

**BEFORE THE HON'BLE NATIONAL GREEN
TRIBUNAL, WESTERN ZONE, PUNE**

APPEAL NO. 32/2022

Mr. Suvarn Rajaram Bandekar ... Appellant

Versus

State of Goa & Others ... Respondents

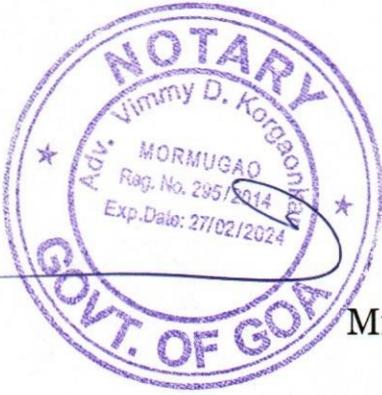
**SAY OF THE APPELLANT TO THE REPLY
DATED 09.02.2023 FILED BY
THE RESPONDENT No. 3(a) and 3(b)**

MAY IT PLEASE YOUR LORDSHIPS:

I, Mr. Suvarn R. Bandekar, son of Late Shri Rajaram N.S. Bandekar, Age 70 years, R/o. Raj Tara, F.L. Gomes Road, Vasco Da-Gama, Goa, the Appellant, do hereby on solemn affirmation beg to state and submit as under:

1. I have read and understood the contents of the Reply dated 09.02.2023 and crave leave to reply as under.
2. I say that I have read the reply dated 09.02.2023 filed by the Respondents 3(a) and 3(b) and I have been advised to file the present Say Affidavit to deal with averments contained therein which are incorrect apart

S. R. Bandekar



from being inconsistent and/or contrary to the records and I am filing the present Say Affidavit to deal with the same and clarify the matter.

3. I say that I deny all the contents of the reply which are false and contrary to the record and Appeal Memo and state that the contents of the reply filed by the Respondents 3(a) and 3(b) which are not specifically denied and/ or dealt with and/ or which may have escaped specific denial may be taken as denied.
4. I say that with respect to para 1 of the Reply, the Respondents are misleading this Hon'ble Tribunal to state that the Hon'ble National Green Tribunal, Principal Bench, New Delhi, was on the verge of dismissing O.A. 480/2018 when infact the Order passed in the said matter which is as follows speaks for itself:

"After making submission for some time, the Learned Counsel for the applicant submits that he may be permitted to withdraw this original application with

S. N. Bhandal



liberty to seek redress before the appropriate forum. Consequently, the original application (480/2018) is dismissed as withdrawn”

5. I say that as can be seen it was only pursuant to the aforesaid Order of the Hon'ble National Green Tribunal, Principal Bench, New Delhi, that the necessary proceedings were instituted before the Respondent No. 1.
6. I say that infact in the O.A. 480/2018 also a prayer for restoration was made but since the Hon'ble National Green Tribunal, Principal Bench, New Delhi, was of the opinion that the appropriate Authority to decide the matter was the Respondent No. 2 hence the proceedings were withdrawn as stated above.

Annexed hereto is a copy of the Original Application No. 23/2013 (480/2018) as **Exhibit A**.

7. I say that with reference to para 2 of the reply, the report prepared by the NCSCM, Chennai, pursuant to the directions from this Hon'ble Tribunal dated

S. N. S. and Co.



29.08.2022 supersedes all the earlier reports and is to be acted upon and consequently the report dated 18.03.2011 is not valid, as the report prepared is by a specialized agency i.e. National Centre for Sustainable Coastal Management, Chennai.

8. I say that with respect to para 3 of the reply, the road was first noticed by the Respondent in September 2010 and pursuant to which complaints were filed and pursuant to which an inspection was carried out and an Order dated 24.08.2011 came to be passed whereby Mr. Armando Cardozo the predecessor of Respondent No. 3(a) and (b) was directed to remove the illegally constructed road.

9. I say that the finding is a categorical finding as stated herein below:

Now therefore, by virtue of the powers delegated to the GCZMA under Section 5 of the Environment (Protection) Act, 1986, Shri Armando Cardozo is hereby directed to remove the illegal construction of

S. Armando



the road which has been constructed without approvals from the Goa Coastal Zone Management Authority and other Authority concerned, within twenty (20) days from the date of receipt of this Order failing which the GCZMA will issue directions to the appropriate Authority to demolish the same without any further notice and recover the costs towards the demolition from him.

Annexed at **Annexure E Colly** in the Appeal Memo at pages 154 to 156 is the copy of the Order dated 24.08.2011.

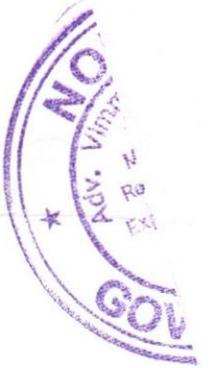
10. I say that thereafter, the Respondent No. 2 passed another Order dated 24.05.2012 which once again confirmed the Order dated 24.08.2011 directing that the road as constructed by Mr. Armando Cardozo be removed.
11. I say that the finding is a categorical finding as stated herein below:

S. Armando



Now therefore, by virtue of the powers delegated to the GCZMA under Section 5 of the Environment (Protection) Act, 1986, and as per the directions of the Hon'ble High Court in Writ Petition No. 606 of 2011 and Misc. Civil Application No. 327 of 2012; the GCZMA hereby directs the Deputy Collector & SDO (Salcete) to comply with the directions of the GCZMA as per para (8) above i.e. to survey and demarcate the width of the road as on site and as depicted on the old Survey Plan, identified by the Hon'ble High Court in colour blue (as per the attached copy of survey plan, page 42 of the Writ Petition) and restore the land to its original conditions within a period of 10 days from the date of receipt of this Order. The Additional Collector (South) shall supervise and oversee the action and submit an action taken report to this Authority by 15/06/2012.

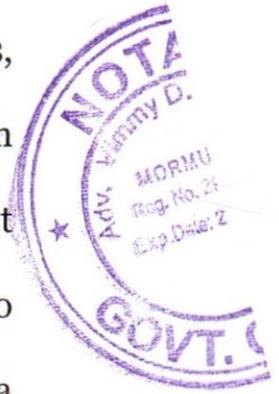
S. N. D. - order 4



was constructed by Late Mr. Armando Cardozo and his family as the earlier access through property under Survey No. 16/2 which is on the further Northern side of the land bearing Survey No. 16/7 and used by Late Mr. Armando Cardozo was stopped by Mr. Fernandes, his brother-in-law, on account of a dispute wherein even a Police complaint came to be filed. I say that both properties 16/7 of Late Mr. Armando Cardozo and 16/2 of Mr. Fernandes and his wife (Mrs. Bertha Fernandes) were earlier a single larger property.

Annexed at **Annexure F** and **Annexure G1** of the Appeal Memo at pages 157 to 162 & 164 to 166, respectively, are the copies of the aforesaid Orders.

13. I say that Late Mr. Armando Cardozo even went to extent of claiming that the New Illegal Mud Road was constructed by the Appellant and the Owners of adjacent property bearing Survey No. 16/4 on the South side of Survey No. 16/4-A, whereas in reality there was absolutely no need for the Appellant and/ or



S. N. Dardach

the Owners of property bearing Survey No. 16/4 to construct any road as the Old Road on the Seaward Western side already existed upto the property of this Appellant. I say that finally having failed in their attempt to mislead the various Authorities, Late Mr. Armando Cardozo and his family members had to admit as to which is the Old Road on the Seaward Western side and which is the New Road on the Landward Eastern Side and in this whole process making it absolutely clear that the New Road on the Landward Eastern side was constructed by him and his family members for their benefit for obvious reasons. I say that this Hon'ble Tribunal needs to take a note of this conduct of Late Mr. Armando Cardozo and his Successors the Respondents No. 5 to 12.

14. I say that with respect to para 4 of the reply, the Original Application No. 480/2018 was withdrawn as the Hon'ble National Green Tribunal, Principal Bench, New Delhi, was of the opinion that the restoration/

S. N. B. - - - - -



restitution sought for in the aforesaid Original Application was continuation of a partly executed Order, whereby the illegally constructed New Mud Road by Late Mr. Armando Cardozo and family was removed despite challenges from Mr. Armando Cardozo, but the restoration/ restitution of the sand dune remained to be done for which the executing Authority i.e. the Respondent No. 2 was the appropriate forum. I say that it is also pertinent to point out here that our Original Application no. 23/2013 renumbered as 480/2018 was pertaining to the construction of the Illegal Constructions of structures and Restitution of the Sand dunes damaged in the course of constructing and removal of the Illegally constructed New Mud Road and other reliefs as stated therein which was filed as an independent Original Application before this Hon'ble Tribunal on account of its establishment, but was clubbed by this Hon'ble Tribunal vide Order dated 19.03.2015 with the



S. N. S. S. S. S.

other two Appeals bearing No. 39/2014 and 43/2014 challenging the demolition Order dated 05.12.2014 of the Respondent No. 2. I say that the Hon'ble National Green Tribunal, Principal Bench, New Delhi, vide Order dated 16.11.2018 separated the Original Application 480/2018 from the two Appeals 39/2014 and 43/2014. Annexed at pages 208 to 209 as **Annexure P Colly** and at page 217 as **Annexure T** are the copies of the Orders dated 19.03.2015 and 16.11.2018 of the Appeal Memo.

15. I say that with respect to para 5 of the reply, in November 2000, it was observed that somebody had overnight dumped mud on the said existing private walkway of this Appellant and broadened the Appellant's Kutcha Mud Road by dumping mud converting it into a much wider Road and on inquiries being made, this Appellant was informed by Mr. Armando Cardozo that the same was done by the Village Panchayat. I say that accordingly, a letter

S. N. B. Cardozo



dated 29.11.2000 was addressed to the Panchayat, inquiring with the Panchayat and however to which the village Panchayat did not reply to the said letter inspite of repeated follow-ups in person and finally Mr. Joaquim R. Rodrigues, the then Sarpanch, informed this Appellant that the Village Panchayat had not interfered with the said existing Private walkway and the Village Panchayat is not liable to reply in writing to the Appellant's letter dated 29.11.2000. I say that infact after the New Mud Road was constructed by Late Mr. Armando Cardozo and his family on the Landward Eastern side, they tried to cover the Existing Old Mud Road on the Seaward Western side trying to hide the Existing Old Mud Road on the Seaward Western side to project that the Existing Old Mud Road did not exists. I say that after they were exposed on this count, they came with a new story that the Old Mud Road on the Seaward Western side was the New Illegal Mud Road constructed by the Appellant herein



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and the Owner of the adjacent property under Survey No. 16/4 and that the New Mud Road actually newly constructed by Late Mr. Armando Cardozo and his family on the Landward Eastern side was the Old Existing Mud Road. I say that this manipulation of Late Mr. Armando Cardozo and his family is already been explained in detail herein above paras as well as in this Appeal.

16. I say that later in the year 2010, during the course of inquiries when a Illegal New Mud Road of 80 mtrs in length was illegally constructed by the Mr. Armando Cardozo and his family on the Eastern side of the existing Appellant's private Kutcha Mud Road existing along the Sernabatim Beach Coast at a distance of about 20 mtrs. from the said Old Road/ Pathway along the coast, it has come to the light that it was Late Mr. Armando Cardozo and his family who converted/ broadened the private walkway into a much wider Road by dumping mud in the year 2000. I say that the

S. N. D. Cardozo



dumping of mud/ boulders has infact been admitted by Late Mr. Armando Cardozo and his Son, Mr. Jovek Cardozo, the Respondent No. 3(a) herein in their various letters dated 13.10.2010, 28.10.2010 and 24.03.2011 to the various Authorities. Annexed hereto and marked as **Exhibit B Colly** are the copies of the letters made to various Authorities.

17. I say that the complaint dated 06.09.2010 made to the Respondent No. 2 was on account of the shock and surprise at the action of constructing an illegal road in this Appellant's property after dumping a large quantity of mud and rubble and which actions constituted a serious violation of my proprietary rights and trespass into my private property illegally and at which point of time the primary importance was to safeguard against such further unlawful illegal trespass.
18. I say that with respect to para 6 of the reply, the document at Exhibit D of the reply shows the No



S. N. B. Cardozo

Development Zone from 0 to 200 meters and thereafter the area between 200 to 500 mtrs. from the High Tide Line. I say that infact CRZ1-A relied upon in the reply depicts sand dunes in the area bearing Survey no.16/4 and 4A and further depicts Sand dunes beyond CRZ boundary only. I say that the finding of the NCSCM, Chennai, is very clear and categoric to state that there is a fore dune and additionally, the report clearly lays out the process for restoring the earlier existing natural sand dune associated environment.

19. I say that with respect to paras 7, 8 and 9 of the reply, the contents of the same are denied in view of the report and findings made by the NCSCM, Chennai, which are very specific as to the area inspected and steps to be taken for restoration.
20. I say that with respect to paras 10, 11 and 12 of the reply, the Respondent No. 3(b) i.e. Mr. Jovek Cardozo was present and notified of the inspection carried out

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by the NCSCM, Chennai, and in his presence was the inspection carried out. I say that the report of the NCSCM, Chennai, supersedes the reports prepared by the Respondent No. 2 and the Goa State Biodiversity Board. I say that infact the expert member of the Respondent No. 2 Mr. Flaviano Jose Miranda was infact a signatory and present for the inspection carried out and report filed by the NCSCM, Chennai, and has consequently endorsed its findings/ reports.

21. I say that with respect to paras 13 and 14 of the reply, the Illegal New Mud Road constructed by Late Mr. Armando Cardozo and his family cannot be seen as the same has been removed on 14.06.2012 and the foreign material utilized is still at the site and which is visible on the photographs at pages 483, 484 and 485 of the Appeal Memo at **Annexure BB Colly**. I say that the growth of plants seen are just superficial wild shrubs and not indicative of any serious vegetative growth.

S. N. D. D. S.



22. I say that with respect to para 15 of the reply, I have produced all the photographs showing the debris, mud and road at page 483, 484 and 485 of the Appeal Memo at **Annexure BB Colly**. I say that the debris/mud continue to exist at loco and the same is clear from the kind of vegetation presently seen in the area.
23. I say that with respect to para 16 of the reply, the statement that in the property bearing Survey No. 16/4 there is plantation of coconut tree, cashew plantation and cajurina is on account of the owners of the said property have cleared their area and brought foreign soil, and planted the said plants in the year 2021.
24. I say that with respect to paras 17 and 18 of the reply, the report of the Committee appointed by this Hon'ble Tribunal clearly indicates that there is need to restore the sand dune as stated in the report and steps laid out for the said restoration. I say that the Committee has rightly gone on the basis that there was a natural sand dune and the same is confirmed by the fact that the



S. 113 - del

vegetation seen is a foreign invasive vegetation not seen on sand dunes but on mud and rubble which can be noted from the vegetation growing in the vicinity on sand dunes.

25. I say that I am annexing the report prepared by an Expert, Prof. M. R. Borkar who was also present during the aforesaid inspection. I say that Prof. M. R. Borkar has prepared a report as to the exact status at loco and thereafter prepare a report in respect of restoration/ restitution of the damaged sand dune. I say that the report is elaborate and lays down the reasons why the area is far from ecologically restored or restituted. I say that prior to this there are reports of other experts such as Dr. N. P. S. Varde and Mr. Minguel Braganza of the year June 2013 annexed to the Original Application 23 of 2013 and both the experts have been cross examined on their said reports by the Advocate of the Respondents and which reports are also on record in these proceedings at pages 175 to



S. N. S. Varde

186 at **Annexure J colly** of the Appeal Memo. I have also annexed a report of Mr. Arun E. Godshay, a Civil Engineer whose report also throws a lot of light on the massive coastal erosion that has taken place due to the human interference and destruction of sand dunes at pages 459 to 488 at **Annexure BB Colly**. I say that infact pursuant to directions from this Hon'ble Tribunal a report dated 17.02.2014, at pages 206 to 207 at **Annexure O** in the Appeal Memo of experts in the field Dr. Antonio Mascarenhas and Mr. Raghunath Dhume was also obtained and is also very clear about the existence of sand dunes in my property and the damage caused to the Sand Dunes and provided its conclusion on restoration of the sand dunes which was also filed in Original Application 23/2013. It is stated that all these reports ultimately confirm the same facts claimed by this Appellant.

Annexed hereto and marked as **Exhibit C** report of Dr M.R. Borkar.

S. N. B. - de b



26. I say that finally, the undeniable reality is that a Road of about 80 mtrs. length, 10 mtrs. width and 2 1/2 feet thick was illegally constructed in the year 2010 by dumping huge boulders and mud by Late Mr. Armando Cardozo and his family for their benefit. I say that the said illegal Road constructed by them was then removed by deep trenching and side casting of the foreign material using heavy earthmoving machinery and dumpers/ trucks and in the whole process of construction and removal of the said illegal Road as per the orders of the Respondent No. 2 and confirmed by the Hon'ble High Court has caused a huge environmental damage and which damage continues till date for the last 13 years unrectified/restored thereby causing further multiple damage to the Environment in the Coastal Sand Dune Zone of one of the most serene and virgin beaches of South Goa.

S. N. D. Cardozo



27. I say that the Polluter/s Respondents 5 to 12 therefore have to pay for the environmental damage caused as in the present matter there has been no penalty levied on the Polluter and if left scot-free will set a bad precedent which is contrary to Orders of this Hon'ble Tribunal to penalize entities/individuals causing environmental damage in terms of the formula arrived at by the Respondent No.2 pursuant to Orders passed on Original Application 01/2019.

28. I say that with respect to the paras 19 and 20 of the reply, this Hon'ble Tribunal has rightly issued directions and issued notices to the Respondents, as the Respondent No. 2 has passed Orders discarding all the material placed before it and importantly directions from this Hon'ble Tribunal requiring restoration and even constituting a Committee to assess the quantum of damages to be imposed in such matters which has also been confirmed by the Respondent No. 2.



S. N. B. - dets

29. I humbly beg to say and bring to the notice of this Hon'ble Tribunal that in the land under Survey No. 16/7 just adjacent to my property damaged by the Respondents 3(a) to (h), the same Respondents continue to operate a large Star-like Commercial Establishment inspite of the same being ordered to be demolished by the Respondent No. 2 and which Order has been subsequently upheld by this Hon'ble Tribunal vide Order dated 21.10.2022 and further confirmed by the Hon'ble Supreme Court Order dated 25.11.2022.
30. I say as per information available from the PWD who have been assigned to take up the demolition work, the illegal structures are so huge that they do not have sufficient **RESOURCES** for demolition of the said structures. A photocopy of their interdepartmental correspondence on this subject is annexed hereto as **Exhibit D Colly**. I say that the Execution Application regarding the non-execution of the Respondent No. 2 Order dated 25.03.2022 for



S. N. D. S. D. S.

demolition which is upheld by this Hon'ble Tribunal and subsequently by the Hon'ble Supreme Court has already been filed before this Hon'ble Tribunal on 02.03.2023 and is awaiting further hearing on the said Application.

31. I therefore humbly pray that not only my land be restored but the Polluter/Respondents 5 to 12 be fined heavily for such an act of his of such a severe and **REPETATIVE** act of Environmental damage failing which it will set a bad precedent.
32. I, the Appellant herein am a 70 years Old Senior Citizen, having undergone Angioplasty procedures and is on medication and that most of the persons associated with this incident have already retired long back and are no more available for some reasons or the other, Mr. Armando Cardozo himself has expired and Dr. Varde is also incapacitated/ indisposed.
33. I also humbly pray that since this a 13 years old matter having been before the Hon'ble National Green



S. N. D. Cardozo

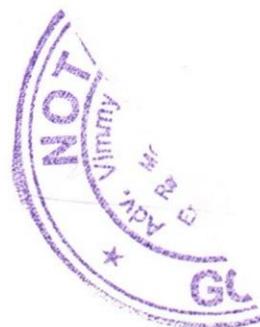
Tribunal (Pune and New Delhi), the Goa Coastal Zone Management Authority and once again back to the Hon'ble National Green Tribunal, Western Zone Bench, Pune and having multiplying effect and further continuously causing damage to the environment, this matter be heard and disposed off on the next date of hearing.

Solemnly affirmed on 11th day of March 2023 at Vasco-Da-Gama, Goa.

