rate of 18% per annum on the said sum of Rs. 9,60,000/- from the date of your illegal acquisition till final payment an/or realisation.

Yours faithfully,

Suvarn R. Bandekar
SUVARN R. BANDEKAR

c.c.to: Block Development Officer,
Old Market,
Margao - 43 601.

c.c.to: Rural Development Authority,
Shanta Building (2nd Floor),
Panjim-Goa.

c.c.to: Director of Panchayat (South Goa),
Collectorate Building,
Margao-Goa.

[Signature]
6/6/12

SECRETARY
Village Panchayat
SERNABATIM, VANELIM,
COLVA & GAND,

CERTIFIED BY >

22
Exhibit C
Colly.

Suvarn R. Bandekar

B. E. (Mech)

Suvarn Bandekar Building
P. O. Box No. 11
Vasco-da-Gama, Goa- 403 802, India.
Grams : RAJNANA
Phones : 91-832-251-2557/2334/3209/3145
Fax : 91-832-251-3431/3427
E-mail : rnsb@sancharnet.in
Website : <http://www.bandekar.in>

06.09.2010

Dear Sirs,

This is to bring to your kind notice that on 03.09.2010, when my representative Mr.R.S. Sawant went for site inspection of my property in land under Survey No.16/4A and 16/6A at Sarnabatim Village, Salcete Taluka, South Goa, it is observed that a new road of mud and rubble of about 6 mtrs. width and 82 mtrs. length has been **ILLEGALLY BUILT** by someone starting from land under Survey No.16/4 to end of my land under Survey No.16/4A and parallel to my existing old Kutcha private road (existing prior to the year 1971) and entering into land under Survey No.16/7 and at a distance of about 10 mtrs. from the centre of the existing old Kutcha private road and very close to the coast line.

I am enclosing herewith a Plan of the said area of the Survey Department showing various Survey Nos. 16/4, 16/4A, 16/6A, 16/7 etc. and showing the said new road **ILLEGALLY BUILT** marked in pink colour in the plan enclosed herewith at Annexure A with respect to the existing old Katcha private road along with the Photographs at Annexure B Colly of the said new road **ILLEGALLY BUILT** and the old road along with the surroundings. I am also enclosing herewith I and XIV Form of the said properties 16/4, 16/4A, 16/6A and 16/7 as Annexure C Colly, out of which the property under survey no. 16/4A and 16/6A belongs to me and I am the lawful owner in possession of the said property. If need I am ready to produce my ownership documents.

The said new road was not existing when my said representative Mr.R.S. Sawant visited the said property last on 07.07.2010 for site inspection. On close observation, from the appearance of the road, it can be easily concluded that the said new road is freshly made. In the process of constructing the said new road, a lot of trees have been apparently destroyed.

I am not exactly aware as to who has made the said road **ILLEGALLY** through my property. But, it is obvious that the said road has been made by the owner of the structure in the adjacent property under Survey No.16/7 which structure is demarcated in Green Colour in the Plan enclosed herewith at Annexure A and as can be seen from the enclosed Plan at Annexure A, as well as the enclosed Photographs at Annexure B Colly, the said new road is a direct entry to the structure demarcated in

Contd..2/-

Mr R. Bandekar

- 2 -

Green colour in the Plan at Annexure A. So, also, as can be seen from the enclosed photographs at Annexure B Colly, the owner of the said structure demarcated in Green colour has in fact broken the laterite compound wall existing between my property under Survey No.16/4A and the property under Survey No.16/7 to make the said direct entry.

It may also be noted that the said structure demarcated in Green colour in the Plan at Annexure A along with all other structures in the adjacent property under Survey No.16/7 and shown in Black colour in the plan enclosed herewith at Annexure A and the photographs at Annexure B Colly, are illegal and **HAVE BEEN CONSTRUCTED LATER MUCH AFTER THE COASTAL REGULATION ZONE CAME INTO FORCE IN FEBRUARY 1991.** I am fully aware of this fact as I have been regularly visiting the said area for the last 45 years having many other properties in that area and originally being my ancestral property.

