

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE (PUNE BENCH)
ORIGINAL APPLICATION NO. 47 OF 2019(WZ)**

IN THE MATTER OF:

SAGARDEEP SIRSAIKAR

...APPLICANT(S)

VERSUS

THE GOA COASTAL ZONE MANAGEMENT

AUNTHORITY & ORS

...RESPONDENT(S)

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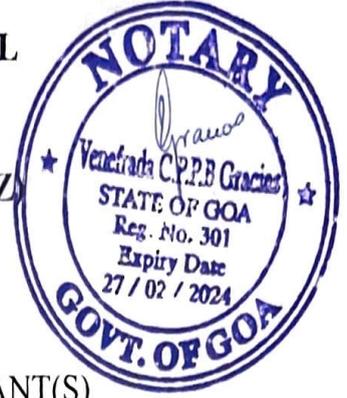
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FILED BY:



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BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE (PUNE BENCH)
ORIGINAL APPLICATION NO. 47 OF 2019(WZ)



IN THE MATTER OF:

SAGARDEEP SIRSAIKAR

...APPLICANT(S)

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THE GOA COASTAL ZONE MANAGEMENT

AUNTHORITY & ORS

...RESPONDENT(S)

SHORT AFFIDAVIT ON BEHALF OF RESPONDENT
NO.1, GOA COASTAL ZONE MANAGEMENT
AUNTHORITY

I, Dr. Sneha Gitte, IAS, adult, being the Member Secretary of the Goa Coastal Zone Management Authority, having my office at 4th Floor, Dempo Towers, Patto, Panaji, Goa, do hereby solemnly affirm and state as under:

1. That I am the Member Secretary, Goa Coastal Zone Management Authority and being duly authorised and well conversant with the facts of the present case, am competent to depose by way of the present Affidavit on behalf of Respondent No. 1.
2. That the present Short Affidavit is being filed in terms of the order dated 09.05.2023 passed by this Hon'ble Tribunal. The Answering Respondent had earlier filed its detailed affidavits dated 19.12.2022 and 07.12.2020, the contents whereof be treated as part of the present affidavit and are not being repeated herein for the sake of brevity.

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3. That the following reliefs have been sought by the Applicant in the subject matter:

- A. *Direct the GCZMA to conduct site inspection (before onset of monsoon in 2019) into the alleged destruction of mangroves and construction inside the No Development Zone of Survey No. 224/2, 224/48, 223 & 125/23 at Camurlim Village, Bardez Goa and submit a report before this Hon'ble Tribunal;*
- B. *Direct the GCZMA to develop the digital map of No Development Zone along the bank of rivers/estuaries (especially Chapora River), creek and backwaters-governed by the distance upto which the tidal effect of sea is experienced as required under the CRZ Notification, 2011 and place it in public domain on their website.*
- C. *Direct the GCZMA to survey and map the mangroves of Chapora River which have increased from 90 hectares in 2001 to 220 hectares in 2018, as per the official report quoted in para 19.1, for the purposes of implementation of Coastal Zone Regulation Zone Notification.*
- D. *Direct the GCZMA to inquire into the nature of khazan land acquired by the Respondent No. 2 in Camurlim Village totalling to 33,825 sq. metres (8.36 acres- Survey Nos. given in table in paragraph 19.8 of the Application) located along the bank of Chapora River inside the No development Zone (within 100 metres)*

4. That the Answering Respondent conducted site inspection and after due inquiry and deliberation issued the order 13.10.2022. Thereafter, the Talathi of Camurlim along with the demolition Squad and GCZMA Officials demolished the structures in Sy. No. 224/1224/2, 224/48, 223, 125/31 at Camurlim Bardez Goa from 05/04/2023 till 13/04/2023. Further, vide Letter bearing ref. no. MAM/BAR/CII/Demo/2042 dated 17.04.2023, Office of the Mamlatdar of Bardez, Mapusa, Goa forwarded a detailed Panchanama drawn on site regarding the demolition to the

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Respondent No. 4 herein, reporting compliance of its directions.