Date : 11.03.2023

Place: Vasco Da Gama

S. J. J. J.
(Appellant)



**BEFORE THE HON'BLE NATIONAL GREEN
TRIBUNAL, WESTERN ZONE, PUNE**

APPEAL NO. 32/2022

Mr. Suvarn Rajaram Bandekar ... Appellant

Versus

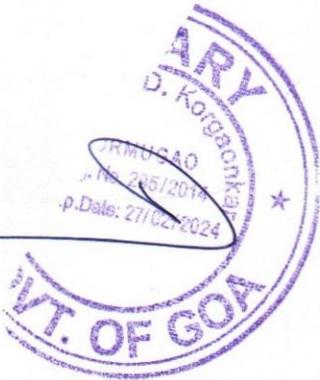
State of Goa & Others ... Respondents

AFFIDAVIT

I, Shri Suvarn Rajaram Bandekar, S/o Late Shri Rajaram Narayan Shet Bandekar, aged 70 years, the Appellant, having Office at Suvarn Bandekar Building, P.O. Box No.11, Vasco-da-Gama, Goa - 403 802, presently at Goa, do hereby solemnly affirm and state as follows:

1. That I am the Appellant in the above noted matter and as such am well conversant with the facts and records of the case and hence competent to swear this affidavit.
2. That I have read and understood the contents of the accompanying Appeal and state as under;
 - a. Paras 1, 2(P), 4(P), 5(P), 8(P), 9(P), 10(P), 11(P), 12(P), 13(P), 14(P), 15(P), 16(P), 17(P), 20(P), 21(P), 22(P), 23, 24(P), 25(P), 26(P), 29(P), 30(P), 31(P), 32 and 33(P) are true and correct to my knowledge

S. N. Bandekar



- b. Paras 2(P), 3(P), 4(P), 5(P), 6(P), 7(P), 8(P), 9(P), 10(P), 11(P), 12(P), 13(P), 14(P), 15(P), 16(P), 17(P), 18, 19, 20(P), 21(P), 22(P), 24(P), 25(P), 26(P), 27(P), 28(P), 29(P) and 30(P) are based on documents/ records, and;
 - c. Paras 2(P), 3(P), 6(P), 7(P), 27(P), 28(P), 29(P), 30(P), 31(P) and 33(P) are based on legal advice and/or inferences of facts, which I believe to be true. No part of it is false and nothing relevant has been concealed therein.
3. That all the annexures are true copies of their respective originals.

Solemnly affirmed at Vasco-da-Gama, Goa on this 11th day of March 2023.

Identified by:



S. N. Bandede
DEPONENT

sworn/solemnly affirmed before me
by Suvarn K. Bandede
who is known to me / Identified
by

Vimmy D. Korgaonkar 11/3/2023
Adv. VIMMY D. KORGAONKAR
NOTARY
1st. Floor, Laxmi Narayan Niwas
Balabaim, Vasco-da-Gama, Goa
Reg. No. 523/2023

BEFORE THE NATIONAL GREEN TRIBUNAL SITTING AT
Pune

MEMORANDUM OF APPLICATION

(UNDER SECTION 18(1) READ WITH SECTIONS 14, 15, 16 &
17 OF NATIONAL GREEN TRIBUNAL ACT, 2010)

APPLICATION NO.23/2013

BETWEEN:

SHRI SUVARN RAJARAM BANDEKAR, having
office at Suvarn Bandekar Building,
P.O. Box No. 11, Vasco-Da-Gama-Goa,
PIN-403 802, represented herein by
his duly Constituted Attorney, Shri
R. S. Sawant.

APPLICANT

VERSUS

1. STATE OF GOA, through its
Chief Secretary, having office
at Secretariat, Alto Porvorim,
Bardez-Goa and others.

RESPONDENTS

I N D E X

Sr. Particulars	P A G E S
No.	

1. APPLICATION.
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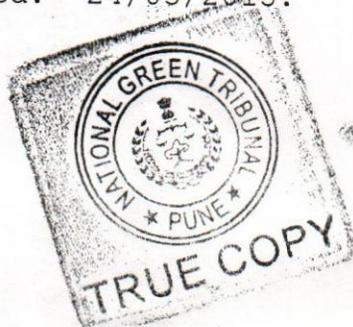
Place:- Vasco-da-Gama, Goa

Dated:- 24/03/2015.

Advocate for the Applicant.

Date 24.3.15
FILED
PUNE
NATIONAL GREEN TRIBUNAL

R/C
24/3/2015
Adv. S. Sawant



AMENDED COPY

BEFORE THE NATIONAL GREEN TRIBUNAL SITTING AT

PUNE

MEMORANDUM OF APPLICATION

(UNDER SECTION 18(1) READ WITH SECTIONS 14, 15, 16 &
17 OF NATIONAL GREEN TRIBUNAL ACT, 2010)

APPLICATION NO.23/2013

BETWEEN:

SHRI SUVARN RAJARAM BANDEKAR, having office at Suvarn Bandekar Building, P.O. Box No. 11, Vasco-Da-Gama-Goa, PIN-403 802, represented herein by his duly Constituted Attorney, Shri R. S. Sawant.

.. **APPLICANT**

VERSUS

1. **STATE OF GOA**, through its Chief Secretary, having office at Secretariat, Alto Porvorim, Bardez-Goa
2. **GOA COASTAL ZONE MANAGEMENT AUTHORITY**, through its Member Secretary, having Office at Department of Science, Technology & Environment, Opposite Saligao Seminary, P.O. Saligao, Bardez-Goa.
3. **LATE MR. ARMANDO CARDOZO**, (since deceased) through his legal heirs
 - 3a. **SMT. MARIA LETICIA CARDOZO**, Widow of late Armando Cardozo, housewife.
 - 3b. **MR. JOVEK CARDOZO**, son of late Armando Cardozo
 - 3c. **MISS. SUNIFER CARDOZO**, daughter of late Armando Cardozo,



3d. MISS SHWETA
 CARDOZO, Daughter of late
 Armando Cardozo,

3e. MRS. AUDREY CARDOZO
 FERNANDES, daughter of late
 Armando Cardozo, and her
 husband

3f. MR. JAMES SEBASTIAO
 FERNANDES, son in law of late
 Armando Cardozo

The Respondent Nos. 3a to 3f
 are residents of House No.
 107/A, Ambexir, Sernabatim,
 Salcete - Goa.

.. RESPONDENTS

(REGISTERED ADDRESSES).

MAY IT PLEASE HON'BLE TRIBUNAL:

The Applicant above named most respectfully
 states and submits as under:-

- 1) The Applicant states that the address of the Applicant is as provided in the Cause Title is the registered address for the purpose of service of notices in this Application. The Applicant is represented herein by his duly constituted Attorney, Mr. R. S. Sawant, appointed vide registered Power of Attorney dated 10.06.2013 executed before Notary Adv. Ulhas G. Shetye, bearing registration no. 2201/2013, a copy of



which is hereto annexed and marked as "ANNEXURE A" to this Application.

- 2) The Respondent Nos. 1 and 2 are the State of Goa and the Goa Coastal Zone Management Authority respectively and have their registered offices at the addresses mentioned in the Cause Title of this Application. The Respondent Nos. 1 and 2 have been joined as they are necessary parties for the present Application.
- 3) The Respondent No. 3 is late Mr. Armando Cardozo, and the Respondent Nos. 3a to 3f are the legal heirs of Late Mr. Armando Cardozo, who expired on 07.09.2012. The names of said legal heirs were filed by the advocate for the said parties vide written application on 04.10.2012, in case no. JM-III/MUND/3/96 in the Court of Joint Mamlatdar-III of Salcete Taluka, District South Goa, Goa. The said Respondent No. 3a to 3f reside at the address stated in the Cause Title of this Application and the same is their registered address for the purpose of service of notice.

A copy of the said application dated 04.10.2012, in case no. JM-III/MUND/3/96 in the Court of Joint Mamlatdar-III of Salcete Taluka is hereto annexed and marked as "ANNEXURE B".



- 4) The Applicant above named begs to present the Memorandum of Application under Section 18 read with Section 15 of the National Green Tribunal Act, 2010 (hereinafter referred to as the "NGT Act"), for restitution of environmental damage to his property and claim for compensation as under.

FACTS IN BRIEF

- 5) The Applicant is owner in possession of a part and parcel of land surveyed under No. 16/4A located at Sernabatim Village of Salcete Taluka, District South Goa (hereinafter referred to as the property of the Applicant).
- 6) The Applicant states that the property of the Applicant along with Survey No. 16/4, which is abutting the property of the Applicant, formed the larger property belonging to the ancestors of the Applicant. The said larger property came to be partitioned into two halves and were allotted Survey Nos. 16/4 and 16/4A and the property bearing Survey No. 16/4 came to be allotted to the Applicant's brother, who has further conveyed the same to a third party.
- 7) The Applicant is constrained to approach this Hon'ble Tribunal, inter alia seeking, the following reliefs:-



- (a) The Applicant first seeks restitution of environmental damage caused to the property of the Applicant, by the Respondent No. 3 in his life time, by destroying the sand dune located in the property of the Applicant.
- (b) The Applicant further seeks compensation towards the damage caused by the Respondent No. 3 to the property of the Applicant.
- (c) The Applicant has also made complaint to Respondent No. 2 to initiate action and demolish the illegal structures used for commercial purposes by the Respondent No. 3 and now Respondents 3(a) to 3(f). The structures in question are illegal structures erected in the No Development Zone as per the CRZ Notification of 1991. The Respondent No. 2 despite the directions passed by the Hon'ble High Court of Bombay, at Goa in Writ Petition No. 218/2012, has failed to take any effective action against the illegal structures of the Respondent No. 3.



8) The Applicant states that the said properties bearing Survey Nos. 16/4 and 16/4A are abutting the Sernabatim Seashore and Beach. A part of the said properties abutting the Public Beach of Sernabatim is classified as 'CRZ-I'. At the Western boundary of the said properties there existed a stabilized fore-dune of approximately 90 meters in length and 06 meters in width, which added to the natural beauty of the said properties and performed other ecological functions which are important for the sustainability of the coastal environment. The Applicant states that the said dune was completely destroyed by the Respondent No. 3. The area was dug up and filled by rubble and mud to construct illegally a road in the No Development Zone (NDZ) within the said properties, by the Respondent No. 3. The illegal road was constructed to provide a convenient and comfortable access to the property of the Respondent No. 3 bearing Survey No. 16/7, which is abutting the Northern boundary of Survey No. 16/4A. The said illegal road provided clandestine convenient and comfortable access to the unauthorized Guest House and Bar & Restaurant run by Respondent No. 3 in the said Survey No. 16/7.



9) The Applicant states that the Sernabatim Beach and Arabian Sea are to the West of Survey Nos. 16/4, 16/4A and 16/7 of Sernabatim Village. The said three Survey Numbers are three strips of land parallel to each other. Survey No. 16/7 is on the Northern side, Survey No. 16/4 A is on the Southern side and Survey No. 16/4 is in between Survey Nos. 16/7 and 16/4. The said Plan also shows a private mud road of about 6 meters in the said plot near the Western boundary (sea side) of the Survey Nos. 16/4A and 16/4. The said private mud road has been in existence, prior to the coming in force of the provisions of CRZ Notification of 1991, and used by the Applicant to derive access to his property. (Hereinafter the said private mud road is referred to as the "existing mud road" for sake of brevity).

Copy of the Survey Plan depicting Survey Nos. 16/4, 16/4A and 16/7 and the Sernabatim Beach are hereto annexed and marked as "ANNEXURE C" to this Application.

10) The Applicant states that the Respondent No. 3 covered and littered the said existing mud road with garbage and proceeded to construct the said illegal road parallel on the eastern side of the said existing mud road.



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Copies of photographs showing garbage dumped on the private mud road are hereto annexed and marked as "ANNEXURE D".

11) The Applicant states that the Representative and Power of Attorney of the Applicant, i.e. Shri R. S. Sawant visited the said properties for his routine inspection on 03.09.2010, when he was surprised to see that the said illegal road was constructed within the short span in between his previous and the said inspection visit. Immediately, on detection of the said illegal development, Mr. Sawant informed the Applicant about the illegal road, whereupon the Applicant promptly made complaints dated 06.09.2010, and 07.09.2010 in writing to various concerned authorities including Respondent No. 2.

Copies of the said complaints dated 06.09.2010 and 07.09.2010 lodged with Respondent No. 2, is hereto annexed and marked as "ANNEXURE E" Colly. to this Application.

12) The Applicant states that the Respondent No. 2 thereafter initiated proceedings against the Respondent No. 3 on the basis of the Site Inspection Report of Dy. Collector and S.D.O., Margao dated 22.11.2010 and Site Inspection conducted on 17.03.2011 by the Members of the

Respondent No. 2 (Report dated 18.03.2011) and the Respondent No. 2 was pleased to pass an order bearing Ref. No. GCZMA/ILL/SERN/10-11 dated 24.08.2011, inter alia directing late Shri Armando Cardozo, i.e. the Respondent No. 3 to remove the illegal road, constructed within the NDZ of CRZ, in blatant violation of the Environment (Protection) Act 1986 without approvals from GCZMA or other concerned departments.

A copy of the Report dated 22.11.2010 of the Dy. Collector and S.D.O., Margao, a copy of Report dated 18.03.2011 of the Respondent No. 2 and a copy of the Order dated 24.08.2011 of the Respondent No. 2 is hereto annexed and marked as "ANNEXURE F colly" to this Application.

13) The Applicant states that thereafter the Respondent No. 3 filed Writ Petition No. 606/2011 before the Hon'ble High Court of Bombay at Goa, inter alia challenging the Order dated 24.08.2011 passed by the Respondent No. 2. In this matter the Hon'ble High Court vide its Order dated 8.12.2011, observed as under:-

"(i) the Impugned order passed by the Respondent No. 1 i.e. Goa Coastal Zone Management Authority dated 24/08/2011



shall come in operation/effect only after the appropriate identification/demarcation of the road as depicted in promulgated survey records in respect of the property surveyed under Nos. 16/4 and 16/4A of Sernabatim Village is carried out by Respondent No. 1. The said demarcation/identification shall be carried out within two months from today".

A copy of the Order of the Hon'ble High Court dated 08.12.2011 is hereto annexed and marked as "ANNEXURE G" to this Application.

- 14) The Applicant states that thereafter another inspection was carried out of the said property by the members of the Respondent No. 2, on 07.02.2012 and prepared report concluding that the access road towards the seaward or Western side with electricity poles is the existing "old" original pathway or access, while the other access towards the Eastern side, which is the illegal road in question, was made at a later date. The Respondent No. 2 also took support of the "satellite pictures/remote sensing images" of 2010 and 2011 to verify and firmly arrive at the above conclusion.



A copy of the said Inspection Report dated 07.02.2012 of the suit property is hereto annexed and marked as "ANNEXURE H" to this Application.

- 15) Thereafter, the Respondent No. 2 discussed the issue in its 67th GCZMA (Sub-Committee) Meetings held on 2.04.2012 and 10.04.2012 and decided to issue directions to the Deputy Collector/SDO Salcete, to comply with the direction and to remove the said illegal road constructed by Late Mr. Armando Cardozo in the property bearing Survey Nos. 16/4 and 16/4A of Sernabatim Village, Salcete Taluka.
- 16) The Applicant states that thereafter the Respondent No. 2 was pleased to issue Order bearing Ref. No. GCZMA/ILL/SERN/10-11/209 dated 24.05.2012 inter alia directing the Deputy Collector & SDO, Salcete to remove the illegal road and restore the land to its original state and further directed the Additional Collector (South) to supervise and oversee the action and submit an Action Taken Report to the Respondent No. 2.

A copy of the minutes of 67th GCZMA (Sub-Committee) of the Respondent No. 2, Meetings held on 02.04.2012 and 10.04.2012 and decision to



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issue directions minutes of meeting Order dated 24.05.2012 of the Respondent No. 2 is hereto annexed and marked as "ANNEXURE I colly" to this Application.

- 17) The Applicant states that ultimately on 14.06.2012, the Deputy Collector & SDO, South Goa, at Margao-Goa, has carried out the demolition of the said illegal road. However, in the process, the demolition squad only to dug out the said illegal road and made it non-functional. The second important direction, issued in the GCZMA Order dated 24.05.2012, of restoring the land (damaged sand dune) to its original condition, has not been carried out till date the property has not been restored to its original glory.
- 18) The Applicant has certain old Photographs of the said property, which depict that there existed a stabilized sand dune (fore-dune) at the site where the illegal road was built by Respondent No. 3. The Applicant also produces on record two satellite images dated 15.12.2009 and 04.04.2011, which show the "old" existing road on the Western boundary (sea side) and also the neighboring stabilized dune (with natural dune vegetation), which has been destroyed by the Respondent No. 3 while constructing the said illegal road on the



Eastern side of the existing "old" road, in blatant violation of the Environment (Protection) Act 1986.

Copies of the Photographs and Satellite Images showing the roads are hereto annexed and marked as "ANNEXURE J Colly", collectively, to this Application.

19) The Applicant states that all stabilized sand dunes falling in the Coastal Regulation Zone (CRZ) are classified under CRZ-I category, where no development is permitted. Also, the entire area falling within 200 m of the High Tide Line (HTL) along the Sernabatim coast is classified as No Development Zone. The sand dunes are basically composed of accumulated wind-blown sand which is gradually stabilized by natural dune vegetation. The fore-dune such as the one destroyed by the Respondent No. 3, is created by deposition and stabilization of wind-blown sand, immediately behind the sandy beach. The strong onshore winds erode sand from the steepening face of the beach, and this sand is deposited at the top of the beach and fore-dunes are gradually found. The fore-dunes are of ecological importance. They are the first barriers against the erosive forces of sea waves and tidal fluctuations by acting as an obstacle to wave damage and inland



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salt water intrusion. The dunes protect the back-shore land and properties during the fury of monsoon and storms. The sand dunes or the fore-dunes also serve as water filters and maintain water quality. It is because of the sand dunes that it is possible to have fresh water pockets in the vicinity of the beach, as the sand dunes prevent intrusion of salt water into fresh water aquifer. The protective action of the fore-dunes allows development of a more complex plant community on the hind-dunes. Well stabilized hind-dunes serve as a second line of defense against water and wind erosion, should the fore-dune be destroyed by the action of storm waves.

Briefly, the sand-dunes perform the following additional environmental services:

- i) Function as sand banks and act as sources of beach nourishment in the event of shore erosion.
- ii) Are store houses of bio-diversity.
- iii) Serve as water filters and maintain water quality.
- iv) Provide sources of fresh water in pockets known as swales.
- v) Prevent intrusion of salt water into fresh water aquifers.



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- 20) The Applicant states that the Respondent No. 3 blinded by greed to earn quick money without any second thought destroyed the said fore-dunes in Survey Nos. 16/4 and 16/4A and illegally constructed the said road. The dunes were not only destroyed, but the area was further dug up and filled with rubble and stones on top of which the said illegal road was constructed thereby creating further environmental damage. The Applicant states that the Respondent No. 3 unauthorisely runs a Bar and Restaurant under the name and style of "Xavier Bar and Restaurant" and "Suni Cottages" at the adjacent Survey No. 16/7 of the Sernabatim Village. The Suni Cottages are in the name of the Respondent No 3a. The Applicant craves leave to refer to and rely upon the documents in this connection. The Applicant has reasons to believe that the said businesses are being run without any clearance / permissions under the CRZ Notification. The Respondent No. 3 was assisted by the Respondent No. 3a and 3b in all the said illegal activities.
- 21) The Applicant further states that although, the Deputy Collector & SDO, South Goa, through the demolition squad, has demolished the said illegal road by digging the same and removing



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some rubble and stones, the site has not been restored to its original condition.

22) The Applicant state that restitution of the property and damage to the environment is a complex issue and therefore in this matter, the Applicant has taken help of Dr. Naraina P.S. Varde, a reputed Scientist and who formerly held the posts of the Head/Director of the Department of Science, Technology and Environment, Government of Goa from 1988 to 2010 and also as the Member Secretary of the Goa Coastal Zone Management Authority from 1998 to 2006. As advised by Dr. Varde, the Applicant has also engaged the services of Shri Miguel Braganza, M. Sc. (Horticulture) who is a professional landscape horticulturist with more than 20 years of experience in Botanical Resources of Goa.

23) The experts engaged by the Applicant have visited the site and physically inspected the dunes in Survey Nos. 16/4 and 16/4A of Sernabatim Village. They have also observed other identical sand dunes located in the vicinity, to study their Physical characters and Biological Nature, including the plant species covering the same and further have furnished their reports of conceptual framework, studies and recommendations



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made by them along with the suggested methodology of dune restitution,

Copies of the said reports containing conceptual framework, studies and recommendations made by them along with the suggested methodology of dune restitution are hereto annexed and marked as **"Annexure K Colly"**, to this Application.