I request you to investigate and take stringent action against the concerned person/party who has **ILLEGALLY** built the said road as well as against the illegal structure in the adjacent property under Survey No.16/7 failing which I will be constrained to approach the Hon'ble High Court for necessary orders. If necessary I can depute my representative to show the said **ILLEGAL NEW ROAD.**

Thanking you,

Yours faithfully,

S. R. Bandekar

Suvarn R. Bandekar

Encl: As above.

To,

1) The Sarpanch,
Sarnabatim,
Colva, Salcete, Goa.

2) Director of Panchayat ;
Junta House,
Panaji.

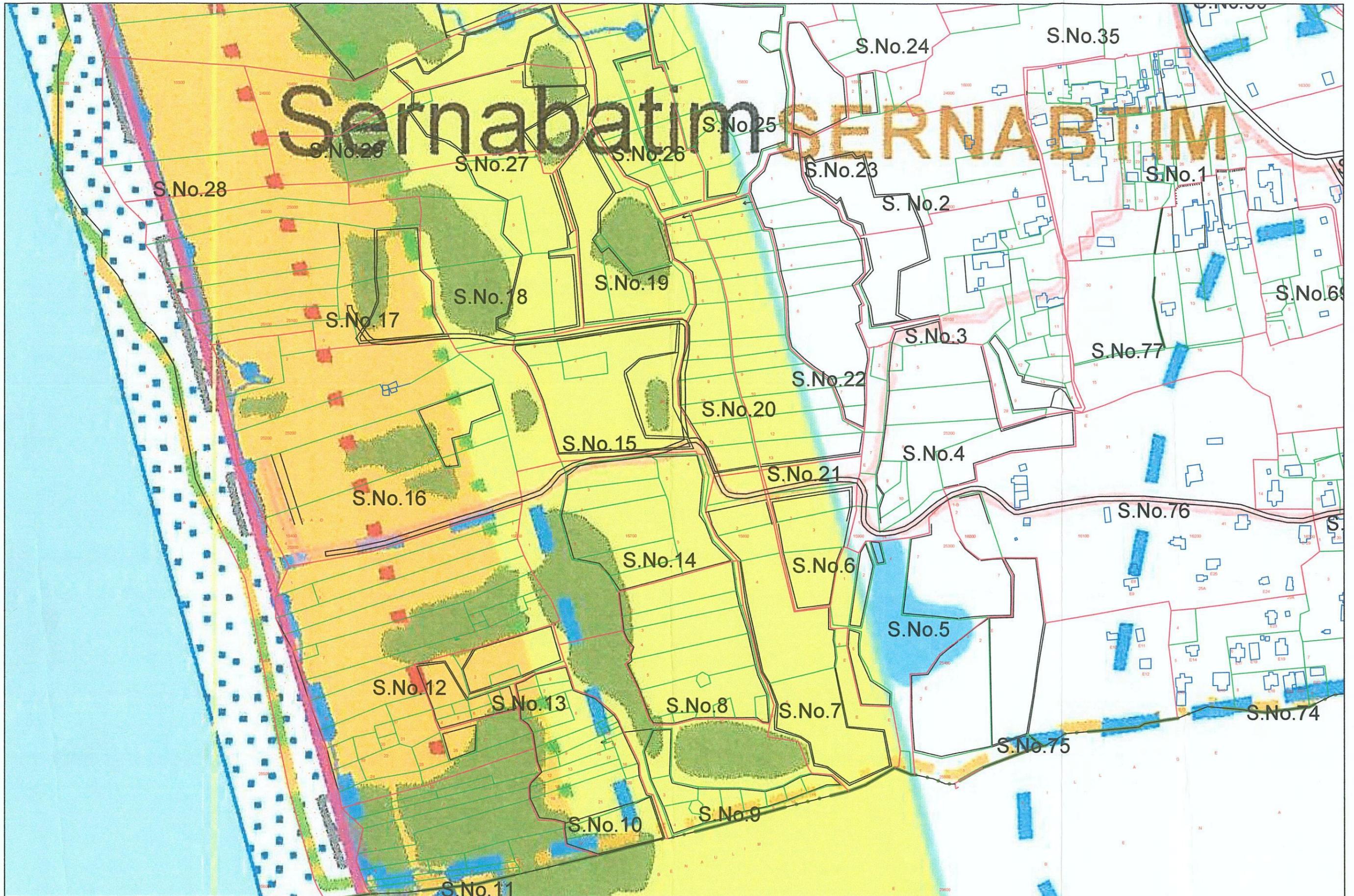
Contd..3/-

Jawan R. Bandekar

- 3 -

- 3) Block Development Office,
Old Market,
Margao.
- 4) The Collector,
Margao, Goa.
- 5) The Dy. Collector,
Margao, Goa.
- 6) The Mamlatdar,
Margao, Goa.
- 7) The Coastal Regulation Zone Management Authority,
Saligao.
- 8) Town & Country Planning Dept.,
Margao.
- 9) South Goa Planning & Development Authority,
Margao.
- 10) Colva Police Station,
- 11) Margao Police Station.
- 12) Dy. Conservator of Forest
Margao.
- 13) Mr. Jairam Ramesh,
Hon ble Minister for Environment and Forests,
Office of the Minister of State (IC) for Environment and Forests
Government of India
Paryavaran Bhavan
CGO Complex, Lodi Road
New Delhi - 110 003.
- 14) Town and Country Planning Dept.
Panjim.
- 15) The Chief Secretary,
Government of Goa,
Panjim.

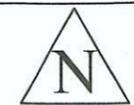
RECEIVED
OFFICE OF THE
SECRETARY
24/9



VILLAGE : SERNABATIM

TALUKA : SALCETE

SCALE 1:3000





**COASTAL ZONE MANAGEMENT PLAN
GOA**

Sheet No : D 43 B 15/SE
Projection :- UTM Datum :- WGS 1984

Map No: GA 6

INDIA

Maharashtra

Arabian Sea