A copy of the letter dated 17.04.2023 is being annexed herewith as **Annexure R-1**.

5. That vide its letter bearing reference no. DC/SDM/Map/CRZ/2023/2020 dated 19.04.2023; Respondent No. 4 wrote to the Answering Respondent informing compliance of its directions dated 13.10.2022.

A copy of the letter dated 19.04.2023 is being annexed herewith as **Annexure R-2**.

6. That in light of the aforesaid, the prayer clause "A" of the present Application has become infructuous.

7. It is pertinent to note that the Applicant herein has filed an Appeal bearing Appeal No. 06/2023, "*Sagardeep Sirasaikar vs. GCZMA & Ors.*" against the order dated 13.10.2022 *inter alia* challenging the following with respect to the said order:

- a) *the farm house is outside the 100 mtrs. line as demarcated by NCSCM village plan*
- b) *the mangroves situated in Survey Nos. 224/1, 224/2, 224/48, 223, 125/31 at Camurlim, Goa have been destroyed illegally by the Respondent No. 2 by carrying out illegal construction.*

A copy of the order dated 13.02.2023 passed by this Hon'ble Tribunal in Appeal No. 06/2023 is annexed herewith as **Annexure R-3**

A copy of the order dated 06.04.2023 passed by this Hon'ble Tribunal in Appeal No. 06/2023 is annexed herewith as **Annexure R-4**

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8. That with respect to prayer clause "B" in the subject matter, it is submitted that Coastal Zone Management Plan as per CRZ Notification 2011, for entire coastal stretch of Goa was prepared by National Centre for Sustainable Coastal Management (NCSCM) Chennai which is an authorized agency approved by Government of India. That the Ministry of Environment, Forest and Climate Change (MoEF&CC) vide its letter dated 06.09.2022 to the Secretary, Department of Environment and Climate Change, Government of Goa, approved the said CZMP for the State of Goa which is already available on the website of the Answering Respondent namely, www.czma.goa.gov.in for wide publicity. Further, the State Government of Goa is in the process of preparing/revising/updating the CZMP 2019 as per the CRZ Notification 2019. It is submitted that CZMP 2019 is pending drafting and finalisation and subsequent approval of the MoEF&CC. Thus, the said prayer clause has also become infructuous.
9. That with respect to prayer clause "C", it is submitted that as per the CZMP 2011, the areas along the Chapora River shown with Mangroves are classified as CRZ-I and other areas as CRZ-III. The CZMP 2011 for state of Goa is already approved and in said CZMP, all the Mangroves and the 50-meter buffer zone for mangroves is already marked and shown for state of Goa and for that reason prayer clause "C" has also become infructuous.
10. That with respect to prayer clause "D", it is stated that all the Khazan land in the State of Goa has been demarcated and



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incorporated by the NCSCMin CZMP 2011. In any case, the order dated 13.10.2022 has been challenged in appeal by the Applicant as stated herein above. Thus, in so far as the present Application is concerned, the said prayer clause has become infructuous qua the Answering Respondent.

11. That in light of the aforesaid submissions, it is respectfully submitted that all the reliefs sought by the Applicant by way of the present Application have been rendered infructuous and therefore the present Original Application is liable to be disposed of accordingly.

12. That the annexures to the present affidavit are true copies of their respective originals.

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DEPONENT

VERIFICATION:

Verified in Panaji on this 28th day of June, 2023 that the contents of the above affidavit are true and correct to the best of my knowledge and as per the official records. No part of it is false and nothing material has been concealed therefrom.