- 24) In terms of the main Report of the said Experts, the restitution would primarily require following steps:-

"Steps involved in "physical/biological" remediation of the dune

- 1) Remove all rubble and mud from the damaged dune and transport it to the nearest legal dump site identified by the government.
- 2) Estimate the length, width and "height/depth" of the damaged dune by actual site measurements coupled with information gathered from pre-damage photographs and satellite imagery.
- 3) Estimate the bulk density of the damaged dune based on the physical analysis of a similar undisturbed dune located in the vicinity. Calculate the quantity of sand needed to refill the dune based on the results of measurements made under steps 2) and 3).
- 4) Identify the nearest construction site located along the coastal sandy belt, where sand is being legally excavated to lay building



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- foundations. Procure the required quantity of this excavated sand to refill the reworked dune as at 1), above.
- 5) Fill the reworked dune area, uniformly, with the estimated quantity (as per 4), above) of procured sand and redistribute it gently to approximately attain the original shape of the dune.
 - 6) Identify the main native plant species covering a similar "stabilized/undisturbed" sand dune located in the immediate vicinity.
 - 7) Procure adequate quantities of "culms/cuttings/saplings" of the identified species to plant the newly filled dune surface in proportion to their frequencies found on similar "stabilized/undisturbed" dunes as per the study conducted under step 7), above. It is advisable to undertake the work of planting the dune during the first fortnight of August, when the sandy stretch remains moist and the fury of monsoon rains subsides.
 - 8) The covered vegetation shall not occupy more than 80% of the dune area under remediation.
 - 9) Secure the entire "reworked/planted" dune with a suitable temporary fencing, as is permissible under CRZ 2011 notification, in order to avoid any disturbance of the reworked area till the establishment of the vegetation on the same.
 - 10) After the satisfactory establishment of the planted dune vegetation, allow the stabilization of the reworked dune under



natural conditions at least for one full year under supervision, before removing the fence.

Execution of steps (1) to (10) listed above

- i) Engage a registered earthwork contractor, with documented expertise in coastal works, to execute step (1).
- ii) Obtain pre-damage site photographs (from the Client) and satellite images (courtesy: Google Earth) of the damaged dune and surrounding area.
- iii) Engage the services of a registered surveyor to study the said "photographs/images", to take ground measurements of the damaged dune and to get the step (2) executed.
- iv) Engage the services of a professional "horticulturist/botanist", familiar with coastal flora and experienced in establishing plant nurseries and landscaped gardens, to conduct the study required as per step (6), with the help of Department of Botany, Goa University.
- v) Execute steps (3), (4) and (5), through the contractor selected as at (i), under the supervision of the horticulturist/botanist".
- vi) Execute steps (7), (8), (9) and 10) through the "horticulturist/botanist".
- vii) After completion of step (10), to the satisfaction of the "horticulturist/botanist", petition the Department of Botany, Goa University, or other Expert



Agency to certify the satisfactory "restitution" of the damaged dune."

25) The Applicant states that it is imperative that the restitution of the damaged dune is undertaken as advised by the Experts so that the environmental damage can be remedied to a maximum extent. As such, the Applicant urges that this honorable Tribunal shall order the Respondent No. 3 and 3(a) to 3(f) for the restitution under the supervision of Respondent No. 2 and also under the guidance of the Expert and in the manner set out in the said reports of the experts.

26) The Applicant thus states that the scientific restitution of the environmental damage to the site in the above manner would involve expenses to the tune of Rs.10,28,700/- (Rupees Ten Lakh Twenty Eight Thousand Seven Hundred Only), as more particularly stated in the Chart hereto annexed and marked as "ANNEXURE L colly" to this Application.

27) The Applicant states that the "polluter pays" principle is squarely applicable to this case and accordingly, the Respondent No. 3a to 3f, are liable to bear the costs stated above for the restoration works.



28) The Applicant states that apart from above, the Applicant had to incur substantial expenses towards pursuing action before the Respondent No. 2 and also before the Hon'ble High Court of Bombay at Goa, as also employ manpower and other logistical support in order to get the illegal constructed road removed which is to the tune of Rs. 7,62,737/-. In this regards, the Applicant craves leave to place on record a Ledger Extract of the expenses incurred by the Applicant along with supporting bills and copies of the same are hereto annexed and marked as "ANNEXURE M Colly" to this Application.

29) The Applicant further states that the said Respondent No. 3 constructed the said illegal road for boosting his business in the adjoining property surveyed under no. 16/7. As the said illegal road for almost 2 years has provided a convenient and comfortable access to the "Xavier Bar and Restaurant" and "Suni Cottages" of the Respondent No. 3 and thereby the business was substantially boosted. The applicant states that this profiteering by Respondent no. 3 and Respondent Nos. 3a to 3f is at costs of environmental degradation and damage and therefore the Respondent nos. 3a to 3f should be made liable to pay punitive damages as this



honorable Tribunal deems fit and proper and the same should be credited to National Environment relief fund.

- 30) The Applicant states that besides the environmental damage, the property bearing Survey No. 16/4A belonging to the Applicant has been defaced. This has resulted in diminishing the value of the property then the actual market value. The Applicant submits that this is squarely on account of the illegal activities of Respondent No. 3, in property bearing Survey No. 16/7 adjacent to the Applicant's property.
- 31) The Applicant states that apart from the above environmental damage caused to the property bearing Survey No. 16/4-A of the Applicant, the Respondent No. 3 have grossly violated the Environment Protection Act, more particularly CRZ Notification 1991 and the Panchayat Raj Act by illegally building and occupying the various huge illegal structures within the No Development Zone in land under Survey No. 16/7 which is adjacent and on the south of the Applicant's property in land under Survey No. 16/4-A and 16/6-A in Sernabatim Village, Salcete Taluka. The Respondent No. 3 is unauthorisely running a business of Bar & Restaurant and Lodging under



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the name and style of "Xavier Bar & Restaurant" and "Sunni Cottages" without obtaining any valid permissions from the various concerned authorities and wherever Respondent No. 3 has offered permissions the same is done by misrepresenting facts. The Respondent No. 3 have fraudulently obtained electricity, water connection and excise permission for running the said business from the concerned respective authorities.

- 32) The Applicant states that pursuant to directions of the Hon'ble High Court dated 29.02.2000 in Writ Petition No.126/1996, the Additional Collector Shri V.S. Sawant (South Goa District), Margao vide his letter Ref. No. 91-2/AC/South/Environment/2000/7208 dated 25.10.2000 had sent his report to the Respondent No.2 of illegal constructions and Developments within the No Development Zone of CRZ 200 mtrs. of High Tide Line on the basis of a detailed site inspection conducted by Shri Sanjit Rodrigues, SDO and Deputy Collector Margao. On the basis of the said report dated 25.10.2000 of the Additional Collector Respondent No.2 herein issued a show cause notice to the Village Panchayat of Sernabatim, Vanelim, Colva & Gandaulim, Salcete, under Ref. No. GCZMA/S/85/SOUTH/206 dated



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01.12.2000. The Respondent No.2 also issued another show cause notice to Respondent No. 3 under **Ref.No GCZMA/S/85/SOUTH/43 dated 02.05.2001** on the same subject matter. On receipt of receiving a copy of the reply dated **09.05.2001** addressed by Respondent no. 3 to the Respondent No. 2, the Respondent No. 2 itself conducted a site inspection on 31.05.2001 of the illegal **construction of a Restaurant of 269 sq. mtrs., Cottages of 193 sq. mtrs., building of 300 sq. mtrs. and one well constructed** by Respondent No.5 in land under Survey No.16/7 at Sernabatim.

33) The Respondent No. 2 reexamined the matter and also discussed with the Officials the Village Panchayat of Sernabatim, Vanelim, Colva & Gandaulim, Salcete, in the office of the Respondent No. 2 on 07.04.2001 and thereafter the Respondent No. 2 issued one more show cause notice under Reference No. GCZMA/S/85/south/43 dated 02.05.2001 to the Respondent No. 3, which was **not replied** by the Respondent No. 3. Further one more show cause Notice under **Ref.No.GCZMA/S/85/2003-04/151 dated 09.09.2003** was thereafter issued by Respondent No. 2 **to both** , the Village Panchayat of Sernabatim, Vanelim, Colva & Gandaulim, Salcete, and Respondent No. 3 to give one more chance to provide explanation ,



if any in connection with the said illegal structure, and upon examining the reply dated 22.09.2003 along with the earlier reply dated 09.05.2001 filed by the Respondent No. 3 came to a conclusion that the reply of the Respondent No. 3 has not been found tenable due to the following reasons in its Directions dated 10.12.2003.

- (i) Respondent No. 3 having failed to produce any bonafide construction license/permission, approved plans, original survey records or conversion sanad plan in support of the said illegal construction.
- (ii) No construction being permitted within 200 mts. of the HTL, it being a NDZ, as per the CRZ Notification of 1991.
- (iii) Tampering of sand dunes and sandunes vegetation which have taken place due to the said constructions which are not at all permitted as per the CRZ Notification of 1991 and which are detrimental to the coastal environment.

In the said Directions dated 10.12.2003 the Respondent No.2 arrived at a conclusions that these construction are violations of the CRZ Notification of 1991 and as the Respondent No. 2



and Respondent No. 3 failed to demolish the constructions as advised to them in the notices and issued directions to the Chief Electrical Engineer, Electricity Department, Vidyut Bhavan, Panjim, Goa vide Directions letter **Ref.No.GCZMA/S/85/2003-04/249 dated 10.12.2003** for disconnection of Electricity supply to the said illegal structures built by the Respondent No. 3 and to the Chief Engineer, Public Water Works Department, Altinho - Panaji, Goa under **Ref.No.GCZMA/S/85/2003-04/248 dated 10.12.2003** to disconnect supply of water to the said illegal structures built by Respondent No. 3.

The Applicant craves leave to refer to and rely upon the Writ Petition No. 126/1996, letter dated 25.10.2000 of Shri V. S. Sawant, letters dated 01.12.2000 and 02.05.2001 of the Respondent No. 2 and reply dated 09.05.2001 of the Respondent No. 3.

34. Thereafter, vide order dated **20.05.2005** the Respondent no. 2 considering the various replies filed by Respondent No. 3 and the personal hearing given to Respondent No. 3 on 06.10.2004 and 22.04.2005 along with his Adv. Shri Radharao Gracious who conceded that the structure has exceeded the existing plinth area, Respondent No. 2 had no hesitation to come to the conclusion



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that all the structures under notice are constructed illegally within the No Development Zone (NDZ) of the CRZ in gross violation of the Environmental (Protection) Act, 1986 on the basis of the facts that:

- (i) The construction license pertaining to a residential bungalow along with septic tank, upon seeing the approved plan it is clear that the structure does not lie in Survey No.16/7. as such the said documents produced by the Respondent No. 3 does not pertain to the structure under notice.
- (ii) the documents pertaining to licenses of sale of liquor and those from the Directorate of Department of Food and Drugs Administration are not relevant to decide the legality of the structures,
- (iii) the Sale Deed produced on record is relevant to Survey No.16/2 & 16/1 and hence does not pertain to the property in question,
- (iv) the N.O.C. for repairs produced by the Party does not indicate any Survey No.,
- (v) the party has not produced any approved plan for the repairs claimed by him.
- (vi) the Electricity bill and a Receipt for trade tax produced are not sufficient to show that the structures are legal,



(vii) the construction license along with the approved plan, produced by the Party, it is apparent that the same pertain to another structure not located in Survey No.16/7 but located somewhere close to the boundary of Benaolim Village, and hence not relevant to the structures shown in the Show Cause Notice. Respondent No. 2.

Vide order dated 20.05.2005 by virtue of powers delegated to Respondent No. 2 under Ref. No. GCZMA/SAL/SER/6/824, the Respondent No. 2 ordered the Respondent No. 3 to demolish the said illegal structures vide order within one month from the date of the said order.

A copy of the order dated 20.05.2005 issued by the Respondent No. 2 is hereto annexed and marked as "ANNEXURE N" to this Application.

35. The Applicant states that against the orders/directions issued by the said Respondent No. 2, the Respondent No. 3 filed a **Writ Petition No.214 of 2005** before this Hon'ble High Court wherein Respondent No. 3 pleaded that he was not furnished copies of the Collector's report and Panchanama without which he could not represent his case before the Authorities to which the Respondent No. 2 agreed to furnish Respondent No. 3 copies of Collectors Report as well as



Panchanama made by the Authorities in respect of the structures of the Respondent No. 3. **Vide order dated 20.07.2005 the Hon'ble High Court was pleased to quash the impugned order dated 20.05.2005 passed by Respondent No.2** and directed the Respondent No. 3 to appear before the Chief Secretary on 23rd July, 2005 for collecting copies of the Collector's report and the Panchanama and thereafter file his representation and furnish copies of documents to be relied on by him within 15 days thereafter and the Respondent Authority therein to pass the Order after giving hearing to the Respondent No. 3. After the order dated 20.07.2005 of the Hon'ble High Court there is another order dated 25.07.2005 of the Hon'ble High Court in the same matter. The order dated 25.07.2005 which states that the earlier order of Hon'ble High Court in this matter be punctually observed and carried into execution by all concerned is very pertinent. But, till date the matter has not progressed at all.

The Applicant crave leave to refer and rely upon the said orders dated 20.07.2005 and 25.07.2005 of the Hon'ble High Court.

36. The Applicant states that in another Suo Motu Writ Petition No.2/2006 this Hon'ble Court has



been pleased to issue directions to the state Government and the Respondent no. 2 herein to conduct a survey of coastal areas so as to identify the illegal structures which are in violations of the said notifications. Accordingly, a CRZ survey has been conducted and as per the said survey and the Directorate of Settlement and land records have issued a survey plan showing various structures constructed in the said property surveyed under No.16/7. This Survey has been conducted in the year 2006 in which two small structures shown in Red dotted line in Northern Boundary and many new structures have been identified as per the survey and have been shown in **yellow colour** on the survey plan computer generated on 09.12.2010 as per the directions of the Hon'ble High Court of Bombay in Writ Petition No. 150/1998 and Suo-Motu Writ Petition No. 2/2006 in Survey No. / Sub Div. No. 16/7 of Sernabatim Village of Salcete Taluka and location of 200 mts. line measured from High Tide Line extracted from certified CRZ map of Village Sernabatim of Salcete Taluka along with the report are annexed hereto and marked as "Annexure O colly" to this Application. Although, the said plan at "Annexure O colly" shows only compound wall demarcated on the Northern boundary of land under Survey No. 16/7, a visit to the site will



been pleased to issue directions to the state Government and the Respondent no. 2 herein to conduct a survey of coastal areas so as to identify the illegal structures which are in violations of the said notifications. Accordingly, a CRZ survey has been conducted and as per the said survey and the Directorate of Settlement and land records have issued a survey plan showing various structures constructed in the said property surveyed under No.16/7. This Survey has been conducted in the year 2006 in which two small structures shown in Red dotted line in Northern Boundary and many new structures have been identified as per the survey and have been shown in **yellow colour** on the survey plan computer generated on 09.12.2010 as per the directions of the Hon'ble High Court of Bombay in Writ Petition No. 150/1998 and Suo-Motu Writ Petition No. 2/2006 in Survey No. / Sub Div. No. 16/7 of Sernabatim Village of Salcete Taluka and location of 200 mts. line measured from High Tide Line extracted from certified CRZ map of Village Sernabatim of Salcete Taluka along with the report are annexed hereto and marked as "Annexure O colly" to this Application. Although, the said plan at "Annexure O colly" shows only compound wall demarcated on the Northern boundary of land under Survey No. 16/7, a visit to the site will



show a permanent compound wall is also built on the Southern boundary between land under Survey No.16/7 and Survey No.16/4A and 16/6A. Similarly, a permanent compound wall is also built on the Eastern and Northern boundary of land under Survey No.16/7. All the three side boundary compound walls fall within 200 mts. of the High Tide Line of No Development Zone. The said survey plan also has 200 meters High Tide Line (HTL) marked on it. There are altogether **NINE** new structures small and big shown on the said plan in **yellow colour**.

The Applicant craves leave to refer and rely upon the Suo Motu Writ Petition No. 2/2006.

37. By virtue of being one of the Parties in Suo Motu Writ Petition No. 2/2006, the Village Panchayat of Sernabatim, Vanelim, Colva & Gandaulim, Salcete, issued various Show Cause Notices to the Respondent No. 3. The stand taken by the Respondent No. 3 in the Writ Petition No. 214/2005 and the replies given to the various Show Cause Notices issued by the Village Panchayat of Sernabatim, Vanelim, Colva & Gandaulim, Salcete, are totally contradictory and misleading.



The Applicant craves leave to refer and rely upon the various replies given by the Respondent No. 3 to the various show cause notices issued by the Village Panchayat.

38. The Applicant submits that thereafter the Applicant had preferred a Writ Petition No. 218/2012 before the Hon'ble High Court of Bombay, at Goa. The Applicant, inter alia prayed for demolition of the illegal structures in the said Survey No. 16/7. The Applicant submits that the said Writ Petition has been disposed of by the Hon'ble High Court of Bombay, at Goa vide its Order dated 09.08.2012. The Hon'ble High Court vide the said Order was pleased to direct the Respondent Nos. 1 and 2 herein to take appropriate decision in the matter on or before 30/10/2012. The Applicant craves leave to refer to and rely upon the Papers and Proceedings in Writ Petition No. 218/2012, if required.

A copy of the said Order dated 09.08.2012 is hereto annexed and marked as "ANNEXURE P" to this Application.

39. In pursuance of the said order in Writ Petition No. 218/2012 filed by the Applicant the Respondent No. 2 called for site inspection on 21.08.2012 along with Directorate of Settlement and Land Records, of the property belonging to the



Respondent No. 3 in land under Survey No. 16/7 of Village Sernabatim in Salcete Taluka in the presence of the representatives of the Applicant and the Respondent No. 3. On the basis of the site inspection, Directorate of Settlement and Land Records has once again drawn a site plan computer generated on 04.09.2012 showing illegal structures built by the Respondent No. 3 in land under Survey No. 16/7 of Sernabatim Village Salcete Taluka. Also, at the time of site inspection, photographs have been taken by the Respondent No. 2, and the various structures were physically measured by the Respondent No. 2.

A copy of the said plan computer generated on 04.09.2012, along with the report dated 05.09.2012 and photographs are hereto annexed and marked as "ANNEXURE Q Colly" to this Application.

40. The Applicant has also taken photographs of some of the illegal structures of the Respondent No. 3 constructed in survey No.16/7 which also shows the activities carried out by the Respondent No. 3 illegally in Survey No.16/7. Copies of the said photographs are hereto annexed and marked as "Annexure R colly" to this Application.

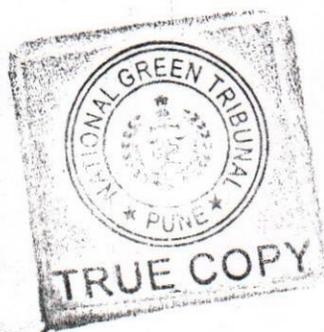
41. On comparison of the plan dated 09.12.2010 at "ANNEXURE O colly" and plan dated 04.09.2012 at "ANNEXURE Q Colly" may be observed that there is



further additional illegal construction / extension but neither of the Respondents (1 and 2) have taken any action. As against these two plans the original plan at "Annexure C" shows originally only two very small structures and as well in the said Survey No. 16/7 of the Respondent No. 3.

42. In spite of observing further illegal construction during the site inspection conducted by the Respondent No. 2 did not taken any action against the Respondent No. 3 in spite direction of the Hon'ble High Court. The Applicant therefore compelled to bring the said fact to the notice of the Hon'ble High Court by moving necessary application to that effect. In reply to the said application of the Applicant, Respondent No. 3 insisted on the Panchanama and the site inspection report conducted in the year 2000 to which the Respondent No. 1 and 2 has made a submission that the said Panchanama and site inspection report conducted in the year 2000 is missing from the file and therefore the latest site inspection report conducted on 21.08.2012 may be taken on record and matter proceeded further. However, the matter is still pending.