Goa

Legend

- Lighthouse/Beacon
- Fish Landing Centre/Ramp
- Water Quality Monitoring Location - SW-II
- Multi Purpose Cyclone Shelter
- Sluice Gate - Prior to 1991
- Road
- Railway Line
- High Tide Line
- Low Tide Line
- Seawall
- Bund - Prior to 1991
- Fishing Ward Boundary
- Village Boundary
- Municipal/Urban boundary
- Taluk Boundary
- Authorized Structures
- Khazan Land
- Boat Parking/Net Mending Area
- Jetty/Shipyard/Ramp
- Fishing Zone
- Fisherman Community Complex
- Aquaculture/Saltpan
- Waterbody

CRZ Lines & Boundary

- Hazard Line
- 100 m Line in CRZ III Area
- 200 m Line - NDZ
- Sand Dune Beyond CRZ Boundary
- CRZ Boundary

CRZ CATEGORY

- CRZ - IA
- 50m Mangrove Buffer Zone - CRZ IA
- CRZ - IB
- CRZ - II
- CRZ - III
- No Development Zone
- 200 m to 500 m from HTL
- CRZ - IV
- CRZ - IVA
- CRZ - IVB

Mapped During: 2017 - 2022

DATA SOURCE

I) National Centre for Sustainable Coastal Management HTL, LTL, CRZ IA, Infrastructure facilities - Lighthouse, Seawall	IV) Department of Fisheries - Goa Fish Landing Centre/Ramp, Fishing Ward Boundary, Fishing Zone, Fisherman Community Complex, Boat Parking/Net Mending Area	VI) State Pollution Control Board - Goa Water Quality Monitoring Location - SW - II	VII) Department of Environment and Climate Change - Goa Beacon, Authorized Structures, Jetty/Shipyard/Ramp
II) Survey of India Hazard Line	V) Department of Water Resources - Goa Bund prior to 1991, Sluice Gate prior to 1991, Khazan Land	VIII) Department of Archives and Archaeology and Town and Country Planning Department - Goa Archaeological and Heritage Site (CRZ IA)	
III) DSLR - Goa Road, Village Boundary, Municipal Boundary, Taluk Boundary			

