

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

**Execution Application No. 10/2019 (WZ)
In
Appeal No. 33/2014 (WZ) and Appeal No. 35/2014 (WZ)**

IN THE MATTER OF:

RABINDRA DIAS

...APPLICANT

VERSUS

**VILLAGE PANCHAYAT OF COLVA,
VANELIM, SERNAATIM AND
GANDAULIM & ORS**

....RESPONDENTS

I N D E X

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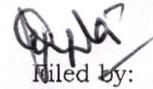
N.D.O.H. 28/10/2020

8. **ANNEXURE R2/7**
A copy of the order dated 28.11.2019 passed
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10. Vakalatnama

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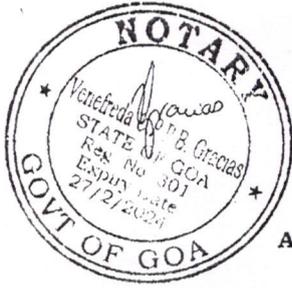
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Filed by:
Ruchira Gupta
Counsel for the Respondent No. 2
E-31, Basement,
Jangpura Extension
New Delhi-110001
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New Delhi
Dated:26/10/2020



BEFORE THE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH, PUNE

Execution Application No. 10/2019 (WZ)

In

Appeal No. 33/2014 (WZ) and Appeal No. 35/2014 (WZ)

IN THE MATTER OF:

RABINDRA DIAS&Anr.

...APPLICANTS

VERSUS

VILLAGE PANCHAYAT OF COLVA,
VANELIM, SERNAATIM AND
GANDAILIM & ORS

....RESPONDENTS

SHORT AFFIDAVIT ON BEHALF OF THE RESPONDENT NO.2,
GOA COASTAL ZONE MANAGEMENT AUTHORITY (GCZMA)

I, Mr. Johnson Bedy Fernandes, son of Germano Herculano Fernandes aged about 44 years, resident of, resident of Curchorem - South Goa, do hereby solemn affirmation, state and submit as under:

1. That I am holding the post of the Member Secretary in Goa Coastal Zone Management Authority, the Respondent No. 2 and being well conversant with the facts of the present case and on the basis of the records maintained, am competent to depose by way of the present affidavit.
2. That I have gone through the Execution Application filed by the Applicant herein and deny the contents thereof save those that are specifically admitted hereunder.
3. That the present Short Affidavit is being filed by the Answering Respondent limited to bringing on record the relevant facts and events qua the Answering Respondent. That the Respondent no. 2 humbly craves leave of this Hon^{ble} Tribunal to file a detailed reply to the Execution Application at a later

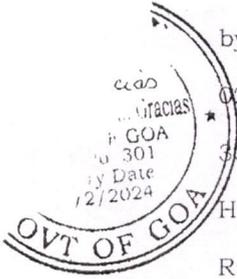
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stage if and when required and directed by this Hon'ble Tribunal.

4. That the captioned Execution Application has been filed by the Applicants seeking execution of the Judgement dated 02.07.2015 passed by this Hon'ble Tribunal in Appeal No. 33/2014 (WZ) and Appeal No. 35/2014 (WZ) wherein this Hon'ble Tribunal dismissed the Appeal No.33/2014 with costs of Rs. 50,000/- payable to the Applicants by Respondent Nos. 8 to 11 and allowed Appeal No.35 of 2014, thereby directing that the entire construction of the house property and retaining wall, around the house property, Guest-house, called 'Furtado Guest House' as well all other constructions standing in land Survey Nos.12/1 to 12/5, within NDZ of Sernabatim village, shall be demolished within a period of eight (8) weeks by the Collector, South Goa. It was also directed that if required, the Collector, may use police force, as per law, for work of demolition in case of resistance by Furtado family members or any third party put forth by them for such purpose.

Thus, the Appeal No. 35/2014(WZ) filed by the Applicants was allowed and the Appeal No. 33/2014(WZ) filed by Respondent No. 8 to 11 was dismissed by this Hon'ble Tribunal.

5. That pursuant to Judgement dated 02.07.2015 passed by this Hon'ble Tribunal, Respondent Nos. 8-11 filed Civil Appeal Nos. 5733- 5734 of 2015 before the Hon'ble Supreme Court of India, under Section 22 of the National Green Tribunal Act, 2010. Vide order dated 03.08.2015, the said Civil Appeal was withdrawn with liberty to file Review Petition along with additional documents before this Hon'ble Tribunal.