43. In the entire records with the concerned Village Panchayat of Sernabatim, Vanelim, Colva &



Gandaulim, Salcete there is not a single construction licence / permission / N.O.C. which is issued by the said panchayat as on date to the Respondent No. 3. This is apart from the glaringly contradictory stands taken by the Respondent No. 3 indicating that the said panchayat is clearly hand in glove with the Respondent No. 3 for the construction of the illegal structures and operations of the various activities in the said illegal structures. Multiple methods have been used by the Respondent No. 3 to legalize the illegal structures in land under Survey No. 16/7 in connivance with the said village Panchayat. Sometimes an old structure which might have been existing earlier has been repeatedly made use of to project various illegal structures as if actually existing from time immemorial thereby creating a lot of confusion of which the Respondent No. 3 has taken full advantage in connivance with the said village Panchayat. Some structures existing 400 meters away from the beach has been shown as if existing on the beach to obtain excise permission for running Bar and Restaurant. Letter dated 26.08.1985 of the excise department is hereto annexed and marked as "ANNEXURE S" clearly indicating the above facts. Enquiries conducted by the Applicant prevails that the said



structures 400 meters away from the beach is in fact a Residential House bearing No. 107/A of the Respondent No. 3 which is in land under Survey No. 76/1 of Sernabatim Village, Taluka Salcete and not in land under Survey No. 16/7 of Sernabatim Village, Taluka Salcete. The Respondent No. 3 is running business therein which is in violation of Environment Protection Act and CRZ Notification 1991 by damaging and destroying natural vegetation, sand dunes and ecology within 200 mtrs of the High Tide Line in violation of Environment Protection Act and CRZ Notification 1991.

44. The Applicant states that the Applicant is also entitled for interim relief of directing the Respondent Nos. 1 to 3 to take measures to stop the Respondent No. 3 from unauthorisely running the said structures as Hotel and/or in occupying the same and also sealing the premises and further restraining the Respondent No. 3 from doing any activity in the said illegal structures and/or occupying the same for any other purpose in respect of structures in Survey No. 16/7 of Sernabatim village, Salcete Taluka.

45. The Applicant submits that despite the direction of the Hon'ble High Court, the Respondent Nos. 1 and 2 have failed and neglected to decide the



matter on or before 30.10.2012. The Applicant submits that the Respondent Nos. 1 and 2 ought to be directed to complete the proceedings and pass final orders, inter alia directing demolition of the illegal structures in Survey No. 16/7 of Sernabatim village, Salcete Taluka.

46. The Applicant further submits that a comparison of the Survey Plans computer generated on 09.07.2010 at "Annexure C" and 09.12.2010 at "Annexure O Colly" on one hand with the Survey Plan computer generated on 04.09.2012 at "Annexure Q colly" clearly establishes that a number of additional illegal structures in the said Survey Plan dated 04.09.2012 are new structures constructed in utter violation of law and scant regard to the environment. The Survey No. 16/7 falls within No Development Zone (NDZ) in terms of the CRZ Notification of 1991. The Applicant submits that the lethargy or inaction displayed by the Respondent Nos. 1 and 2 clearly assist the Respondent No. 3 who is carrying on business in the said illegal structures.



(46A) The Applicant states that pursuant to directions issued by this Hon'ble Tribunal as well as Hon'ble High Court of Bombay, at Goa, the Respondent No. 2 has been pleased to decide the issue pertaining to legality/illegality of the

structures located in Survey No. 16/7 of Sernabatim Village of Salcete Taluka. The Applicant states that the Respondent No. 2 has been pleased to issue directions dated 5/12/2014, under Section 5 of the Environment (Protection) Act, 1986 read with Rule 4 of the Environment (Protection) Rules, 1986. Vide the said directions the Respondent No. 2 has directed for demolition of all the structures save and except structure marked as "B" in the Inquiry Committee Report. The Applicant states that the Respondent No. 2 has erroneously held that the structure marked as "B" in the Inquiry Committee Report has been in existence prior to enactment of the CRZ Notification of 1991. The Applicant is therefore, aggrieved by the said direction dated 5/12/2014, issued under Section 5 of the Environment (Protection) Act, 1986 by the Respondent No. 2, to the extent it protects structure marked as "B" and located in Survey No. 16/7 of Sernabatim Village, by rendering a finding that the said structure existed prior to 19/2/1991.

(46B) The Applicant states that the Respondent No. 2 has communicated said directions dated 5/12/2014 along with copies of Report dated 12/8/2014 of the Inquiry Committee of Respondent No. 2 and copy of extract of 107th Meeting of the



Respondent No. 2 held on 11/9/2014 along with other documents, to the Applicant on 18/12/2014. Copies of the said documents communicated to the Applicant by Respondent No. 2 are hereto annexed and marked as "ANNEXURE T Colly" collectively to this Application. The Applicant hereto also annexes submissions and documents produced before the Respondent no. 2 by the Applicant and which are marked as "ANNEXURE V Colly" collectively. The aforesaid "Annexure V Colly" filed by the Applicant clearly states therein as to how the Respondent No. 3 and the Village Panchayat have manipulated records to suit the Respondent No. 3, 3 (a) to 3 (f) to give an impression that the structures are legal. The Applicant craves leave to rely upon the said Annexure.

(Hereinafter the directions dated 5/12/2014 issued by the Respondent No. 2 are referred as "Impugned Directions").

(46C) The Applicant states that the Respondent No. 3 used to run the Bar in another property bearing Survey No. 76/1 in Sernabatim Village and known as "AMBEAXIR", wherein the Respondent No. 3 holds a mundkarial house bearing no 107/2. The Applicant states that the aforesaid property "AMBEAXIR" is located at approximate distance of 400 to 500 meters from the Sernabatim Beach. The Applicant states



that the Respondent No. 3 had obtained Excise Permissions for sale of liquor for Bar located in "AMBEAXIR" bearing Survey No. 76/1. The Applicant states that the Impugned Directions, to the extent that they hold that the Respondent Nos. 3, and 3a to 3f used to run Bar in Survey No. 16/7 in the structure marked as "B", are illegal, null and void, inasmuch as the Bar was actually located in property called "AMBEAXIR" bearing Survey No. 76/1 which is at a distance of more than 400 meters from the beach. This fact is corroborated by letter dated 26/08/1985 written by the Excise Inspector which states as under **"with reference to the above, I am to inform that the distance between the proposed premises and the beach is more than 400 meters"**.

(46D) The Applicant states that the Respondent no. 3, 3 (a) to 3 (f) have not furnished any construction licence for the retaining walls constructed and in fact have lately re-constructed the said retaining walls without permission from any licencing authority. This fact was brought to the notice of the Respondent no. 2 both by an Application and photographs. Annexed hereto and marked as **"Annexure - W Colly"** are the aforesaid documents.

(46E) The applicant states that the length of the property bearing survey no. 16/7 belonging to



Respondent no. 3, 3(a) to 3 (f) itself admeasures approximately less than 250 mtrs from the boundary point adjoining the beach on the western side to the eastern most point of the said property and which distance clearly contradicts the length as shown in the plans/sketch submitted to the Excise Department and Village Panchayat.

(46F) The Applicant herein states that the respondent no. 3 had filed an application in the Court of Deputy Collector, Margao for the correction of survey records pertaining to properties bearing survey no. 16/2 and 16/7. After the enquiry was conducted the Hon'ble Court of Deputy Collector has passed order dated 5th July 2001. In the aforesaid order a finding that there exists a house admeasuring 25 square meters along with a well in property bearing survey no 16/7 is very clearly stated. Annexed hereto is a copy of the Order marked as "Annexure V Colly".

(46G) The Applicant states that the Respondent No. 3 and 3a to 3f are passing off the documents and permissions pertaining to Survey No. 76/1 "AMBEAXIR" to validate and justify the illegal structures in Survey No. 16/7 "PRAYA".

(46H) The Applicant states that the Food and Drugs Administration (FDA) additional information form



dated 27/03/1996 filled in and submitted by the Respondent No. 3 reveals that the Respondent No.3 has himself declared his address of business as House No. 107/2, Sernabatim Beach, Colva. This house number is of the Mundkarial house of the Respondent No. 3 and is situated in Survey no 76/1 and which property is 400 meters away from the beach. The Applicant states that the Plans/Sketches produced before the Panchayat, Excise and FDA differs with the Layout Plan as annexed to the aforesaid additional information form besides having no survey number stated therein. Annexed hereto is a copy of the said form marked at "Annexure V Colly".

(46I) The Applicant states that the Respondent No. 2 had issued various Show Cause Notice's and Notice's of Personal Hearing and pursuant thereto the Respondent Nos. 3 and 3a to 3f have all filed detailed replies and also compilation of documents. Similarly the Applicant has also filed written submissions with supporting documents on 26/11/2014 hereto annexed and marked as "ANNEXURE V Colly". The Applicant states that the documents relied upon by the Respondent No. 3 and 3a to 3f are the very same documents that were relied upon by Respondent No. 3 and 3a to 3f at the time of earlier proceedings before the Respondent No. 2. The Applicant states that it were these very documents



that came to be rejected by Respondent No. 2 by passing Order dated 20/5/2005 as well as directions dated 10/12/2003 annexed and marked as "ANNEXURE U Colly". The Applicant states that there is not even a shred of additional documentary evidence produced by the Respondent No. 3 and 3a to 3f during the hearings before the Inquiry Committee of the Respondent No. 2. The Applicant states that the Inquiry Committee of the Respondent no. 2 submitted its Report dated 12/8/2014 to the Respondent No. 2, inter alia holding that all these structures in Survey No. 16/7 existed prior to enactment of CRZ Notification dated 19/2/1991. Copies of the Show Cause Notices, the replies filed by Respondent No. 3 a to 3 f and Written Submissions of the Applicant are hereto annexed and marked as "Annexure T Colly and V colly" collectively to this Application.

(46J) The Applicant states that the Respondent No. 2 in its 107th Meeting held on 11/9/2014 considered the Inquiry Report dated 12/8/2014 and further took a decision to not to accept the said Report of Inquiry Committee since the licenses/permissions (i.e. for sale of liquor, electricity and water) obtained by the Respondent No. 3 were in respect of a Bar located at his residence in Survey No. 76/1 where the Respondent No. 3 used to run Bar and the same license is now being used for 11 (eleven)



structures situated at Survey No. 16/7 called "PRAYA" of Sernabatim Village in N.D.Z. area.

(46K) The Applicant states that the Respondent No. 2 vide its notice dated 18/11/2014 granted personal hearing to the Respondents and to the Applicant. The GCZMA has thereafter passed the Impugned Directions dated 5/12/2014 bearing Ref. No. GCZMA/SAL/SERNA/12-13/01/1648 under Section 5 of the Environment (Protection) Act, 1986 read with Rule 4 of Environment (Protection) Rules, 1986.

(46L) The Applicant states that vide the Impugned Directions, the Respondent No. 2 has rightly held that the Respondent No. 3 and 3a to 3f failed to submit any documents in respect of the other structures in Survey No. 16/7, i.e. Structures marked in the Inquiry Committee Report by Letter "C", "C1" and "C2" which are Cottages with rooms and other structures i.e. toilets, store room, pump house and two wells, to prove that the said structures were in existence prior to CRZ Notification dated 19/2/1991. Therefore, vide the Impugned Directions, the Respondent No. 2 has rightly held that the said structures are illegal and unauthorized.



(46M) The Applicant however states that vide the Impugned Directions, the Respondent No. 2 has

patently erred in holding that "only the structure marked as "B" in the Inquiry Committee Report, i.e. Bar & Restaurant situated in Survey No. 16/7 of Sernabatim Village is in existence prior to 1991". The Applicant submits that such a finding is contrary to the facts and evidence on record.

(46N) The Applicant in this regard states that the above finding pertaining to "Structure B" recorded in the Impugned Directions and also similar finding recorded in the Inquiry Committee Report are patently erroneous for the following reasons:-

- (a) There is a Plan purportedly approved by Excise Department dated 29/03/1985 produced on record along with communication dated 30/11/1984 to the Village Panchayat. The said Plans purportedly depicts proposed premises for Bar & Restaurant of Respondent No. 3. In this regard, the Applicant submits that firstly the said Plan is not approved either by the Village Panchayat or by the Excise Department. The Applicant further states that plans produced before Excise Department, Village Panachayat and Food and Drugs Administration, for the said Bar will clearly show the wide variance among



plans/sketchs. The Applicant also doubts the genuineness and authenticity of the inward stamp and signature as seen on the aforesaid letter dated 30/11/1984.

(b) The Respondent No. 2 failed to note that the plans/sketchs purportedly produced before the Excise Department and Village Panchayat was not in respect of Survey No. 16/7. This is evident from perusal of Plan itself which shows that there is "To Sernabatim Main Road To Colva" Road touching Eastern boundary of the property. Whereas, in fact the "To Sernabatim Main Road To Colva" Road does not at all touch Survey No. 16/7 and is in fact more than 500 meters away from Sernabatim Beach running virtually parallel to the beach. This variation is explained in clause (46E) above.

(c) The Respondent No. 2 failed to note that the said Plan itself proved that the said Plan pertained to the Bar & Restaurant in Survey No. 76/1 which is a distance of 400 to 500 meters from



Sernabatim Beach and in near proximity of Sernabatim - Colva Road.

- (d) The Respondent No. 2 has completely ignored letter dated 26/8/1985, issued by Excise Department, which is a contemporaneous record to the alleged Plan which categorically states that the Bar of the Respondent No. 3 is at a distance of 400 meters from the Sernabatim Beach. The applicants states that in fact the total length of the property bearing survey no 16/7 itself is less than 250 metres.
- (e) The Applicant submits that the Respondent No. 2 has totally lost sight of the matter and facts/documents and further submits that even from the said Excise Plan it is proved that the said Structure "B" is not the structure depicted in the said Excise Plan. The placement of "To Sernabatim Main Road To Colva" Road at the Eastern boundary on the said Plan together with letter dated 26/8/1985 issued by the Excise Department and coupled with the fact that Respondent No. 3 used to run Bar in Survey No. 76/1 which is at a



survey no. 16/7 by producing either construction licence/s or approved plan/s or conversion sanad from any competent licencing authority and hence the necessary inference has to be that structures therein are illegal.

47. The Applicant therefore craves leave to prefer this application on following grounds:

G R O U N D S

- (A) The Applicant submits that the Respondent No. 3 has intentionally destroyed the sand dunes in Survey Nos. 16/4 and 16/4A, to aid his business by providing a short cut route to the tourists from Sernabatim beach to his bar and restaurant and Guest House located in adjacent Survey No. 16/7. The Applicant submits that the Respondent No. 3 ought to be directed to restitute the dune and the dune vegetation to its original glory, in the manner and under the guidance of experts in the field.
- (B) The Applicant submits that the act of the Respondent No. 3 to demolish the sand dunes and further dig up earth and illegally construct road thereon by



distance of 400 meters from the beach point only in one direction that the said Plan does not pertain to the structure marked as "B" in the Inquiry Committee Report.

(f) I say that the perusal of approval from FDA states that approval is given for Xavier Bar & Restaurant located in AMBEAXIR and is in respect of House No. 107/2 which is the house number allotted to late Mr. Armando Cardozo in Survey No. 76/1 AMBEAXIR in Case No. JM-III/Mund/Issue/3-96, vide Judgment and Order dated 21/12/2012.

(46 O) The Applicant states that the above facts were put forth by the Applicant before the Respondent No. 2. However, the Respondent No. 2 in passing of the Impugned Directions has appeared to have lost sight of the matter. The Applicant states that the said letter dated 26/8/1985 was also submitted by the Applicant to the Respondent No. 2.

(46P) The Applicant most respectfully submits that in all the proceedings initiated by the Respondent no. 2 and other authorities the Respondent No. 3 or his legal heirs have miserably failed to prove the legality of the structures in property bearing



utilizing rubble and mud has caused environmental damage and also physical damage to the property of the Applicant.

(C) The Applicant submits that under Section 20 of the NGT Act, 2010, this Hon'ble Tribunal has the powers to apply "Polluter Pays Principle" to the present case. The Applicant submits that the "Polluter Pays Principle" is to be applied for cases of environmental damage also. The Applicant most respectfully urges this Hon'ble Tribunal to apply the said principle to the present matter and award damages and compensation to the Applicant as prayed for.

(D) The Applicant submits that the said illegal road, which is now demolished, was utilized by the Respondent No. 3 from August 2010 to 14.06.2012, i.e. the day on which the Authorities removed the said illegal road. The Applicant submits that the Respondent No. 3 has commercially gained as the Guests and Tourists have used the said illegal road to access to the Survey



No. 16/7 where the Respondent No. 3 has his Guest House and also runs a Bar and Restaurant. The Applicant submits that this Hon'ble Tribunal ought to call for the accounts maintained by the Respondent No. 3 for his Guest House, as also for the Bar and Restaurant located in Survey No. 16/7 and further order that the illegal gains be deposited into Environmental Relief Fund.

(E) The Applicant submits that the Respondent No. 2 ought to be directed to supervise the sand dune restitution works which includes the establishment of naturally occurring dune vegetation on the same, by following the scientific methodology recommended by experts.

(F) The Applicant submits that if directed, the Applicant is also willing to carry out the restitution works on his own and in such an event, it is just, fit and proper that this Hon'ble Tribunal awards the total expenses towards the restitution works, by directing the



Respondent No. 3a to 3f, to deposit and pay the same to the applicant.

(G) The Applicant submits that this Hon'ble Tribunal may be pleased to direct the restitution works to be carried out in a scientific manner and in accordance to the methodology and terms prescribed the experts which are annexed to this Application. It is submitted that the experts in their opinions have set out the ecological importance of the sand dunes in the coastal belt. As such, it is imperative that the damaged sand dunes are reconstructed to match the original shape and contours by utilizing sand of similar nature and also by planting of native dune plant species identified in similar proximate undisturbed fore-dune areas. This activity is required to be done under guidance and supervision of the experts in the field.

(H) The Applicant submits that the Respondent No. 3 has destroyed the environment and has constructed illegal structures in Survey No. 16/7, which are occupied for commercial purpose



final decision in the matter. The Applicant submits that this clearly has assisted the Respondent No.(a) to 3(f) to continue their illegal activities in the said illegal structures in Survey No. 16/7. The Applicant therefore urges this Hon'ble Tribunal to direct the Respondent Nos. 1 and 2 to carry out demolition of the illegal structures in Survey No. 16/7.

(J) Such other and further grounds that may be urged at the time of arguments.

(K) It is submitted that there is a Plan purportedly approved by Excise Department dated 29/03/1985 produced on record along with communication dated 30/11/1984 to the Village Panchayat. The said Plan depicts proposed premises for Bar & Restaurant of Respondent No. 3. In this regard, the Applicant submits that firstly the said Plan is not approved either by the Village Panchayat or by the Excise Department.



(L) It is submitted that the Respondent No. 2 failed to note that the Plan relied upon by the Respondent No. 3

purportedly bearing approval of the Excise Department could not have been in respect of Survey No. 16/7. This is evident from perusal of Plan itself which shows that there is Sernabatim Main Colva Road on the Eastern boundary of the property. Whereas, in fact the Sernabatim Main Colva Road does not at all touch Survey No. 16/7 and is in fact more than 500 meters away from Sernabatim Beach.

(M) It is submitted that the Respondent no. 2 has failed to take note of order of the Hon'ble Court of Deputy Collector dated 5th July 2001. In the aforesaid order a finding that there exists only a house admeasuring 25 square meters along with a well in property bearing survey no 16/7 is very clearly stated, copy of the order is annexed hereto as "ANNEXURE V Colly".

(N) It is submitted that the Respondent No. 2 has completely ignored letter dated 26/8/1985, issued by Excise Department, which is a contemporaneous record to the alleged Plan which categorically states that the Bar of the Respondent



No. 3 is at a distance of 400 meters from Sernabatim Beach.

(O) It is submitted that the Respondent No. 2 has totally lost sight of the matter, documents and facts. Further the applicant submits that even from the said Excise Plan as well as plan submitted to Village Panchayat, it is proved that the said Structure "B" is not in property bearing survey no.16/7 and further the placement of Sernabatim - Colva Main Road at the Eastern boundary on the said Plans together with letter dated 26/8/1985 issued by the Excise Department coupled with the fact that Respondent No.3 used to run a Bar in Survey No. 76/1 which is at a distance of 400 meters from the beach all of which point to only one direction that the said Plan does not pertained to the structure marked as "B" in the Inquiry Committee Report.

(P) The Applicant further submits that a perusal of the plan / sketch submitted to Food and Drugs Administration, Panaji, Goa is at variance with plans/sketches submitted to the excise



Department and Village Panchayat and which was not taken note of by the Respondent No 2 in passing Impugned Directions.

(Q) It is submitted that the Impugned Directions, to the extent it holds that the Structure "B" was in existence prior to CRZ Notification of 1991 is ex-facie arbitrary, illegal and therefore liable to be quashed and set aside and the said structure marked as "B" is liable to be demolished as the same is illegal.