CRZ: Coastal Regulation Zone NDZ: No Development Zone DSLR: Directorate of Settlement & Land Records

PREPARED AS PER COASTAL REGULATION ZONE NOTIFICATION, 2011

Scrutinized by	Certified by	Concurred by	Approved by
 Technical Scrutiny Committee National Centre for Sustainable Coastal Management, MoEF & CC	 DIRECTOR National Centre for Sustainable Coastal Management, MoEF&CC	 Secretary (EMNT) Government of Goa Secretariat, Porvorim-Goa	 Director Department of Environment & Climate Change Government of Goa

Prepared by

National Centre for Sustainable Coastal Management
 (Ministry of Environment, Forest & Climate Change)
 Chennai - 600 025

Prepared for

Department of Environment and Climate Change
 Government of Goa



Exhibit 'E' 27
Colly

REPORT OF THE JOINT SITE INSPECTION AT THE SITE OF RESTORATION OF SAND DUNES IN PROPERTY BEARING SY.NO 16/7 OF SERNABATIM VILLAGE, COLVA, SALCETE, GOA, HELD ON 28.10.2020, FROM 3:00 PM ONWARDS

Case reference and background: As directed by Goa Coastal Zone Management Authority, vide letter No. GCZMA/ SAL/ SERNA / 12-13/01/697 and Minutes of the 220th GCZMA, to prepare detailed report as to cost of restoration of sand dune in the property bearing Sy. No. 16/7 of Sernabatim Village, Salcete-Goa, for onward submission to Hon'ble National Green Tribunal (WZ), Pune.

Members of inspection team were briefly informed about the matter and directions from Goa Coastal Zone Management Authority to assess the damage and prepare detailed report as to cost of restoration of sand dune in the property.

Members present for the inspection: The following members were present during the joint site inspection on 14/10/2020

1. Shri. Flaviano J Miranda, Member, Goa Coastal Zone Management, Porvorim, Goa
2. Dr. Chandrashekher Rivonker, Member, Goa State Biodiversity Board, Saligao, Goa
3. Shri. Jeremy Vaz, Representative of Assistant Engineer, A. E. SD II- WD XIV (NH) PWD, Fatorda, Margao
4. Shri. Newton D'Silva, Representative of Directorate of Settlement and Land Records, Panaji-Goa
5. Smt. Shakuntala Mesquita, Member, Colva BMC, V.P. Colva, Salcete, Goa
6. Representatives of Shri. Suvam R. Bandekar : Shri. N.P.S. Varde, Shri. Miguel A. Braganza, Adv. S. Henriques, Santosh V. Mahale.
7. Smt. Reshma Kerkar, Scientific & Administrative Officer, Goa State Biodiversity Board
8. Adv. Joyce Rodrigues, Legal Assistant, GSBB & Goa State Wetland Authority.

Observations: During the site inspection the following observations have been made:

1. It was observed that natural restoration has occurred over time. The area and the said road was seen to have considerable vegetation including bushes, shrubs & sand dune specific vegetation and ecosystem features were also seen to emerge including few butterflies and birds. (list of flora observed is given in Annexure I and photos of prominent species observed given in photo plate in Annexure II)

2. Some laterite boulders and mud was observed in the restored road area. A pathway across the overgrown road was strewn with garbage.
3. Typical grass species were observed covering the low lying area.
4. Barbed wire fencing and a security cabin of metal sheets and grill was observed within the area inspected (refer photo plate)

Suggestions & Recommendations:

1. Although any boulders or foreign material has to be removed from sand dune area but this should not be done by deploying heavy earth moving equipment, as the similar case has been previously dealt with by GSBB.
2. Based on our previous report in similar sand dune restoration case, submitted to the Hon'ble National Green Tribunal (NGT), which was accepted by the NGT, the same strategy is advisable in this area wherein the minimal interference of heavy earth moving machinery is advised and by deploying local people, especially the job card holders under The Mahatma Gandhi National Rural Employment Guarantee Act 2005 (MGNREGA) the restoration may be carried out with monitoring by local Biodiversity Management Committee (BMC).
3. While the activity of destruction of ecosystem is undesired, restoration activity should not be further damaging. If the mud is replaced by sand now the area will require 6 to 7 more years to return to the present state. And hence the best strategy would be to allow nature to take over and allow the sand dune to restore itself.
4. While the activity of barbed wire is to demarcate the boundary is well understood however while looking at the commitment of the property owner wherein he had engaged the renowned experts, it is advised that bio based such as bamboo fencing should replace the barbed wire fencing observed at the site.
5. The bamboo based or bio fencing by employing sand dune vegetation prevailing in this area namely 'nirgundi' (Vitex nigundo) already growing in abundance within the area, the thick growth of which will act as natural fencing (bio fencing) and also arrest the sand which may otherwise get eroded due to wind and wave action and allow the sand dune to replenish itself completely within 3 to 5 years, as the work of restoration would be mainly to facilitate the natural process of regeneration of sand dune ecosystem.
6. Further, the idea of refilling sand in this area as suggested means removal of sand from some other pristine area and creating a similar situation somewhere else. In order to restore one area ecological damage should not be caused to another area which is he

very basic and fundamental understanding of restoration science, and hence it is strongly advised not to carry out sand refilling.

7. It is appreciable that the property owner has engaged renowned experts to arrive at a scientific restoration plan, GSBB's recommendations are based on advice in similar sand dune restoration case from Dr. Antonio Mascarenhas, former member of GSBB, an authority on sand dune ecosystem and one of the maximum cited renowned geomorphologist of Goa, who has spent a lifetime on extensive research of Goa's coastal geomorphology specially its sand dune ecosystem and was part of the team that derived the strategy.
8. The work of restoration is mainly to facilitate the natural process of regeneration of sand dune ecosystem, it is hence recommended to allow the sand dune to restore itself, with least human interference.

Cost implications: Based on the enclosed report, it is observed that the major role is played by nature, however as per the recommendations the barbed wire fencing and other foreign material like the security cabin and material used to fix the same to the ground need to be removed and replaced with bio based fencing such as bamboo fencing which may be carried out by the owners. Authority may decide on calling estimates if the owner is unwilling to remove the same and have it done by any external agency.

Further intervention proposed is to remove any undesirable extraneous material including debris/ boulders visible on the surface and do superficial cleaning of the area by involving local Biodiversity Management Committee (BMC) for which a nominal amount of Rupees one lakh may be deposited with local BMC for ensuring compliance and monitoring to maintain the sand dunes.

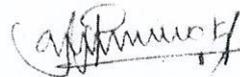
Report prepared by:



Reshma Kerkar,
Scientific & Admin. Officer GSBB



Approved by:



Dr. Pradip Sarmokadam,
Member Secretary, GSBB

Enclosed:

Annexure - I: List of prominent flora observed at the site (page 4)

Annexure - II: Photos of the site and prominent flora observed (page 5)

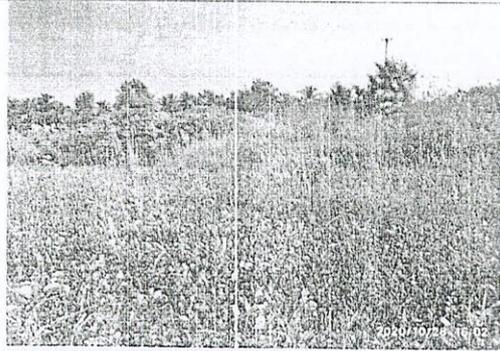
Annexure - I

List of the prominent flora observed during the site inspection at the site of restoration of sand dunes in property bearing sy.no 16/7 of Sernabatim Village, Colva, Salcete, Goa, held on 28.10.2020:

1. *Acanthospermum hispidum*
2. *Achyranthes aspera*
3. *Aeschynomene aspera*
4. *Alternanthera sessilis*
5. *Casuarina sp.*
6. *Colocasia sp.*
7. *Commelina sp.*
8. *Corchorus capsularis*
9. *Cuscuta sp.*
10. *Cyperus sp.*
11. *Dactyloctenium aegyptium*
12. *Eragrostis sp.*
13. *Ipomoea pes caprae*
14. *Lansea coromandelica*
15. *Leucas aspera*
16. *Lindernaria sp.*
17. *Pennisetum sp.*
18. *Phyllanthus rotundifolius*
19. *Premna serratifolia*
20. *Tacoma sans*
21. *Vitex nigundo*
22. *Watacaca volubilis*

Annexure - II

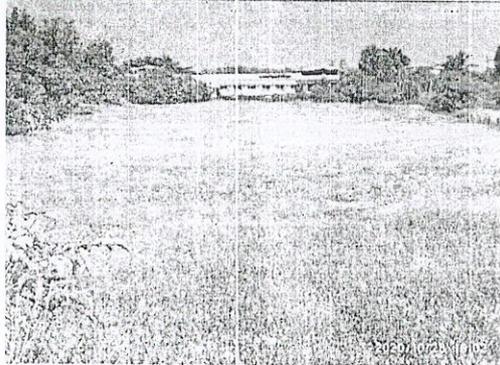
PhotoPlate: Photos of the site and prominent flora in property bearing sy.no 16/7 of Sernabatim Village, Colva, Salcete, Goa, held on 28.10.2020



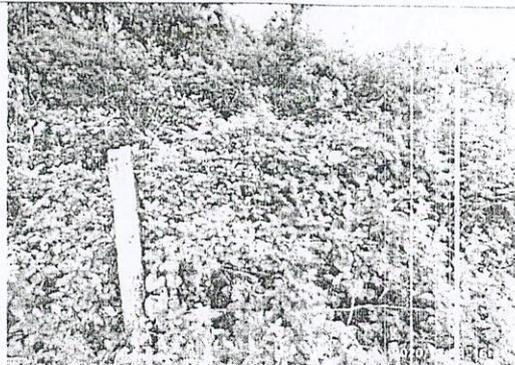
The thick growth of vegetation specifically *Ipomoea pes caprae* creper in area inspected



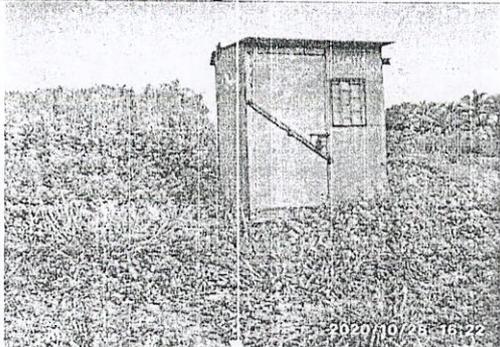
The thick growth of *Vitex nigundo* in area inspected



Low lying area in the Sy. No. 16/7 of Sernabatim village



Barbed wire fencing with concrete posts observed at the site



Security Cabin of metal sheets and grill



Ipomoea pes caprae



Acanthospermum hispidum



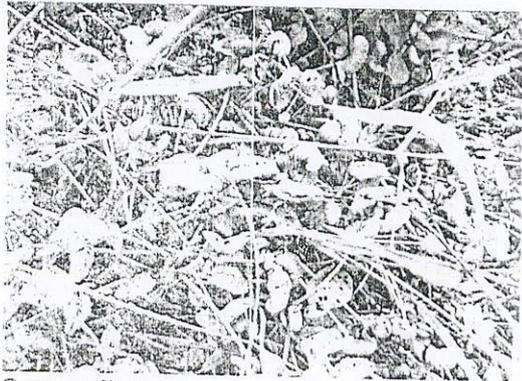
Colocasia sp.