Solemnly affirmed before me

Dr. Sneha Gitte (IAS)

no is identified before me by

At Panjim - Goa DEPONENT

Sr. No. 113/06/2023

Date. 28/06/2023

Gracias
Venefrada C.P.P.B Gracias
Advocate & Notary Goa State



OFFICE OF DY. COLLECTOR & SDO & SDM
MAPUSA - GOA
NO. 508
17/4/2023

ANNEXURE - 1

421



Inward Clerk

OFFICE OF THE MAMLATDAR OF BARDEZ, MAPUSA GOA
Government Offices Complex Building,
Morod, Mapusa Goa
Phone No. 2262233 (Fax), 2262210
E-mail: mam-bardez.goa@nic.in

Date: - 17/04/2023

No. MAM/BAR/CI-1/Demo/2042

To,
The Dy. Collector & SDO-I,
Mapusa, Bardez, Goa

Sub. : Directions to demolish all structures within 100 mts from HTL in Sy. No. 224/1, 224/2, 224/48, 223, 125/31 at Camurlim, Bardez. Goa.

**Ref: . 1. DC/SDM/Map/CRZ/2022/10454 dated 19/10/25022
2. GCZMA/N/ILLE-COMPL/18-19/151/1466 dated 13/10/2022**

Sir,

With reference to above referred memorandum, the Talathi of Camurlim alongwith demolition Squad and GCZMA Official demolished the structures in Sy. No 224/1, 224/2, 224/48, 223, 125/31 at Camurlim, Bardez. Goa from 05/04/2023 till 13/04/2023.

I am hereby forwarding the detailed Panchanama's drawn on the site regarding the demolition carried out from 05/04/2023 till 13/04/2023 in property bearing Sy. NO. 224/1, 224/2, 224/48, 223, 125/31 at Camurlim, Bardez.

This is for kind information and for further necessary action.

Yours faithfully,

for Mamlatdar of Bardez Taluka
Mapusa - Goa.

As per direction of Dy collector & SDO Mapusa vide memorandum no DC/SDM/MAP/CR2/2022/10454 dated 19/10/2022 with regards to direction of GczMA vide Ref No GczMA/N/III-COMPL/18-19-151-1466 dated 13/10/2022 directing to demolish all structures which are within 100mts from HTL near the river bank, viz concrete Ramp, going from the property into the river, Paving tiles, touching the Ramp, The concrete benches near the Paving tiles area, to plinth the wooden watch tower and the shade near the ramp to restore the land to its original condition.

Accordingly the demolition squad was requisit and was provided vide order NO DEMO-SQAD/2023/206 dated 30/03/2023 on 05/04/2023.

Accordingly the following demolition team w Present.

- 1) Parvin Gawas - Mambildar of Bandedz - Parvin
- 2) Rashmi Naik - Talathi of Camurlim. - Rashmi
- 3) Satishkumar Naik - Surveyor of GczMA - Satish
- 4) Santosh Arlekar - Assistant Sub Inspector Colvate Police Station. - Santosh
- 5) Pandurang Kherjulekar. Sarpanch V.P. - Pandurang
Camurlim.
- 6) Nitraj Kinalkar - Secretary V.P. - Nitraj
Camurlim. 05/04/2023
- 7) Santosh Ibraampurkar - Electricity Dept. - Santosh
- 8) Santosh Naik - Supervisor - PWD - Santosh
line man

As identified and shown by Shri Satishkumar Naik Surveyor of GczMA the structures mentioned above, for demolition are taken up for demolition.

however since the area is next to the river bank the JCB vehicle could not be taken at the site as there is no access for the vehicle to move at the site in spite of all possible efforts the vehicle (JCB) was taken from the bank however the vehicle got stuck half the way due to marshy land and the vehicle could not move forward due to the same. It is also noticed that there is no access for the vehicle to move forward due to heavy vegetation and moreover heavy gate is seen installed with binding wires all over it from distance close to the spot on the bank on both sides of the property, it appears to avoid any trespasses into the property.

Due to the above difficulty it is difficult to carry out the entire demolition within a short time and it will require sufficient time to demolish all the structure mentioned in the order. by deputing more labour force for demolish it manually and using electric breakers. It was also seen that there were two labours already site carrying out the demolition work which appear to be deployed by the owner & himself.