(R) It is submitted that the Impugned Directions, to the extent it holds that the Structure "B" was in existence prior to CRZ Notification of 1991, disclosed non-application of mind and therefore liable to be quashed and set aside.

(S) It is submitted that the Impugned Directions, to the extent it holds that the Structure "B" was in existence prior to CRZ Notification of 1991, is based on extraneous consideration and is contrary to material on record and



therefore liable to be quashed and set aside.

(T) It is submitted that the Order dated 20/5/2005 passed by Respondent No. 2 rightly held that all the structures set up by the Respondent No.3 in said Survey No. 16/7 are illegal and liable to be demolished. It is submitted that said Order dated 20/5/2005 was passed by Respondent No. 2 after the Respondent No. 3 was allowed to file reply and rely upon the documents. It is submitted that said Order was not set aside on merits by the Hon'ble High Court, but the matter was remanded on behalf of the statement of Respondent No. 1 to grant fresh hearing after furnishing of Panchanama and Collector's Report. It is submitted that the grievance of non-furnishing of the aforesaid panchanama and Collectors report was never made before the Respondent No. 2 by the Respondent No. 3 at the time of hearing the matter. It is submitted that even during the fresh hearing the Respondent No. 3 failed to bring on record shred of evidende or



documents other than the documents that were relied upon by Respondent No. 3 before passing of the Order dated 20/5/2005.

(U) It is therefore submitted that the Impugned Directions are contrary to the documents and earlier findings recorded by the Respondent No. 2 in its Order dated 20/5/2005 and also the findings recorded in 107th Meeting of Respondent No. 2 held on 11/9/2014, which rejected the Report of Inquiry Committee.

LIMITATION

48. The Applicant submits that in terms of Section 15(3) of the NGT Act, 2010, the limitation to file an Application claiming compensation and restitution is five years from the date on which the cause of action for such compensation or relief first arose.

49. The Applicant submits that in the present case, the Applicant first noticed the illegally constructed road in or about August 2010. Further, the Respondent No. 2 was pleased to order removal of the said illegally constructed



road vide its Order dated 24.05.2012. As such, it is submitted that the present Application is filed within the time prescribed under Section 15(3) of the NGT Act.

50. The Applicant has not filed any other proceedings, before any other Court of Law, Tribunal or Forum, regarding the subject matter of the present case.

51. The Applicant for the purpose of court fees values the prayers made under the application as under:

(i) The Prayer (A) is for restitution of the environmental damage caused to the property of the applicant by destruction of the fore dunes by respondent No. 3 and therefore the same are notionally valued at Rs. 1,000/- each and therefore court fee of Rs. 1,000/- is paid herewith.

(ii) Prayer (B) is valued at Rs. 10,28,700/- and therefore 1% court fee thereof amounting to Rs. 10,287/- is paid herewith.

(iii) Prayer (C) is valued at Rs. 7,62,737/- and therefore 1% court fee thereof amounting to of Rs. 7,628/- is paid herewith.



(iv) Prayer (D) is notionally valued at Rs.100/- and therefore court fee of Rs. 100/- is paid herewith.

(v) Prayer (E) is notionally valued at Rs.100/- and therefore court fee of Rs. 100/- is paid herewith.

(vi) Prayer (F) is notionally valued at Rs.100/- and therefore court fees of Rs. 100/- is paid herewith.

52. The Applicant has not received any Caveat in the matter.

53. The Applicant, therefore, most respectfully prays that:-

P R A Y E R S

(A) This Hon'ble Tribunal be pleased to direct the Respondent No. 3a to 3f to jointly or severally carry out restitution of the damaged property of the Applicant, and reverse the damage to environment by reconstructing the damaged sand dunes in survey No. 16/4 and 16/4A of Sernabatim village, Salcete Taluka, South Goa and planting vegetation thereon in a scientific



manner as provided and explained in the reports submitted by the experts and under the supervision and guidance of the experts and the Respondent No. 2 at their own costs within certain time limit;

OR

- (B) IN THE ALTERNATE, this Hon'ble Tribunal be pleased to permit the Applicant to undertake the works of restitution of the damaged sand dunes in survey No. 16/4 and 16/4A of Sernabatim village, Salcete Taluka, South Goa in a scientific manner as provided and explained in the reports submitted by the experts and under the supervision and guidance of the experts and the Respondent No. 2 and further direct the Respondent Nos. 3a to 3f to jointly or severally to deposit and pay the Applicant costs in an amount of Rs. 10,28,700/-, that will be involved for restitution damaged sand dunes in survey No. 16/4 and 16/4A of Sernabatim village, Salcete Taluka, South Goa, in a scientific manner as provided and explained in the reports submitted by



the experts and under the supervision and guidance of the experts and the Respondent No. 2;

- (C) That this Hon'ble Tribunal be pleased to direct the Respondent No. 3a to 3f to pay to the applicant the total costs towards expenses in an amount of Rs. 7,62,737/-, which the applicant is constrained to incur for pursuing the legal remedies for seeking restitution of the environmental damage and removal of the said illegal road before this Hon'ble Tribunal and also in the proceedings initiated by the Applicant before the Respondent No. 2 and other courts of law;
- (D) That this Hon'ble Tribunal be pleased to direct the Respondent No. 2 to supervise the works of restitution and ensure that the Respondent No. 3a to 3f undertake the same in a scientific manner as opined, verified and certified by the experts within certain time limits;
- (E) This Hon'ble Tribunal be pleased to quash and set aside the Impugned

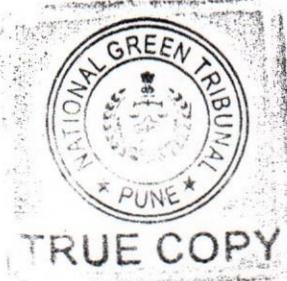


Directions dated 5/12/2014 to the extent it protects the Structure marked as "B" in the Report of the Inquiry Committee dated 12/8/2014 and further direct the Respondents to demolish all the illegal structures in Survey No. 16/7 of Sernabatim Village of Salcete Taluka;

(E1) That this Hon'ble Tribunal be pleased to stay the illegal activities of Respondent Nos. 3, 3a to 3f in the No Development Zone of Survey No. 16/7 of Sernabatim Village of Salcete Taluka;

(F) This Hon'ble Tribunal be pleased to direct Respondents No. 3a to 3f to stop immediately illegal unauthorized business / activities in illegal structures running for last so many years under the name and style of "Xavier Bar & Restaurant" and "Suni Cottages".

(G) Pending hearing and final disposal of this Application, this Hon'ble Court be pleased to stay the commercial activities of the Respondent No. 3(a)



to 3(f) in 9 illegal structures in Survey No. 16/7.

(H) Add-interim expedite relief in terms of prayer (G) above.

(I) Such other and further reliefs that this Hon'ble Tribunal deems fit and proper;

(J) For costs.

Place:- Vasco-da-Gama, Goa

Dated:- 24/03/2015

Applicant



VERIFICATION

I, Shri Suvarn R. Bandekar, son of Late Shri Rajaram N.S. Bandekar, Age 61 years, R/o. of Raj Tara, F.L. Gomes Road, Vasco Da-Gama, Goa, do hereby solemnly verify and state that what is stated by me in Paragraphs 1 to 46 (P) of the above Application is true to my own knowledge and/or belief and what is stated in the remaining Paragraphs, namely 47(A) to (U), 48 to 53 are in the nature of legal submissions and/or inferences of facts, which I believe to be true.

Solemnly verified at Vasco-da-Gama, Goa on this 24th day of March, 2015.

DEPONENT

Identified by me:

Advocate for the Applicant.



To,

1. The Member Secretary,
GCZMA, Saligao, Bardez,
Goa.
2. The Deputy Collector,
Margao, Goa.
3. Senior Town Planner,

Sir/s,

The Complainant states as under:

That the complainant is the owner of the property surveyed under No. 16/7 of Sernabatim Village, Salcete Taluka, in which the complainant has a Restaurant and rooms to rent.

That the access road to his property from the public road is through the property surveyed under Nos. 16/4 and 16/4-A, the former now owned by M/s Hermitage Builders and Narayan R. Bandekar and by Suvarna R. Bandekar.

That yesterday, some labourers accompanied by one Rana who claims to be the owner of M/s Hermitage Builders and representatives from the office of Mr. Suvarna R. Bandekar came to the site and have started the process of building a road parallel to the access road to the complainant's property and which is shown in the land Survey Records.

That the works being carried out by said M/s Hermitage Builders and Suvarna R. Bandekar are illegal and within twenty meters of the high tide mark. That in the property claimed by said Hermitage Builders there are sand dunes towards the eastern side where Hermitage Builders may seek to put up a project by cutting down the sand dunes.

The complainant therefore lodges this complaint and urges that immediate action be taken to prevent the illegal works being carried out by M/s Hermitage Builders and Suvarna Bandekar within 20 mts. of the HTL and within touching distance of primary Sand dunes.

A. Cardoso
(ARMANDO CARDOZO)

Ambeaxir, Sernabatim,
Colva, Salcete, Goa

13th Oct. 2010.

13/10/10
D/o. the Member Secretary,
Goa Coastal Zone Management Authority,
C/o. Dept. of Science, Technology & Environment,
Saligao, Bardez, Goa - 403511.

To,

The Deputy Collector &
SDO, Salcete,
Margao, Goa.

Ref.No.DYC/SDO/SAL/CRZ/2010/5105 dtd.22.10.10

Sir,

With reference to the aforesaid show cause notice it is submitted as under:

1. My parents are the owners of the property surveyed under No.16/7 of Sernabatim Village in which there is a hotel running lawfully since the last more than twenty five years.
2. That the said property is accessible from the public road by six metres wide road passing through the properties surveyed originally under Survey No.16/4 and which has now been re surveyed after partition into survey Nos.16/4-A and 16/4.
3. That the said six metres road has been existing for many years and is also reflected in the Land Survey Plan as "road". I am annexing herewith the copy of the Survey Plan.
4. The said road is a katcha road of rubble stones and red mud which is being repaired from time to time by us and others by dumping red mud to fill up the potholes which develop during the monsoons. That there is no use of any prohibited material such as tar, cement, etc. in repairs of the road.
5. That the owners of said property surveyed under Nos.16/4 and 16/4-A have been trying to shift the road towards the West and almost on the border of their property. Towards this end they have been dumping mud parallel to the said existing road of six metres width, and shift the road towards the west almost on to the high tide mark, at the foot of the primary sand dunes. They have dumped mud and rubble stones possibly with intent to claim the said six metres wide road has been existing where they are now seeking to construct a new road. The said persons have possibly lodged a complaint in your office to accomplish this purpose by misdirecting your office. It is the complainant M/s.Hermitage Builders and the adjacent owners who are in the process of constructing a parallel road within ten metres of the HTL mark in respect of which a complaint dated 13.10.10 has been filed in your office. Copy of the same is annexed hereto.
6. It is further submitted that the said six metres wide road as alleged in your notice has been existing since much before 19.2.1991 as is self evident from the fact that it is shown in the land survey plan. There are several such roads all over Goa within the prohibited area and the CRZ Regulations do not prohibit the repairs and maintenance of pre existing roads. In fact if it were so, all the existing roads leading to various beaches will become redundant to the extent that such roads lie between zero and five hundred metres of the HTL.

7. It is specifically denied that I have carried on any illegal activities without prior permission from various authorities and violated norms laid down by the CRZ authorities.

8. It is specifically denied that any work of construction/reconstruction has been undertaken by me in violation of any CRZ Regulations as alleged in the notice. It would be just and proper if a site inspection is conducted and the exact location of the six metres wide road as shown in the survey plan located at site so as to prevent unnecessary complaints. The Deputy Collector/SDO ought not to fall prey to malicious and mischievous complaints by M/s. Hermitage Builders who themselves are seeking to destroy the sand dunes and erect a construction in violation of CRZ Regulations and were prevented from doing so by alert public.

9. I also submit that the property originally surveyed under No.16/4 was owned by V.N. Bandekar which was later partitioned and the northern part was allotted to Suvam Bandekar and southern part to Narayan Rajaram Bandekar who later sold it to Hermitage Builders. That after the partition, a mutation and partition in terms of Land Revenue Code was carried out with notice to both parties. The existence of the road is also confirmed in the order of the Sub-Divisional Officer in LRC/Misc/734/93 dated 29.12.1994 at paras 1 and 2 of the said order. Copy of the said order is annexed hereto.

10. It is further respectfully submitted that the survey and the panchanama of the entire property surveyed under survey No.16/4 be conducted to place on record the nature of the property, the existence of the sand dunes and the fact that there are no constructions whatsoever in the property.

I therefore deny all the allegations made in the show cause notice and I further submit that the show cause notice be cancelled, withdrawn and revoked forthwith. I further reserve my right to make oral submissions and produce additional documents if required.

J. Cardozo
(JOVER CARDÓZO)

Xavier's Bar & Restaurant,
Sernabatim, Colva,
Salcete, Goa.

28th Oct., 2010.

To,

The Member Secretary,
Goa Coastal Zone Management Authority,
Saligao, Bardez,
Goa.

Ref.No.GCZMA/SAL/SRN/10-11/08/555 dtd.20.10.10

Sir,

With reference to the aforesaid show cause notice it is submitted as under :

1. My parents are the owners of the property surveyed under No.16/7 of Sernabatim Village in which there is a hotel running lawfully since the last more than twenty five years.
2. That the said property is accessible from the public road by six metres wide road passing through the properties surveyed originally under Survey No.16/4 and which has now been re surveyed after partition into survey Nos.16/4-A and 16/4.
3. That the said six metres road has been existing for many years and is also reflected in the Land Survey Plan as "road". I am annexing herewith the copy of the Survey Plan.
4. The said road is a katcha road of rubble stones and red mud which is being repaired from time to time by us and others by dumping red mud to fill up the potholes which develop during the monsoons. That there is no use of any prohibited material such as tar, cement, etc. in repairs of the road.
5. That the owners of said property surveyed under Nos.16/4 and 16/4-A have been trying to shift the road towards the West and almost on the border of their property. Towards this end they *have been dumping mud parallel* to the said existing road of six metres width, and shift the road towards the west almost on to the high tide mark, at the foot of the primary sand dunes. They have dumped mud and rubble stones possibly with intent to claim the said six metres wide road has been existing where they are now seeking to construct a new road. The said persons have possibly lodged a complaint in your office to accomplish this purpose by misdirecting the GCZMA. It is the complainant M/s.Hermitage Builders and the adjacent owners who are in the process of constructing a parallel road within ten metres of the HTL mark in respect of which a complaint dated 13.10.10 has been filed in your office. Copy of the same is annexed hereto.
6. It is further submitted that the said six metres wide road as alleged in your notice has been existing since much before 19.2.1991 as is self evident from the fact that it is shown in the land survey plan. There are several such roads all over Goa within the prohibited area and the CRZ Regulations do not prohibit the repairs and maintenance of pre existing roads. In fact if it were so, all the existing roads leading to various beaches will become redundant to the extent that such roads lie between zero and five hundred metres of the HTL.

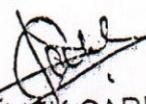
7. It is specifically denied that I have destroyed any wire fencing and downloaded fifteen to twenty trucks of loose earth anywhere within survey no.16/4. That there has never been any wire fencing in the said property until one was illegally erected by the owners in respect of which order was issued by the panchayat to stop the work. Copy of the same is annexed.

8. It is specifically denied that any work of construction/reconstruction has been undertaken by me in violation of any CRZ Regulations as alleged in the notice. It would be just and proper if a site inspection is conducted and the exact location of the six metres wide road as shown in the survey plan located at site so as to prevent unnecessary complaints. The GCZMA ought not to fall prey to malicious and mischievous complaints by M/s. Hermitage Builders who themselves are seeking to destroy the sand dunes and erect a construction in violation of CRZ Regulations and were prevented.

9. I also submit that the property originally surveyed under No.16/4 was owned by V.N.Bandekar which was later partitioned and the northern part was allotted to Suvam Bandekar and southern part to Narayan Rajaram Bandekar who later sold it to Hermitage Builders. That after the partition, a mutation and partition in terms of Land Revenue Code was carried out with notice to both parties. The existence of the road is also confirmed in the order of the Sub Divisional Officer in LRC/Misc/734/93 dated 29.12.1994 at paras 1 and 2 of the said order. Copy of the said order is annexed hereto.

10. It is further respectfully submitted that the survey and the panchanama of the entire property surveyed under survey No.16/4 be conducted to place on record the nature of the property, the existence of the sand dunes and the fact that there are no constructions whatsoever in the property.

I therefore deny all the allegations made in the show cause notice and I further submit that the show cause notice be cancelled, withdrawn and revoked forthwith. I further reserve my right to make oral submissions and produce additional documents if required.


(JOVIK CARDOZO)

Xavier's Bar & Restaurant,
Sernabatim, Colva,
Salcete, Goa.

28th Oct., 2010.

EOL I

38

To,

- 1. The Member Secretary,
GCZMA, Saligao, Goa.
- 2. The Deputy Collector,
South Goa, Margao.
- 3. The Senior Town Planner,
Margao, Goa.

Sub: My earlier complaint dated 13.10.10

Sir,

I had earlier lodged a complaint dated 13.10.10 pointing out that M/s.Hermitage Builders and Mr.Suvarn R.Bandekar are illegally erecting a road in the property bearing Survey No.16/4 and 16/4-A of Sernabatim Village. Copy of the said complaint is annexed for your ready reference.

That despite the complaint no action has been initiated. On the contrary it appears that the GCZMA is acting on complaints lodged by M/s.Hermitage Builders and Suvarn R.Bandekar in order to harass me.

That there is a pre existing road through survey No.16/4 and 16/4-A which is shown in the Land Survey Plan and hence the location can be easily identified at site through measurements. That aforesaid Suvarn Bandekar and Hermitage Builders have now constructed a new road on the seaward side within twenty metres of the high tide line. The new road can be easily identified by taking measurements at site. That the said persons have now filed suits in the Court.

I am therefore reminding you of my earlier complaint with a request that a site inspection be held with notice to all parties and the exact location of the road as shown in the survey Plan be identified.

A. Cardoso
(ARMANDO CARDOZO)

Ambeaxir, Sernabatim,
Colva, Salcete, Goa.

24th March, 2011.

[Mirrored stamp: O/o the Member Secretary, Goa Coastal Zone Management Authority, Clo. Dept. of Science, Technology & Environment, Saligao, Bardez, Goa - 403511.]

[Mirrored stamp: O/o the Member Secretary, Goa Coastal Zone Management Authority, Clo. Dept. of Science, Technology & Environment, Saligao, Bardez, Goa - 403511.]

O/o the Member Secretary,
Goa Coastal Zone Management Authority,
Clo. Dept. of Science, Technology & Environment,
Saligao, Bardez, Goa - 403511.

O/o the Member Secretary,
Goa Coastal Zone Management Authority,
Clo. Dept. of Science, Technology & Environment,
Saligao, Bardez, Goa - 403511.

ASB
24/3/11

Report on assessment of Ecology & Biodiversity at the damaged stretch of sand dune in plot no. 16/4-A of Mr. Suvarn R Bandekar vis a vis the Hon'ble National Green Tribunal, Western Zone Bench, Pune Order dated 29/8/2022 to ascertain position on spot whether 'restitution has taken place or not'.

Vide letter dated 4.10.2022 Mr. Suvarn Bandekar has engaged my services as an Expert on Coastal ecology & Biodiversity requisitioning a detailed report with respect to damage caused to the sand dunes at his property bearing survey no. 16/4-A, at village Sernabatim, Salcete, South Goa.

To understand the antecedents of the dispute and the chronology of events critical to understanding the ecology and biodiversity at the site, all pertinent documents and material furnished by Mr. Suvarn Bandekar were perused and consultations held. The task at hand was to assess and ascertain status of restoration/restitution of the damaged sand dune at site.

For retrospective and contemporary material evidence site visits were undertaken at the site as also the adjacent stretches that show ecological compatibility and continuum with the disputed site, for comparative purpose. Inferences were drawn based on extant conditions at the site, as well as corroborated with standard technical literature.

I have visited the disputed site on 3 occasions i.e. 12.10.2022, 19.10.2022 and 27.10.2022 including once during the site visit by the Expert member of NCSCM, Chennai and GCZMA Member in compliance with the aforesaid Hon'ble National Green Tribunal Order. On 30th October 2022 I spent long time in field to survey and assess the Ecology and Biodiversity of the adjacent undisturbed



Sand dune field on either sides of the disputed stretch up to a distance of 150 meters.