Cuscuta sp.



Premna serratifolia



Commelina sp.



Vitex nigundo



Jovek Cardozo
 H.No. 107, Sernabatim,
 Ambeaxir, Colva,
 Salcete Goa
 Mobile No. 8411028227

Date: 01/12/2020

To,
 The Public Information Officer
 GCZMA , Porvorim
 Bardez Goa .

01/12/2020
 C/o. Member Secretary
 Goa Coastal Zone Management Authority
 Goa Department of Science, Technology
 & Environment, (Govt. of Goa)
 1st Floor, Pandit Dondayal Upadhyay Bhavan
 K. K. Nagar, Porvorim-Goa. 40352

Sub : Request to provide information under RTI 2005.

Sir

This is to kindly request you issue me certified copies of the GCZMA meetings as mentioned below:

1. 202nd GCZMA meeting held on 29/5/2019
2. 204th GCZMA meeting held on 11/6/2019
3. 219th GCZMA meeting held on 28/01/2020 and 29/01/2020
4. 220th GCZMA meeting held on 05/02/2020
5. 222nd GCZMA meeting held on 04/03/2020
6. 223rd GCZMA meeting held on 18/03/2020.
7. The joint site Inspection report conducted and prepared by one Expert member Mr. Flaviano Jose Miranda dated ~~28/10/2020~~ (Xerox copy enclosed)

Kindly do the needful.

Im the citizen of india

Thanking you

Yours faithfully


 Jovek Cardozo

Exhibit E) 34
Colly.

Upon request on telephonic communication at 11:00 a.m. on 28/10/2020 from Smt. Johnson B Fernandes, Member Secretary of GCZMA, the joint site inspection along with the officials of other govt. department and personnel of BMC has been carried out at 3:30 P.M. for the restoration of sand dune at Semabalim beach. The following persons were present at the time of inspection

- 1) Smt Reshma Kerkar, Scientific & Administrative officer, GSBB
- 2) Complainant's Advocate
- 3) BMC personnel
- 4) Dr. Naraina P S Vardo, Ex-director, Dept. of Science, Technology & Environment Govt of Goa. Ex-member Secretary, GCZMA
- 5) Shri Jeromineo Vaz, T.A. SD II, WD XIV(NH), PWD Fatorda
- 6) Few others

Brief introduction prior to commencement of site inspection was given by Smt Reshma Kerkar, officer from Biodiversity stating that there was an illegal road of about 80 was been constructed in sand dune area within NDZ at Semabalim Beach in Survey No 18/4A by flattening the dunes and clearing the vegetation. She also informed that the Deputy Collector on 14.06.2012 as per the orders dated 24.08.2011 and 24.05.2012 has removed the road. As per the law the area now be restored back to its original condition and hence require an assessment of the cost and other restoration protocols

Observation and recommendations;

1. It was observed during the site inspection that the entire stretch of road is fully covered with vegetation including bushes and shrubs except a small portion of it being seen free from natural vegetations.
2. Over the years, since the area was kept fallow and untouched, sand/mud deposition has taken place over which growth of vegetation is seen.
3. Restoration of sand dune for the demolished road surface at Semabalim beach is seen happening by a natural process as evidences are seen on the ground that herbaceous growth is taking place. Keeping the undisturbed and free from human intervention except few scientific coastal dune protocols such as planting native coastal vegetation may in long run facilitate coastal stabilization process.
4. Hence it is recommended that the area may be allowed to reclaim naturally as far as possible and by planting native dune vegetations. Any debris or physical barriers created in the area must be removed and facilitate natural recovery of coastal dunes under the scientific guidance and supervision of Goa State Biodiversity Board (GSBB). The cost towards scientific consultancy of GSBB shall be borne by the project proponent.

Expert member Flaviano Jose Miranda
(Flaviano Jose Miranda)