Due to limited time demolition of all the required structure could not be carried out and hence fixed for the next day that is 06/04/2022

[Signature]
05/04/2022

AS Per direction of Dy collector & SDO Mapusa
Memorandum No DC/SDM/MAP/CR2/2022/10454 dated
13/10/2022 with regards to direction of GCZMA
vide Ref No GCZMA/N/III-AMPL/18-19-151
1466 dated 13/10/2022 directing to demolish all
structures which are within 100mts from HTI
near the river bank viz concrete ramp, going
from the property into the river, Paving
tiles touching the ramp. The concrete bank
near the Paving tiles area to plinth of
wooden watch tower and the shade near
the ramp to restore the land to its original
condition.

Accordingly the demolition squad was requisitioned
and was provided vide order No DEMO-SQUAD/
2023/1206 dated 30/03/2023 on 05/04/2023.

- ① Rashmi G. Naik Talathi of Camurlin
- ② Santosh Naik PWD Supervisor

The site was identified by Satishekumar
Naik Surveyor of GCZMA officer on 06/04/2023
the demolition process started ^{on 5/04/2023} and completed on
13/04/2023 and Panchanama was drawn on site

Rashmi

10

Talathi of Camurlin



OFFICE THE DY. COLLECTOR & S.D.O. MAPUSA GOA
Government Complex Building, Morod, Mapusa Goa.
Phone No:- 0832-2262038 (Fax) 2250398
Email:sdm-mapusa.goa@nic.in

No. DC/SDM/Map/CRZ/2023/2020

Dated: 19/04/2023

To,
The Member Secretary,
Goa Coastal Zone Management Authority,
C/o Department of Science and Technology &
Environment, (Govt., of Goa), 4th Floor, Dempo Towers, Patto, Panaji Goa.

Member Secretary
A. C. Z. M. A.
471
Forward No.
Date: 20/04/2023.

Sub: Direction under section 5 of the Environment (Protection) Act, 1986, read with rule of the Environment (Protection) rules, 1986.

Madam,

With reference to your letter No. GCZMA/ILLE-COMPL/18-19/151/1466 dated 13/10/2022 was forwarded to the Mamlatdar of Bardez with direction to the restoration of land to its original state incase of the failure on the part of violator and recover the expenses from Respondent.

The Mamlatdar of Bardez vide letter No. MAM/BAR/CI-I/Demo/2042 dated 17/04/2023 had submitted the report stating that the Talathi of Camurlim alongwith demolition squad and GCZMA Official demolished the structures in Sy. No. 224/1, 224/2, 224/48, 223/125/31 at Camurlim Bardez Goa from 05/04/2023 till 13/04/2023. (Enclosed Copy of Panchanama)

The same is forwarded to you for your kind information & perusal.



Yours faithfully,

Yashaswini B.

(Yashaswini B, IAS)
Dy. Collector, SDO II & SDM.,
Mapusa, Bardez Goa.

Encl: As above

Item No. 1

(Pune Bench)

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

(By Video Conferencing)

Appeal No. 06/2023(WZ)

Sagardeep Sirasaikar

.....Appellant

Versus

GCZMA & Ors.

....Respondent(s)

Date of hearing: 13.02.2023

**CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER**Appellant(s) : Mr. Aagney Sail along-with Mr. Sudhirchandra Patil,
Advocates**ORDER**

1. From the side of Appellant, learned Counsel Mr. Aagney Sail has appeared.
2. This appeal has been moved against the order dated 13.10.2022 passed by the Respondent No. 1/GCZMA directing demolition of all structures, which are within 100 mtrs. from HTL near the river bank, viz. concrete ramp going from the property into the river, paving tiles touching the ramp, the concrete beaches near the paving tiles area, two plinths, the wooden watch tower and the shed near the ramp and restore the land, with a delay of 57 days, which has been prayed to be condoned.
3. The learned Counsel for the Appellant has argued that he has assailed the said order in respect of two conclusions arrived at by the Respondent No. 1/GCZMA i.e. firstly, with respect to the conclusion drawn that the farm house is falling outside the 100 mtrs. line as demarcated by NCSCM village plan, which is a wrong finding, secondly,