Right from the first visit on 12th October 2022, it was abundantly clear that the flora on the disputed stretch of sand dune in plot 16/4-A was atypical of dune diversity. The quintessential indicator species of psammophytes were conspicuously absent and/or showed edging presence. Importantly the site was predominantly covered with an invasive floral candidate *Chromolaena odorata* an invasive perennial tropical weed that often uses ruderal grounds to invade and dominate (Siddig et al., 2016). *Chromolaena odorata* is an herbaceous perennial that forms dense tangled bushes 1.5-2.0m in height. It takes advantage of the flush of soil that becomes available after a disturbance. *Chromolaena odorata* forms dense stands preventing establishment of other species, both due to competition and allelopathic effects. Overwhelming presence of such invasive here indicates incompatible substratum for archetypical dune flora currently and rules out existence of psammosere at the site and also forewarns on the impending structural changes in community through alteration of taxonomic diversity (McGeoch et al. 2006).

It is evident here that the floristic physiognomy of the site is not commensurate with the Negative ecological impacts associated with invasive species affect both invaded ecosystems and communities and local species (Levine et al., 2003; Vilà et al., 2011).



Fig. 1. The current floristic composition at the site of 'damaged dune stretch'

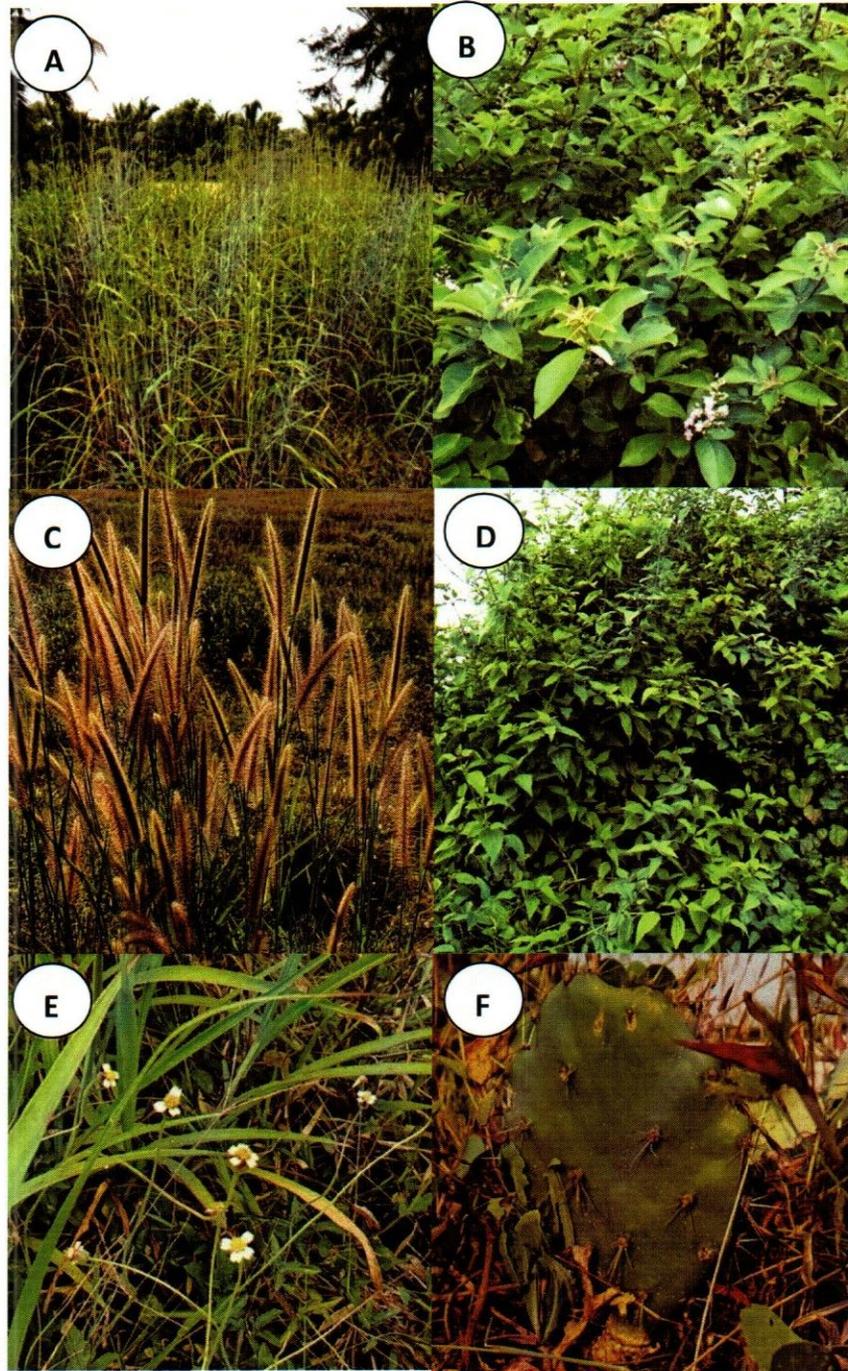


Fig. 1. The floristic composition of the damaged dune at Sernabatim Survey No 16/4-A, in October, 2022. A. *Pennisetum* grass, B. *Vitex trifolia* shrub, C. Spikes of *C. purpurea*, D. *Chromolaena odorata*, E. *Tridax procumbens*, F. *Opuntia* sp. Note the absence of dune flora and predominance of the invasive species and ephemeral herbaceous flora





Fig. 2. Note the homogeneous strata of Sand in naturally cut section of the fore dune in the vicinity of the damaged dune (A) and the height of the fore dune relative to height of a man (B). This fore dune is laterally adjacent to the disputed stretch and a part of the larger dune field of Sernabatim.

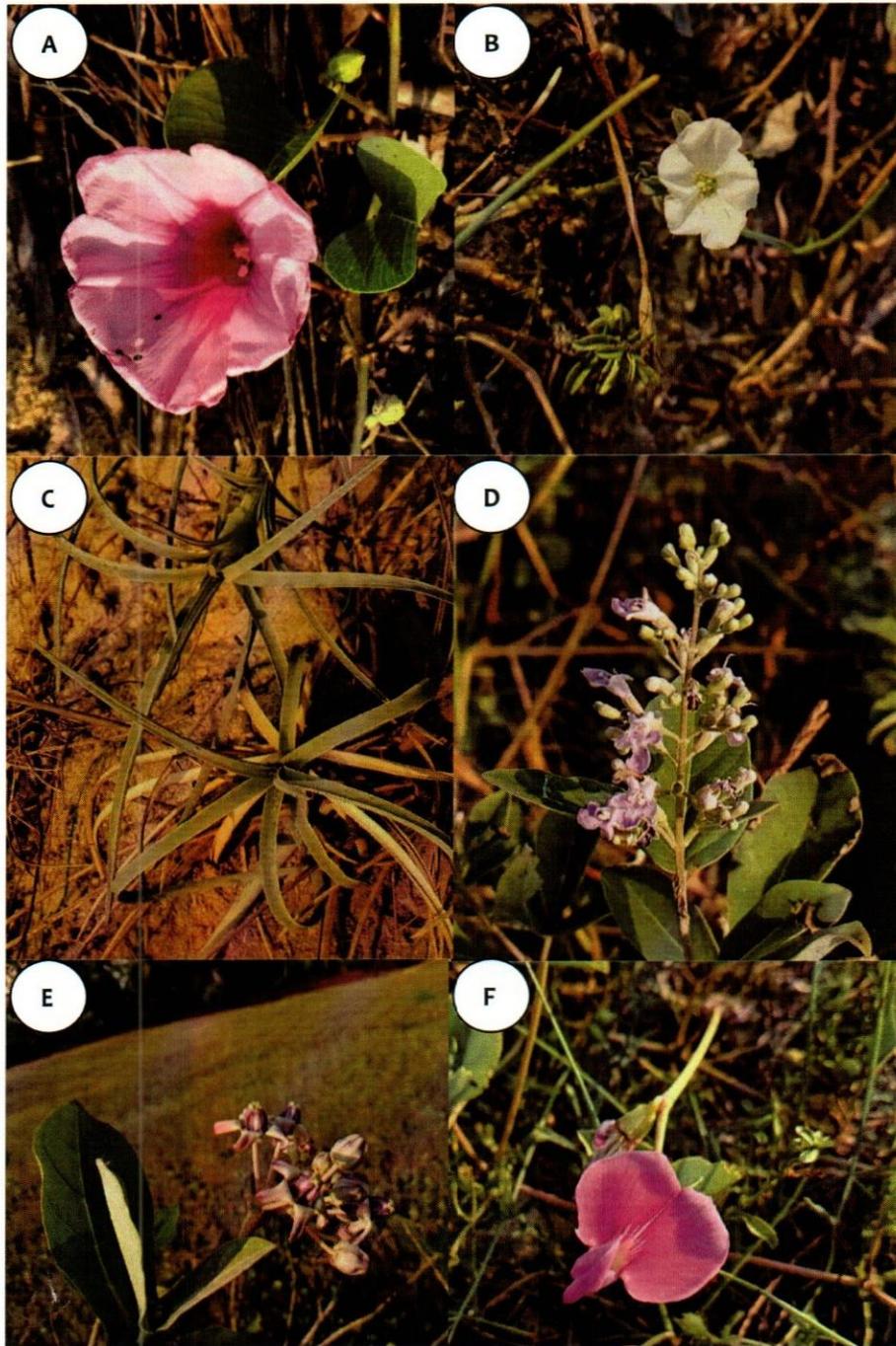


Fig. 3 The floristic composition of an undisturbed dune at Sernabatim, on 30th October, 2022. A. *Ipomea pes caprae* , B. *Convolvulacea* member, C. *Spinifex littoreus*, D. *Vitex trifolia* shrub, E. *Calotropis gigantea*, F. *Canavalia rosea*.

Restitution of damaged sand dune inter-alia understanding the underpinnings.

It is sought to highlight that Restoration Ecology is a well established domain of scientific expertise that addresses the challenge of 'holistically restoring the structural and functional status of an ecosystem to its pre-disturbed state'. While restitution is a connotation of compensation towards a loss or wrong doing, which in this case is the damage to the dune in the plot owned by the complainant, with a view to facilitate private convenience defiling the ecological integrity of, and compromising on the ecosystem services rendered by a critical ecosystem in CRZ-I area.

Implicit in the term 'restoration and restitution of the fore dune' in the order of GCZMA is unequivocal admittance and confirmation of damage inflicted.

Authorities thus far indicate that there is agreement that the dune has been damaged significantly due to illegal construction of a road passing through a privately owned plot. The GCZMA having ordered the removal of 'illegal road' vide order dated 24/08/2011 and subsequently on 24/5/2012 directing the Dy. Collector 'to restore it to its original condition' leaves no scope to contest the damaged status of the said portion of the dune. The complainants had engaged the expertise of Dr N. P. S. Varde towards a strategic plan to restore and retribute the damaged fore dune towards stability.

The subsequent reports filed by GSBB and member of GCZMA suggesting that the dune has been stabilized and natural restoration



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The subsequent reports filed by GSBB and member of GCZMA suggesting that the dune has been stabilized and natural restoration



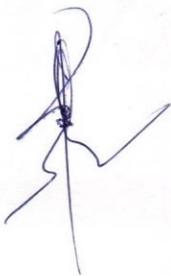
has taken place is only based on visual assessment and approximation of the site in a single visit and is devoid of a rigorous scientific assessment.

It is clear from the reports submitted that the impression if at all that the dune has been 'naturally restored' is hasty, based on a biased visual assessment of surface stratum of the damaged dune invaded by uncharacteristic ephemeral herbaceous flora. The floral inventory of the site appended by the GSBB in its report does not in any way imply restoration of a fore dune ecology and biodiversity. At best it is a transient invasion of the site with opportunistic seasonal flora that has established itself in the surface soil. There is no pre-eminence seen here of flora of a halophilic community typical of sand dune ecosystem.

In the present case the damage to the dune is categorically anthropogenic and severe in nature, as the dune has been destroyed and smothered with construction material such as rubble and mud (both constituents antithetical to the sand dune constitution). Further the excavation of road construction material and its dumping at the site itself has further damaged the chances of dune restoration even if it were left to natural forces.

Dunes are known to be fragile since even a slight disruption (either natural or human induced) leads to change and long-term progressive alteration (**Carter, 1988**) and their natural diversity can easily be compromised.

As the original dune sand has been replaced by mud and rubble, its character and chemistry critical to supporting dune biodiversity has changed and deviated from those that occur in a typical sand dune. For



dune flora, the sand is the holdfast, and repository of biogenic salts and other minerals. Disturbance and damage caused by the road construction and dumping of material is bound to alter soil properties, nutrient cycling and thereby the species composition. It is the initial configuration of vegetation and vegetation growth characteristics control the development of coastal dunes including the maximum coalescence of a given dune field (**Goldstein et al, 2017**), and the damage has precisely interfered that.

Quartz and carbonate are the chief constituents of Sand Dune soils, besides trace amounts of heavy minerals. Also, coastal dune sands have higher alkalinity values, due to the high carbonate content, a tendency for the sand grains to become finer with increasing distance from waterline, susceptibility to significant extent of salt spray and stabilization by dune flora wherever rainfall is adequate (**McLachlan, 2006**). Sand-sized material (within the size range 0.1-1.0 mm) must be available to be transported by winds for a sand dune to be created and established. It therefore is implicit that the damaged dune replaced with non-compatible material in form of mud and rubble already has lost its dune character in so far as the substratum is concerned. As such the geomorphology and geochemistry of the site have been unfavourably altered and deviate from dune character. Such drastic changes will cascade into change in soil biota and the overlying biodiversity, and even though this mound of mud and rubble may have got compacted primarily due to action of rain over the last many years and offer a niche to seasonal herbaceous flora, it is nowhere close to being a restored/restituted dune. In fact Sand Dune are highly permeable, with good drainage and are therefore edaphically dry, low



on fertility and unable to support luxuriant dense vegetation of the type seen landwards on backshore.

Reasonably, an important indicator in the assessment of extent of damage of this stretch of dune is its present sediment character. Classically, dune sediments are predominantly sand with grains that are not very cohesive, in contrast with the present compact mix of mud and lateritic rubble, excrescence of which is regularly visible at the damaged site.

It must be emphasized that the larger plot is a landward part of dune field which is terrestrial wind controlled ecosystem with Aeolian sand transport and exchange with the seaward beach. A positive sediment budget (sand accretion) and vegetation is critical to its ecological integrity and sustenance. Dune system vulnerability is unambiguously related to conditions that accelerate erosion and ecosystem degradation, both of which have taken place at the sight. Blocking natural processes eventually leads to destruction of the dune system (**Bodéré et al., 1991**)

Further it must be emphasized that the damaged dune was not a 'standalone piece of land' in its pristine state (prior to the inflicted damage) and was an integral and important constituent of a continuous coastal zone being under permanent exchange with the shore face (submerged beach), the beach (intertidal and supratidal). Therefore assessment of damage and its restoration has to be viewed holistically and through the prism of ecology. That nature is resilient is no excuse for onslaught on natural ecosystems and further a justification for leaving damaged ecosystems to heal on their own; hence restorative interventions become absolutely necessary to facilitate and



accelerate the recuperation of dented natural ecosystems .The natural dune-rebuilding process can take several years, hence it is desirable to restore a significantly damaged dune rather than relying on natural recovery processes (**O'Connell, 2008**). In the given instance, there has been a damage inflicted on a fragile and critical ecosystem that enjoys protection under the law of the land, demolishing the intrinsic constituents and processes critical to the sustainability of our coastal environment. The damage to the said dune is construed to be disruption and replacement of 'earth capital' for private convenience at the cost of ecological services and common good of public. That the sand dune damaged by construction of a pedestrian and/or motorized pathway/road lead to vegetation destruction and enhance its weathering and erosion has been irrefutably established (**Moulis and Barbel, 1999**).

Restitution of the damaged portion of the sand dune shall reach fruition only when the stretch is restored to its original dynamic status replete with ecological values, and not merely its structural stability and aesthetic.

The Goa State Biodiversity Board's (GSBB) assessment and opinion is inclined towards the 'do nothing' approach that shows scant respect towards the natural dynamics of the dune-beach system and the need to restore its ecosystem functionalities. The nature's ability to restore the damaged dune an original state after an aggressive anthropogenic disturbance like construction of a road, excavation and then dumping of material right there requires that the dune-beach system be considered in its entirety. It is important to bring on record the opinion that Human impacts could be most damaging because natural recovery of dune ecosystems is either very slow or not possible at all (**Doody, 2004**).The National Centre for Sustainable Coastal management in its



report also states that the major causes of degradation/destruction of sand dune of Goa are construction of hotels/resorts/guesthouses, dune reclamation for making approach road to the beaches, landscaping or beautification of frontal dune and other tourist activities. (NCSCM)

In conclusion, the extant stretch of the damaged dune is far from being ecologically restored and or restituted because of the following reasons:

1. It's surface and subsurface strata does not meet the character of a dune ecosystem which should have been principally composed of sand, and not rubble and mud.
2. There is no evidence of psammosere here despite a lapse of over a decade of being 'left to nature' or any indicator of a stable climax community.
3. The flora at the site is not the typical psammophytes and at best ecotypes of arid conditions.
4. Currently the site is infested with invasive flora and ephemeral grasses, both of which have altered the community structure, and if allowed to thrive will further degrade the site instead of restoring it to its sand dune status.
5. As such proactive and urgent intervention using feasible and site specific dune restoration techniques must be put in place to allow the seral stages to be established and promoted to progress into a stable climax sand dune community.
6. As for calculating cost of damage to this stretch of fragile and protected ecosystem is concerned, the formula for compensation



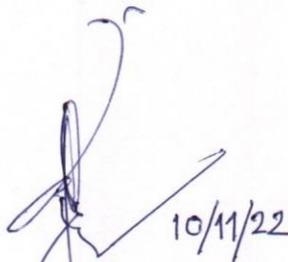
and recovery of damages of “Rs. 2590.00/m²/year” in respect of damage to coastal ecosystems and disruption of ecosystems service values in the state of Goa arrived at by the three member committee constituted in perusal to order of the Hon. NGT Principal bench dated 26.10.2021 and 08.12.2021 and 08.12.2021 and subsequently concurred with by the GCZMA in their order dated 05.04.2022 ought be applied considering the facts in the present matter.



Technical Literature for corroboration

1. **Bodere J.C., Cribb R., Curr R., Davies P., Hallegouet B., Meur C., Piriou N., Williams A., Yoni C.(1991).** *La gestion des milieux dunaires littoraux.* Evaluation de leur vulnérabilité à partir d'une liste de contrôle. Etude de cas dans le sud du Pays de Galles et en Bretagne occidentale. *Norois* n°151. Poitiers-France. 279-298.
2. **Carter R.W.G.(1988).** *Coastal environments. An introduction to the physical, ecological and cultural systems of the coastlines.* Academic Press, New York. 617pp
3. **Doody, J.P.(2004).** Coastal habitats to get bigger and better? Proceedings of Littoral 2004 7th International Symposium: Delivering Sustainable Coasts: Connecting Science and Policy, (Aberdeen, Scotland), pp. 83-88.
4. **Goldstein, E. B., Moore, L. J., and Durán Vinent, O(2017).** Lateral vegetation growth rates exert control on coastal foredune hummockiness and coalescing time, *Earth Surf. Dynam.*, 5, 417-427, <https://doi.org/10.5194/esurf-5-417-2017>,
5. **Levine JM, Vila` M, D'Antonio CM, Dukes JS, Grigulis K, Lavorel S (2003)** Mechanisms underlying the impacts of exotic plant invasions. *Proc R Soc Lond Ser B Biol Sci* 270:775-781
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10. **O'Connell J., (2008).** Coastal Dune Protection & Restoration. Marine Extension Bulletin Woods Hole Sea Grant & Cape Cod Cooperative Extension.
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10/11/22

Dr Manoj Ramakant Borkar

MSc, PhD, PGDEE, FBRS, FASC(AW), FIAES

Ecologist & Biodiversity Expert

Villa No 20, Sapna Imperial, Nagg-Vaddo,

Betalbatim

Salcete South Goa 403713

borkar.manoj@rediffmail.com

ANNEXURE

Genesis of Sand Dunes

Sand dunes are formed due to the earth's erosional and depositional forces. Erosion leads to accumulation of sand. Strong winds pick up the sand and transport it (typically slightly above the ground) to another location.

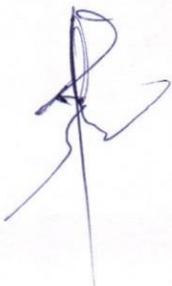
A Sand Dune is a small ridge of hill of sand found on top of a beach. When they form on a beach, they are typically above the normal maximum reach of the waves. They form from millions of finely divided sand particles that are blown by the wind and get deposited against some obstacle such as a piece of drift wood, bush or rock.

What is the Dynamics of Sand Movement?

To build a sand dune, sand deposition occurs through three processes: Saltation, creep, and suspension.

1. Saltation refers to the rapid movement of sand particles in wind approximately one inch above the surface of the ground.
2. Creep can be defined as the tumbling or pushing of sand particles atop clay and mud at an extremely slow and methodical pace.
3. Suspension represents particles of sand mixed into a column or stream of wind that is only deposited after the wind stops its momentum.

Every dune has a 'windward' side and a 'slipface'. A dune's windward side is the side where the wind is blowing and pushing material up. A dunes slip face is



simply the side without wind. A slipface is usually smoother than a dunes windward side.

For a sand dune to form, the following conditions must be met:

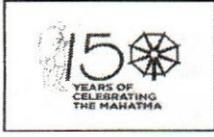
- Deposition of sand must take place quicker than the obstruction material is eroded to enable build up of sand.
- There must be abundant supply of sand transported to the beach from long shore drift.
- There must be a huge range between high and low tides so that when the tide subsides, a large area of land is exposed and can dry out to enable the wind to pick up the sediments.
- Energy for movement, which is strong winds to transport sand particles. However, dunes can also form underwater in rivers.
- An obstructer or obstacle, for example, a piece of wood or a rock to allow accumulation of sand. Areas with sparse vegetation tend to form many dunes.
- Dry climate: Moisture usually causes grains of sand to bond together. Large grains present challenges during wind transportation. Additionally, moisture helps plant growth. Plant growth stabilizes loose sediment and stops its movement.

Ecological importance of Sand dunes

Sand dunes are the 'first line of defense' against events of cyclonic manifestations and shore erosion and hence are of immense value to safeguard human life and property on the landward side.

They are a unique ecosystem occupied by of salt tolerant psammophytes and a host of fauna that resides in association with the flora and within the sand contributing to the dynamic transfer of energy and material here.





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OFFICE OF THE DEPUTY COLLECTOR & SDO, SALCETE, MARGAO - GOA

Room No.105, 1st Floor,

Matanhy Saldhana Administrative Complex,

Near KTC Bus Stand, Margao - Goa.

Phone: 0832-2794145,

Fax:0832-2794402

Email:sdm-salcete.goa@nic.in

No.SDO/SAL/Demo/2023/ 1146-7

Dated: 20/02/2023

To,
Shri Suvarn R. Bandekar
P.O.Box No.11,
Vasco-da-Gama

Sub: Execution of directions to demolish structures in survey No. 16/7, Sernabatim, Salcete Goa.

Ref: GCZMA/SAL/SERNA/12-13/01/2349 dated 25/03/2022 & GCZMA/SAL/SERNA/12-13/01/2027 dated 06/12/2022

Sir,

With refernce to the above, this is to inform you that in order to execute the order No.GCZMA/SAL/SERNA/12-13/01/2349 dated 25/03/2022 issued by the Member Secretary, Goa Coastal Zone Management Authority, Panaji, this office had requested the Executive Engineer, WD VI, PWD, Fatorda, Margao Goa, Mamlatdar of Salcete and the Member Secretary, GCZMA, Porvorim Goa to conduct the site inspection in order to plan the demolition and to assess the machinery and manpower required to demolish the structure existing in Sy. No.16/7 of village Sernabatim. (copies of letter dated 14/12/2022 & 22/12/2022 addressed to Mamlatdar of Salcete, PWD & GCZMA are enclosed herewith)

However, PWD vide letter dated 03/01/2023 inform that demolitions are large in size (G+1, G+2 & other structures) required heavy machinery, advanced measures and skilled manpower and requested to arrange inspection of the said structures, so as to work out estimate for demolition and place the funds at their disposal. (copy of letter dated 03/01/2023 is enclosed herewith)

Accordingly, this office vide letter No.SDO/SAL/CZ/Demo/14534/2022/343-I dated 16/01/2023 has requested the Member Secretary, Goa Coastal Zone Management Authority, Panaji to appoint consultant to ascertain the methodology and to place funds at disposal of the Executive Engineer, WD VI, PWD, Fatorda, Margao Goa or work may be executed through concerned Government agencies at their level. (copy of letter dated 16/01/2023 is enclosed herewith)

Reminder letter No. SDO/SAL/CZ/Demo/14534/2022/930-I dated 09/02/2023 was issued to the Member Secretary, Goa Coastal Zone Management Authority, Panaji to take necessary action in the above matter. However, no response has been received. (copy of letter dated 09/02/2023 enclosed herewith)

...2/-

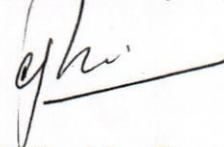
In order to avoid contempt of Hon'ble Supreme Court this office had issued demolition order bearing No. bearing No. SDO/SAL/DEMO/2023/06 dated 06/02/2023, which was fixed on 15/02/2023 in order to demolish all the existing structures located in Sy. No. 16/7 of village Sernabatim, Salcete Goa carried out by Mr. Armando Cardozo (since deceased through LRr's) (a) Mrs Leticia Cardozo (b) Mr. Jovek Cardozo (c) Ms. Maria Sunifer Cardozo (d) Ms. Maria Sweta Cardozo (e) Mrs. Audrey Cardozo Fernandes (f) Mr. James Sebastiano Fernandes (g) Mr. Domnic Savio Pereira (h) Adv. Ashish Desai. **(copy demolition order dated 06/02/2023 is enclosed herewith)**

However, the Executive Engineer, WD VI, PWD, Fatorda, Margao Goa did not reported at the site. Therefore, demolition could not be carried out. When contacted they informed to place the funds at their disposal.

Accordingly, this office vide letter No.SDO/SAL/CRZ/DEMO//14534/2022/343-I/1062 dated 16/02/2023 informed the same to the Member Secretary, GCZMA, Panaji and once again requested to place the funds at the disposal of the Executive Engineer, WD-VI (Roads) , PWD, Fatorda, Margao Goa in order to enable this office to execute the above referred orders and requested them alternatively demolition work may be executed at their level and informed them that this office shall provide them the necessary police protection and magisterial arrangement. **(copy demolition order dated 16/02/2023 is enclosed herewith)**

In view of above, you are requested to approach before the Member Secretary, Goa Coastal Zone Management Authority, Panaji for redressal of your grievance and for execution of order No. GCZMA/SAL/SERNA/12-13/01/2349 dated 25/03/2022 under section 5 of the Environment (Protection) Act, 1986, Read with rule 4 of the Environment (Protection) Rules, 1986 issued by the Member Secretary, Goa Coastal Zone Management Authority, Panaji.

Yours faithfully,



(Uday R. Prabhu Dessai)
Dy. Collector & SDO
Salcete, Margao Goa

Encl: As above.

Copy to : 1. The Member Secretary, Goa Coastal Management Authority, Panaji Goa.
2. The Collector, South Goa District, Margao Goa.



760



OFFICE OF THE DEPUTY COLLECTOR & SDO, SALCETE, MARGAO - GOA

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Phone: 0832-2794145,

Email:sdm-salcete.goa@nic.in

Fax:0832-2794402

No.SDO/SAL/CRZ/Demo/14534/2022

7943-1

Dated: 14/12/2022

MEMORANDUM

Sub: Request to depute official for joint site Inspection.

Ref: 1) GCZMA/SAL/SERNA/12-13/01/2349 dated 25/03/2022 &
GCZMA/SAL/SERNA/12-13/01/2027 dated 06/12/2022

2) GCZMA/SWMP/02/06/1440 dated 11/10/2022

3) GCZMA/SWMP/02/06/1458 dated 12/10/2022

4) GCZMA/SWMP/02/06/1459 dated 12/10/2022

5) GCZMA/SWMP/02/06/1509 dated 18/10/2022

Find enclosed herewith letter No.PWD/WD-VI/ADM/F/69/2022/23/1420 dated 01/12/2022 from the Executive Engineer, WD-VI, PWD, Fatorda, Margao Goa, on the above cited subject and copy of above referred orders issued by the Member Secretary, Goa Coastal Zone Management Authority, Panaji Goa are enclosed.

In this connection, the Mamlatdar of Salcete is hereby directed to personally inspect the site on 20/12/2022 at 9.30 a.m. alongwith the officials of GCZMA and the Executive Engineer of PWD and to assess the machinery and man power required to demolish the said structures and to submit the report to this office on 21/12/2022. The Mamlatdar of Salcete to coordinate with the Executive Engineer, WD-VI, PWD, Fatorda, Margao Goa Mobile No.9422057204 & Assistant Engineer Mobile No.9822163645 and the Member Secretary (GCZMA) Mobile No. 9422456712

ok

(Uday R. Prabhu Dessai)
Dy. Collector & SDO,
Margao Goa

Encl: As above.

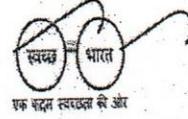
To,
The Mamlatdar of Salcete
Margao Goa

Office of the Mamlatdar Salcete
Inward No:.....
Date:.....
15/12/2022

- Copy to :
- 1) The Collector, South Goa District, Margao Goa.
 - 2) The Member Secretary, Goa Coastal Zone Management Authority, C/o Department of Environment and Climate change (Govt. of Goa), 4th floor, Dempo Towers, Patto, Panaji Goa.
 - 3) The Executive Engineer, Works Division VI (Roads) PWD, Fatorda, Margao, Goa.



14-12-22 om



OFFICE OF THE DEPUTY COLLECTOR & SDO, SALCETE, MARGAO - GOA

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Phone: 0832-2794145,

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Email:sdm-salcete.goa@nic.in

No.SDO/SAL/CRZ/Demo/14534/2022

7945-1

Dated:14/12/2022

To,
The Executive Engineer,
Works Division VI(Roads)PWD,
Fatorda, Margao, Goa

Sub: Request to depute official for joint site Inspection.

Ref: 1) GCZMA/SAL/SERNA/12-13/01/2349 dated 25/03/2022&

GCZMA/SAL/SERNA/12-13/01/2027 dated 06/12/2022

2) GCZMA/SWMP/02/06/1440 dated 11/10/2022

3) GCZMA/SWMP/02/06/1458 dated 12/10/2022

4) GCZMA/SWMP/02/06/1459 dated 12/10/2022

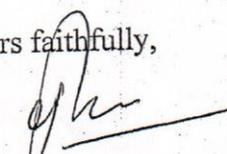
5) GCZMA/SWMP/02/06/1509 dated 18/10/2022

Sir,

With reference to your letter No.PWD/WD-VI/ADM/F/69/2022/23/1420 dated 01/12/2022, It is to inform that a joint Inspection of the Mamlatdar of Salcete, Engineer from your department and the officials of GCZMA is fixed on 20/12/2022 at 9.30 a.m. onward in order to assess the machinery and man power required to demolish the structure as per the above referred order. Copy of orders issued by the Member Secretary, Goa Coastal Zone Management Authority, Panaji Goa are enclosed. You are requested to conduct the inspection alongwith the Mamlatdar & GCZMA and to plan for the demolition by accessing the machinery & man power required for demolition.

Your are requested to depute one Engineer from your office for joint site inspection. The said Engineer may be directed to report the office of the Mamlatdar of Salcete on 20/12/2022 at 9.30 a.m. in order to proceed the site.

Yours faithfully,


(Uday R. Prabhu Dessai)
Dy. Collector & SDO,
Margao Goa

Office of the Mamlatdar Salcete
Inward No:.....
Date:.....

ok

- Copy to :1) The Collector, South Goa District, Margao Goa.
2) The Member Secretary, Goa Coastal Zone Management Authority, C/o
Department of Environment and Climate change (Govt. of Goa), 4th floor,
Dempo Towers, Patto, Panaji Goa.
3) The Mamlatdar of Salcete.





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**OFFICE OF THE DEPUTY COLLECTOR & SDO, SALCETE, MARGAO - GOA**

Room No.105, 1st Floor,
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Phone: 0832-2794145,

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Email:sdm-salcete.goa@nic.in

No.SDO/SAL/CRZ/Demo/14524/2022/ 7944-1

Dated: 14/12/2022

To,
The Member Secretary,
Goa Coastal Zone Management Authority,
C/o Department of Environment and Climate change
(Govt. of Goa), 4th floor, Dempo Towers,
Patto, Panaji Goa.

Sub: Request to depute official for joint site Inspection.

- Ref: 1) GCZMA/SAL/SERNA/12-13/01/2349 dated 25/03/2022 &
GCZMA/SAL/SERNA/12-13/01/2027 dated 06/12/2022
2) GCZMA/SWMP/02/06/1440 dated 11/10/2022
3) GCZMA/SWMP/02/06/1458 dated 12/10/2022
4) GCZMA/SWMP/02/06/1459 dated 12/10/2022
5) GCZMA/SWMP/02/06/1509 dated 18/10/2022

Sir,

With reference to your above referred letters, this office is in receipt of letter No.PWD/WD-VI/ADM/F69/2022-23/1420 dated 01/12/2022 from the Executive Engineer, WD-VI (Roads South) PWD, Fatorda, Margao Goa informing that all the demolition appear to be large in size, requiring heavy machinery, advanced measures and skilled manpower and requested for inspection of the structures so as to work out the estimates for demolition and management of funds. In view of the above joint Inspection is fixed on 20/12/2022 in order to plan and access the machinery & man power required for demolition.

In this regards, it is kindly requested to depute the officials in order to identify the structures to be demolish so as to enable the Mamlatdar & Executive Engineer, PWD, Fatorda to assess the machinery and man power required to demolish the said structures. The officials of your department may be directed to report the Mamlatdar office on 20/12/2022 at 9.30 a.m. in order to proceed the site.

Yours faithfully,

(Uday R. Prabhu Dessai)
Dy. Collector & SDO,
Margao Goa

Encl: As above.

- Copy to : 1) The Collector, South Goa District, Margao Goa.
2) The Executive Engineer, Works Division VI(Roads), PWD, Fatorda, Margao, Goa.
3) The Mamlatdar of Salcete.

Office of the Mamlatdar Salcete
Inward No:.....
Date:.....



12-12-22



OFFICE OF THE DEPUTY COLLECTOR & SDO, SALCETE, MARGAO - GOA

Room No.105, 1st Floor,
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Phone: 0832-2794145,

Email:sdm-salcete.goa@nic.in

Fax:0832-2794402

No.SDO/SAL/CRZ/Demo/14534/2022 / 8160 T

Dated: 22/12/2022

MEMORANDUM

Sub: Request to depute official for joint site Inspection.

Ref: 1) GCZMA/SAL/SERNA/12-13/01/2349 dated 25/03/2022 &

GCZMA/SAL/SERNA/12-13/01/2027 dated 06/12/2022

2) GCZMA/SWMP/02/06/1440 dated 11/10/2022

3) GCZMA/SWMP/02/06/1458 dated 12/10/2022

4) GCZMA/SWMP/02/06/1459 dated 12/10/2022

5) GCZMA/SWMP/02/06/1509 dated 18/10/2022

With reference to this office Memorandum dated 14/12/2022, on the above cited subject, this office had issued joint site inspection on 20/12/2022 at 9.30 a.m.. However, the official from department of GCZMA had failed to visit the site. Therefore, the inspection is re-scheduled on 29/12/2022 at 9.30 a.m.

In this connection, the Mamlatdar of Salcete is hereby directed to inspect the site, which is re-fixed on 29/12/2022 at 9.30 a.m. alongwith the officials of GCZMA and the Executive Engineer of PWD, Fatorda and to submit the report to this office on 30/12/2022. The Mamlatdar of Salcete to coordinate with the Executive Engineer, WD-VI, PWD, Fatorda, Margao Goa Mobile No.9422057204 & Assistant Engineer Mobile No.9822163645 and the Member Secretary (GCZMA) Mobile No. 9422456712

(Uday R. Prabhu Dessai)

Dy. Collector & SDO,
Margao Goa

Encl: As above.

To,
The Mamlatdar of Salcete
Margao Goa

- Copy to :
- 1) The Collector, South Goa District, Margao Goa.
 - 2) The Member Secretary, Goa Coastal Zone Management Authority, C/o Department of Environment and Climate change (Govt. of Goa), 4th floor, Dempo Towers, Patto, Panaji Goa.
 - 3) The Executive Engineer, Works Division VI (Roads) PWD, Fatorda, Margao, Goa.

MOST URGENT
NGT & SUPREME COURT MATTER



OFFICE OF THE DEPUTY COLLECTOR & SDO, SALCETE, MARGAO - GOA

Room No.105, 1st Floor,
Matanhy Saldhana Administrative Complex,
Near KTC Bus Stand, Margao - Goa.

Phone: 0832-2794145,

Email:sdm-salcete.goa@nic.in

Fax:0832-2794402

No.SDO/SAL/CRZ/Demo/14534/2022/8161-J

Dated:22/12/2022

To,
The Executive Engineer,
Works Division VI(Roads)PWD,
Fatorda, Margao, Goa

Sub: Request to depute official for joint site Inspection.
Ref: 1) GCZMA/SAL/SERNA/12-13/01/2349 dated 25/03/2022 &
GCZMA/SAL/SERNA/12-13/01/2027 dated 06/12/022
2) GCZMA/SWMP/02/06/1440 dated 11/10/2022
3) GCZMA/SWMP/02/06/1458 dated 12/10/2022
4) GCZMA/SWMP/02/06/1459 dated 12/10/2022
5) GCZMA/SWMP/02/06/1509 dated 18/10/2022

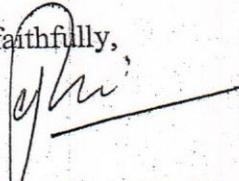
Sir,

On the day of joint site inspection on 20/12/2022, the official of the Member Secretary, Goa Coastal Zone Management Authority, Panaji failed to appear.

In view of above, inspection is re-scheduled on 29/12/2022 at 9.30 am in order to assess the machinery and man power required to demolish the said structures.

Therefore, it is kindly requested to depute your official for site inspection on above mentioned date & time. The said Engineer may be directed to report the office of the Mamlatdar of Salcete on 29/12/2022 at 9.30 a.m. in order to proceed the site.

Yours faithfully,


(Uday R. Prabhu Dessai)
Dy. Collector & SDO,
Margao Goa

- Copy to : 1) The Collector, South Goa District, Margao Goa.
2) The Member Secretary, Goa Coastal Zone Management Authority, C/o
Department of Environment and Climate change (Govt. of Goa), 4th floor,
Dempo Towers, Patto, Panaji Goa.
3) The Mamlatdar of Salcete.

MOST URGENT**NGT & SUPREME COURT MATTER**

OFFICE OF THE DEPUTY COLLECTOR & SDO, SALCETE, MARGAO - GOA

Room No.105, 1st Floor,
Matanhy Saldhana Administrative Complex,
Near KTC Bus Stand, Margao - Goa.

Phone: 0832-2794145,

Email:sdm-salcete.goa@nic.in

Fax:0832-2794402

No.SDO/SAL/CRZ/Demo/14524/2022/8162-1

Dated: 22/12/2022

To,
The Member Secretary,
Goa Coastal Zone Management Authority,
C/o Department of Environment and Climate change
(Govt. of Goa), 4th floor, Dempo Towers,
Patto, Panaji Goa.

Sub: Request to depute official for joint site Inspection.

Madam,

Your good office has forwarded to this office the following order for execution

- 1) GCZMA/SAL/SERNA/12-13/01/2349 dated 25/03/2022 & GCZMA/SAL/SERNA/12-13/01/2027 dated 06/12/022
- 2) GCZMA/SWMP/02/06/1440 dated 11/10/2022
- 3) GCZMA/SWMP/02/06/1458 dated 12/10/2022
- 4) GCZMA/SWMP/02/06/1459 dated 12/10/2022
- 5) GCZMA/SWMP/02/06/1509 dated 18/10/2022

Accordingly, this office issued demolition order. However, the Executive Engineer, WD-VI (Roads), PWD, Fatorda, Margao Goa informed to this office that demolitions appeared to be large in size, requiring heavy machinery, advanced measures and skilled manpower and therefore requested to arrange for site inspection of the said structures so as to work out the estimates for demolition and management of funds. (copy of letter enclosed).

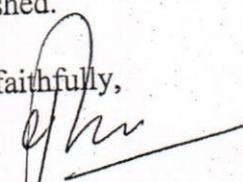
Accordingly, this office had issued joint site inspection on 20/12/2022 at 9.30 a.m. and requested to your good office to depute the official in order to identify the structure. (copy of letter enclosed). However, your office have not deputed the official from your department.