that the mangroves situated in Survey Nos. 224/1, 224/2, 224/48, 223, 125/31 at Camurlim, Goa have not been destroyed illegally by the Respondent No. 2/Riyaz Ratan Mama by carrying out illegal construction. He has urged that there were three survey reports which have been ignored by the Respondent No. 1/GCZMA while arriving at a wrong conclusion. First report is annexed at page no. 76 of the paper book, which also contains survey map and finding. In the said report at Clause no. (ix), it is recorded "all the structures depicted in the DSLR plan are within NDZ". The 2nd report which is said to have been ignored by the GCZMA, is annexed at page no. 62 of the paper book and finding is given by the Respondent No. 1/GCZMA in its meeting held on 09.08.2019 (though the learned Counsel for the Applicant says that it is wrongly written as 09.08.2019, it is actually 07.08.2019) saying that Structure-D (structure in question) is falling at a distance 85.25 meter from the High Tide Line of the river. All the structures are falling within CRZ limits of 100 mtrs. from the River Colvale (though the learned Counsel for the Appellant says that it is wrongly mentioned as River Colvale, it is actually River Chapora).

4. The 3rd report of site inspection is annexed at page no. 70 of the paper book and our attention is drawn by the learned Counsel for the Applicant to the Conclusion and Recommendation at page no. 71 of the paper book, where-in at serial no. (vii), the bungalow is said to have been stated by the learned Counsel for the Applicant to refer to farm-house which is said to have been constructed by filling in of Khazan land and is partly falling within NDZ area of Chapora River. In the conclusion part, the reference is also made of thick mangrove being there between the bungalow (farm in question) and the Chapora River, which, according to the finding of the Respondent No. 1/GCZMA, was not found to be there.

5. Apart from this several maps have also been submitted today, out of which one is a Draft Coastal Management Map showing the HTL and also the map prepared by the Directorate of Settlement and Land Records, Panaji Goa, where-in the farm-house is indicated and is being stated by the learned Counsel for the Appellant to fall within 100 mtrs. of the HTL from River Chapora based on the scale of this map i.e. 1:1000.
6. We admit this appeal.
7. Registry is directed to issue Notice to the Respondents, returnable within 04(four) weeks.
8. Appellant is directed to provide copy of the application and relevant documents to the Respondents within a week.
9. Respondents are directed to submit their reply within 04(four) weeks providing copies of the same to the other parties in advance.
10. Appellant is also directed to take necessary steps for service upon the Respondents by both ways and also through available e-mail.

Put up this matter on 06.04.2023

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

February 13, 2023
Appeal No. 06/2023(WZ)
P.Kr

Item No.6

(Pune Bench)

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

(By Video Conferencing)

APPEAL NO.06 OF 2023 (WZ)

Sagardeep Sirasaikar

.... Appellant

Versus

GCZMA & Ors.

....Respondents

Date of Hearing : 06.04.2023

**CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER**

Appellant : Mr. Aagney Sail, Advocate

Respondents : Ms. Supriya Dangare, Advocate for R-1
Mr. Pankaj Pai Vernekar, Advocate for R-2**ORDER**

1. From the side of the appellant, learned counsel Mr. Aagney Sail has appeared and submits that he has filed service affidavit, as per which, service on all the respondents is sufficient.
2. From the side of respondent No. 1 – GCZMA, learned counsel Ms. Supriya Dangare has appeared and seeks three weeks' time to file the reply-affidavit. The same is allowed.
3. Today, from the side of respondent No. 2 – Riyaz Ratan Mama, learned counsel Mr. Pankaj Pai Vernekar has appeared and seeks three weeks' time to file the reply-affidavit. The same is allowed.
4. None has appeared from the side of respondent Nos.3, 4 and 5, despite sufficient service.
- 5 Put up this matter on 05.07.2023.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

April 06, 2023
APPEAL NO.06/2023 (WZ)
npj