In view of above, inspection is re-scheduled on 29/12/2022 at 9.30 am in order to assess the machinery and man power required to demolish the said structures.

Therefore, it is once again kindly requested to depute your official for site inspection on above mentioned date & time to identify the structures to be demolished.

Yours faithfully,

ok


(Uday R. Prabhu Dessai)
Dy. Collector & SDO,
Margao Goa.

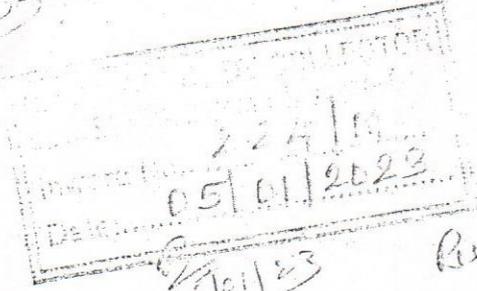
Encl: As above.

Copy to : 1) The Collector, South Goa District, Margao Goa.
2) The Executive Engineer, Works Division VI(Roads), PWD, Fatorda, Margao, Goa
3) The Mamlatdar of Salcete.

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No.PWD/WDVI/ASW/F-140/584/2022-23
Government of Goa,
Office of the Executive Engineer,
Public Works Department,
Fatorda-Margao, Goa

Dated:- 03/01/2023.



To,
Dy. Collector & SDO,
Matanhy Saldhana Administrative Complex,
Near KTC Bus Stand, Margao, Goa.

Sub :- Regarding request to depute official for joint site inspection.

Ref :- No.SDO/SAL/CRZ/Demo/14534/2022/8160-I dt. 22/12/2022

Sir,

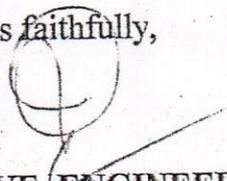
With reference to the above, the inspection was attended by representative of AE-IV attached to this Division along with representative of GCZMA and Mamlatdar on 29/12/2022 from 11.00 am onwards. The structures were identified by representative of GCZMA.

Further AE-IV reported that the structure to be demolished were G+1, G+2 and other structures. Such demolition require specialised demolition agency and methodology.

Therefore it is requested to direct the GCZMA to appoint a consultant to ascertain the method & machinery required for demolition based on which estimate can be framed and tendered only after deposition of funds required for execution of work.

Further the date of demolition may be decided only after the work is tendered and contractor is in place.

Yours faithfully,


EXECUTIVE ENGINEER- VI

Copy to:-

The Asst. Engineer- IV, WD-VI, PWD, Fatorda ...for information and needful.



OFFICE OF THE DEPUTY COLLECTOR & SDO, SALCETE, MARGAO - GOA

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Phone: 0832-2794145,

Fax:0832-2794402

Email:sdm-salcete.goa@nic.in

No.SDO/SAL/CRZ/Demo/14534/2022/343-1

Dated: 16/01/2023

To,
The Member Secretary,
Goa Coastal Zone Management Authority,
C/o Department of Environment and Climate change
(Govt. of Goa), 4th floor, Dempo Towers,
Patto, Panaji Goa.

Sub: Execution of order passed by GCZMA

Ref: 1) GCZMA/SAL/SERNA/12-13/01/2349 dated 25/03/2022 &
GCZMA/SAL/SERNA/12-13/01/2027 dated 06/12/2022

2) GCZMA/SWMP/02/06/1440 dated 11/10/2022

3) GCZMA/SWMP/02/06/1458 dated 12/10/2022

4) GCZMA/SWMP/02/06/1459 dated 12/10/2022

5) GCZMA/SWMP/02/06/1509 dated 18/10/2022

Madam,

This is to kindly inform you that on receipt of your order referred above at Sr. No. 2 to 4, this office had issued demolition order bearing No.SDO/SALDEMO/2022/97 dated 22/11/2022 and No.SDO/SALDEMO/2022/100 dated 23/11/2022 & No.SDO/SALDEMO/2022/99 dated 23/11/2022 to demolish structures as directed in the above referred order at Sr. No. 2 to 4.

However, Executive Engineer, WD-VI (Roads South), PWD, Fatorda, Margao Goa vide letter No. PWD/WD-VI/ADM/69/2022-23/1420 dated 01/12/2022 informed this office that all demolitions are large in size, required heavy machinery, advanced measures and skilled manpower and requested to arrange inspection of the said structures so as to work out estimates for demolition and management of funds and also requested to arrange for advance inspection, incase of large structures and make provisions of funds before issuing demolition order and requested to fix it after arrangement of funds available. Copy of letter is enclosed herewith and marked as "Annexure A"

Accordingly, this office directed Mandatdar of Salcete to conduct joint site inspection with Executive Engineer, WD-VI (Roads South), PWD, Fatorda, Margao Goa and representative of Goa Coastal Zone Management Authority, Panaji Goa.

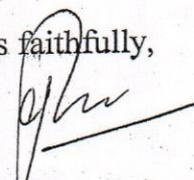
....2/-

After carried out inspection of said structures, the Executive Engineer, WD-VI(Roads South), PWD, Fatorda, Margao Goa vide letter dated PWD/WDVI/ASW/F-140/584/2022-23 dated 03/01/2023 informed that structures to be demolished were G+1, G+2 and other structures and such demolition required specialised demotion agency and methodology and requested to direct Goa Coastal Zone Management Authority, Panaji Goa to appoint consultant to ascertain the method & machinery required for demolition based on which estimate can be framed and tendered only after deposition of funds required for execution of work. Copy of letter is enclosed herewith and marked as "Annexure B"

In view of above, it is requested to appoint consultant to ascertain the methodology and to prepare the estimate of demolition and for disposal of debris created out of demolition. You are also requested to make provision of funds and to deposit the entire estimated amount towards the same with the Executive Engineer, WD-VI (Roads South), PWD, Fatorda, Margao Goa or alternatively work may be executed through concerned Government agencies at your level. This office shall provide the requisite logistic support such as police protection and magisterial arrangement.

This is for kind information and necessary action.

Yours faithfully,



(Uday R. Prabhu Dessai)
Dy. Collector & SDO
Salcete, Margao Goa

olc

Encl: As above.

Copy to : 1) The Collector, South Goa District, Margao Goa.
2) The Executive Engineer, Works Division VI(Roads), PWD, Fatorda,
Margao, Goa.

NGT & SUPREME COURT MATTER

OFFICE OF THE DEPUTY COLLECTOR & SDO, SALCETE, MARGAO - GOA

Room No.105, 1st Floor,
Matanhy Saldhana Administrative Complex,
Near KTC Bus Stand, Margao - Goa.

Phone: 0832-2794145,

Email:sdm-salcete.goa@nic.in

Fax:0832-2794402

No.SDO/SAL/CRZ/Demo/14534/2022 / 9/30-1

Dated: 09/02/2023

To,
The Member Secretary,
Goa Coastal Zone Management Authority,
C/o Department of Environment and Climate change
(Govt. of Goa), 4th floor, Dempo Towers,
Patto, Panaji Goa.

Sub: Execution of order passed by GCZMA
Ref: 1) GCZMA/SAL/SERNA/12-13/01/2349 dated 25/03/2022 &
GCZMA/SAL/SERNA/12-13/01/2027 dated 06/12/2022
2) GCZMA/SWMP/02/06/1440 dated 11/10/2022
3) GCZMA/SWMP/02/06/1458 dated 12/10/2022
4) GCZMA/SWMP/02/06/1459 dated 12/10/2022
5) GCZMA/SWMP/02/06/1509 dated 18/10/2022

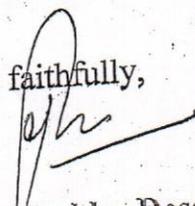
Madam,

Kindly refer to this office letter of even number dated 16/01/2023, wherein it was requested to appoint consultant to ascertain the methodology and to prepare the estimate of demolition and for disposal of debris created out of demolition. You were also requested to make provision of funds and to deposit the entire estimated amount towards the same with the Executive Engineer, WD-VI(Roads South), PWD, Fatorda, Margao Goa or alternatively work may be executed through concerned Government agencies at your level.

Till date your report is awaited.

Therefore, it is once again kindly requested to take necessary action in the matter.

Yours faithfully,


(Uday R. Prabhu Dessai)
Dy. Collector & SDO
Salcete, Margao Goa

Encl: As above.

Copy to : 1) The Collector, South Goa District, Margao Goa.
2) The Executive Engineer, Works Division VI(Roads), PWD, Fatorda,
Margao Goa.

O R D E R

WHEREAS, the Member Secretary, Goa Coastal Zone Management Authority, C/o Department of Environment and Climate change, (Govt. of Goa), 4th floor, Dempo Towers, Patto, Panaji Goa vide order No. GCZMA/SAL/SERNA/12-13/01/2349 dated 25/03/2022 issued direction to **Mr. Armando Cardozo (since deceased through LRr's) (a) Mrs Leticia Cardozo (b) Mr. Jovek Cardozo (c) Ms. Maria Sunifer Cardozo (d) Ms. Maria Sweta Cardozo (e) Mrs. Audrey Cardozo Fernandes (f) Mr. James Sebastiano Fernandes (g) Mr. Domnic Savio Pereira (h) Adv. Ashish Desai** to demolish all the existing structures located in Sy. No. 16/7 of village Sernabatim, Salcete Goa and to restore the land to its original condition, within 30 days.

AND WHEREAS, the copy of said order is marked to the Dy. Collector & SDO, Salcete, to enforce the Order and to verify if the structures are removed /demolished and in the event it is not removed as per directives, than the Dy. Collector shall remove the said structures after the stipulated time of two weeks .

AND WHEREAS, this office had issued Memorandum dated 01/04/2022 to the Mamlatdar of Salcete, directing to ensure/verify that Mr. Armando Cardozo (since deceased through LR's (a) Mrs Leticia Cardozo (b) Mr. Jovek Cardozo (c) Ms. Maria Sunifer Cardozo (d) Ms. Maria Sweta Cardozo (e) Mrs. Audrey Cardozo Fernandes (f) Mr. James Sebastiano Fernandes (g) Mr. Domnic Savio Pereira (h) Adv. Ashish Desai has demolished all the existing structures located in Sy. No. 16/7 of village Sernabatim Salcete Goa and have restored the land to its original condition.

AND WHEREAS, the Mamlatdar of Salcete vide letter No.MAM/SAL/AK/CRZ/Demo/2022/2145 dated 28/06/2022 has informed that inquiry was conducted through the Talathi of Colva village and it is revealed that Mr. Armando Cardozo (since deceased through LR's (a) Mrs Leticia Cardozo (b) Mr. Jovek Cardozo (c) Ms. Maria Sunifer Cardozo (d) Ms. Maria Sweta Cardozo (e) Mrs. Audrey Cardozo Fernandes (f) Mr. James Sebastiano Fernandes (g) Mr. Domnic Savio Pereira (h) Adv. Ashish Desai have not demolished all the existing structures located in the survey no. 16/7 of village Sernabatim and the land is not restored to its original condition.

AND WHEREAS, the Member Secretary, Goa Coastal Zone Management Authority, C/o Department of Environment and Climate change, (Govt. of Goa), 4th floor, Dempo Towers, Patto, Panaji Goa, vide letter No. GCZMA/SAL/SERNA/12-13/01/2027 dated 06/12/2022 has informed that demolition order dated 25/03/2022 which was passed by their office was challenged in an Appeal by the Respondent violators in Appeal bearing No. 16/2022 before Hon'ble National Green Tribunal, Pune vide judgment/order dated 21/10/2022 thereby dismissing the said appeal. Further informed that the Respondent violators challenged the said judgment/order dated 21/10/2022 passed by Hon'ble National Green Tribunal, Pune in Appeal bearing no. 16/2022 before the Hon'ble Supreme Court in Civil Appeal no. 8563/2022. The Hon'ble Supreme Court of India vide order dated 25/11/2022 was pleased to dismiss the said Civil Appeal no. 8563/2022 and requested to implement/execute the demolition order dated 25/03/2022 issued by their office.

In view of above I, Uday R. Prabhu Dessai, Sub Divisional Magistrate /In-charge of Demolition Squad, South Goa hereby grant the Demolition squad on 15/02/2023 at 9.30 a.m. onwards and order the following Authorities/Agencies as under:

The Dy. Superintendent of Police, S.D.P.O. Margao, Goa, to make necessary arrangements to depute 10 Police Constables and 5 Female Constables alongwith one Officer of P.I. rank, 2 PSI since there is likelihood of law and order problem. They may be directed to report at the Village Panchayat of Sernabatim, Vanelim, Colva and Gandaulim at 9.30 am on the above mentioned date, in order to proceed to the site.

The Mamlatdar of Salcete is directed to remain present at site on the above mentioned date & time, to co-ordinate with all the authorities/agencies till the completion of the demolition. The Mamlatdar of Salcete is directed to draw the minutes of demolition with the names & signature of the authorities present and to submit the compliance report immediately on completion of demolition.

The **Joint Mamlatdar-I of Salcete** to remain present and to perform the duties of the Executive Magistrate and to take care of law and order problem on the above mentioned date and time.

The **Member Secretary, Goa Coastal Zone Management Authority, C/o Department of Environment and Climate change, (Govt. of Goa), 4th floor, Dempo Towers, Patto, Panaji Goa** shall be responsible for identifying the structures to be demolished/removed. He shall further ensure that demolition of any structures which is stayed by order of any competent court shall not be carried out. He shall depute his representative to identify the structures to be demolished on the day of demolition. The deputed representative shall be directed to report to the Executive Magistrate/Mamlatdar of Salcete at **9.30am** on the above mentioned date to proceed to the demolition site.

The **Executive Engineer, Works Division VI(Roads) PWD, Fatorda, Margao** to provide 20 Labourers, 2 JCB, 2 trucks, tools and required machinery on the above scheduled date and time for the purpose of demolition and they shall be directed to report to the **Village Panchayat of Sernabatim, Vanelim, Colva and Gandaulim on 15/02/2023 at 9.30am** in order to proceed to the site for demolition.

The **Executive Engineer, Works Division VI(Roads) PWD, Fatorda, Margao** shall identify the debris dump site along the highway road and transport debris of the demolition to the identified dumping sites and restore the land to its original state and report compliance.

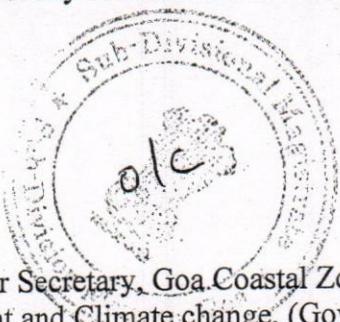
The **Assistant Engineer, Sub Div- I, W D XVI, Benaullim Office, Electricity Department, Aquem Margao** to provide the services of one electrician along with one lineman on the above date and time for disconnection of electricity supply and direct him to report to the **Office of Village Panchayat of Sernabatim, Vanelim, Colva and Gandaulim on 15/02/2023 at 9.30a.m.** in order to proceed to the site for demolition.

The **Executive Engineer WD-IX(PHE), PWD, Fatorda, Margao Goa** to provide the services of 2 Plumbers on the above date and time for disconnection of water supply and direct them to report to the **Village Panchayat of Sernabatim, Vanelim, Colva and Gandaulim on 15/02/2023 at 9.30a.m.** in order to proceed to the site for demolition.

The **Secretary, Village Panchayat of Sernabatim, Vanelim, Colva and Gandaulim** is directed to remain present to assist the demolition Squad till the demolition process is over on the above date and time.

If demolition is not completed within a day, the demolition shall continued on next day, the authorities/agencies should co-ordinate among themselves and complete the demolition.

Given under my hand and Seal of this Office on this **6th day of February, 2023.**



(Uday R. Prabhu Dessai)

Deputy Collector & In-charge Demolition
Squad, Sub Division, Margao - Goa.

To,

1. The Member Secretary, Goa Coastal Zone Management Authority, C/o Department of Environment and Climate change, (Govt. of Goa), 4th floor, Dempo Towers, Patto, Panaji Goa
2. The Dy. Superintendent of Police, S.D.P.O. Margao, Goa.
3. The Mamlatdar of Salcete, Margao, Goa.
4. The Joint Mamlatdar-I of Salcete.
5. The Executive Engineer, Works Division VI(Roads) PWD, Fatorda, Margao, Goa.
6. The Assistant Engineer, Sub Div- I, W D XVI, Benaullim Office, Electricity Department, Aquem Margao
7. The Executive Engineer WD-IX(PHE), PWD, Fatorda, Margao Goa.
8. The Police Inspector, Colva Police Station.
9. The Secretary, Village Panchayat of Sernabatim, Vanelim, Colva and Gandaulim, Salcete Goa.

Copy Submitted to favor of information to:

1. O.S.D to CM, Secretariat Porvorim Goa.
2. The Collector, South Goa District, Margao.

MOST URGENT**NGT & SUPREME COURT MATTER****OFFICE OF THE DEPUTY COLLECTOR & SDO, SALCETE, MARGAO - GOA**

Room No.105, 1st Floor,

Matanhy Saldhana Administrative Complex,

Near KTC Bus Stand, Margao - Goa.

Phone: 0832-2794145,

Fax:0832-2794402

Email:sdm-salcete.goa@nic.in

No.SDO/SAL/CRZ/Demo/14534/2022/1062-I**Dated: 16/02/2023**

To,
The Member Secretary,
Goa Coastal Zone Management Authority,
C/o Department of Environment and Climate change
(Govt. of Goa), 4th floor, Dempo Towers,
Patto, Panaji Goa.

Sub: Execution of order passed by GCZMA**Ref:** 1) GCZMA/SAL/SERNA/12-13/01/2349 dated 25/03/2022 &
GCZMA/SAL/SERNA/12-13/01/2027 dated 06/12/2022

2) GCZMA/SWMP/02/06/1440 dated 11/10/2022

3) GCZMA/SWMP/02/06/1458 dated 12/10/2022

4) GCZMA/SWMP/02/06/1459 dated 12/10/2022

5) GCZMA/SWMP/02/06/1509 dated 18/10/2022

Madam,

With reference to above referred orders, this office vide letters No.SDO/SAL/CRZ/Demo /14534/2022/343-I dated 16/01/2023 & No. SDO/SAL/CRZ/Demo /14534/2022/930 -I dated 09/02/2023 has requested you to appoint consultant to ascertain the methodology and to prepare the estimate of demolition and for disposal of debris created out of demolition and also requested to your good office to place the funds at the disposal of the Executive Engineer, WD-VI (Roads) PWD, Fatorda, Margao Goa as requested by PWD(Roads). However, no action has been taken by your good office. (copy enclosed as per "Annexure A & B")

In order to execute your order referred at sr.no.1, this office had issued demolition order bearing No. SDO/SAL/DEMO/2023/06 dated 06/02/2023, which was fixed on 15/02/2023 in order to demolish all the existing structures located in Sy. No. 16/7 of village Sernabatim, Salcete Goa carried out by Mr. Armando Cardozo (since deceased through LRs) (a) Mrs Leticia Cardozo (b) Mr. Jovek Cardozo (c) Ms. Maria Sunifer Cardozo (d) Ms. Maria Sweta Cardozo (e) Mrs. Audrey Cardozo Fernandes (f) Mr. James Sebastiano Fernandes (g) Mr. Domnic Savio Pereira (h) Adv. Ashish Desai. (copy enclosed per Annexure C")

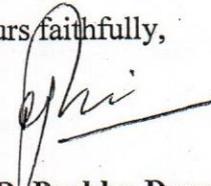
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However, the Executive Engineer, WD-VI (Roads), PWD, Fatorda, Margao Goa did not reported at the site with his team and requested to take action on their letter No.PWD/WDVI/ASW/F-140/584/2022-23 dated 03/01/2023 to make arrangement of funds. (copy enclosed as per "Annexure D")

In view of above, demolition could not be carried out on 15/02/2023.

Therefore, you are once again kindly requested to place the funds at the disposal of the Executive Engineer, WD-VI (Roads) , PWD, Fatorda, Margao Goa in order to enable this office to execute the above referred orders or alternatively demolition work may be executed at your level. This office shall provide you the necessary police protection and magisterial arrangement.

Yours faithfully,



(Uday R. Prabhu Dessai)
Dy. Collector & SDO
Salcete, Margao Goa

olc

Encl: As above.

Copy to : 1) The Collector, South Goa District, Margao Goa.
2) The Executive Engineer, Works Division VI(Roads), PWD, Fatorda.