A handwritten signature in black ink, appearing to be "J. D. Silva".

A copy of the order dated 03.08.2015 passed in Civil Appeal Nos. 5733- 5734 of 2015 by the Hon'ble Supreme Court of India is annexed herewith as **ANNEXURE R2/1.**

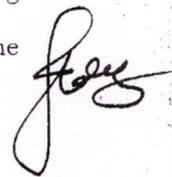
6. Thereafter Respondent Nos. 8 to 11 filed Review Application Nos. 13/2015 and 14/2015 seeking review of Judgement dated 02.07.2015 being before this Hon'ble Tribunal. This Hon'ble Tribunal, vide order dated 12.08.2016, framed the preliminary issue as to whether the Review Applications were barred as per the provisions under Section 114 read with Order-XLVII, Rule-1 of the Civil Procedure Code, 1908.

The said order dated 12.08.2016 passed by the Tribunal was challenged by Respondent Nos. 8 to 11 before the Hon'ble Supreme Court in Civil Appeal Nos. 8779-8780 of 2016. However, the said Civil Appeal was also dismissed as withdrawn vide order dated 16.09.2016.

A copy of the order dated 12.08.2016 passed in Application No. 13/2015 and Review Application No. 14/2015 by this Hon'ble Tribunal is annexed herewith as **ANNEXURE R2/2.**

A copy of the order dated 16.09.2016 passed in Civil Appeal Nos. 8779-8780 of 2016 by the Hon'ble Supreme Court of India is annexed herewith as **ANNEXURE R2/3.**

7. This Hon'ble Tribunal vide common judgement dated 10.11.2016, rejected/dismissed the Review Application Nos. 13/2015 and 14/2015. It was observed by this Hon'ble Tribunal that withdrawal of Civil Appeals Nos. 5733- 5734 of 2015 by Respondent Nos. 8 to 11 and giving up remedy of wider assessment of the merits in totality in the said Appeals has rendered finality to the impugned order and therefore the right to prefer review against the impugned order was lost having been consciously given up. It was further observed that the



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Review Applicants are virtually seeking re-hearing of the case as in the Appeals and that the Hon'ble Apex Court has not issued any mandate/directions to this Tribunal to ignore the provisions of Section 114 read with Order 47, Rule-1 of the Civil Procedure Code, 1908 and enter into the merits of case afresh and decide the Review Applications. A copy of said judgement dated 10.11.2016 passed by this Hon'ble Tribunal is annexed with the Execution Application as annexure B.

8. Thereafter Respondent Nos. 8 to 11 filed Civil Appeal Nos. 444-4445/2017 before the Hon'ble Supreme Court against the Judgement dated 10.11.2016 passed by this Hon'ble Tribunal which was dismissed vide order dated 08.03.2019 passed by the Hon'ble Supreme Court, being devoid of merits. A copy of said order dated 08.03.2019 passed by the Hon'ble Apex Court is annexed with the Execution Appeal as Annexure C.

9. The Applicant No. 2 herein sent a representation dated 27.03.2019 to the Answering Respondent Authority requesting to direct the Collector South Goa to stop/seal the commercial activities and to demolish the structures/premises i.e Furtado Guest House. A copy of said letter dated 27.03.2019 is annexed with the Execution Application as Annexure F.

10. That the Answering Respondent Authority issued a letter dated 08.04.2019 to the Collector & District Magistrate (South), Margao-Goa and to the Deputy Collector & SDO Salcete, Margao-Goa, to comply and execute the directions of this Hon'ble Tribunal and to carry out the demolition of illegal structures in terms of judgement dated 02.07.2015 passed by this Hon'ble Tribunal. The copy of the letter dated 08.04.2019 issued by GCZMA to the Collector is annexed with the Execution Application as Annexure I.



11. That the Answering Authority issued another letter dated 07.05.2019 to the Collector & District Magistrate (South), Margao-Goa and to the Deputy Collector & SDO Salcete, Margao-Goa interalia directing them to strictly comply with the Judgement dated 02.07.2015 passed by this Hon'ble Tribunal in letter and spirit. A copy of the letter dated 07.05.2019 issued by GCZMA to the Collector & District Magistrate (South), Margao-Goa and to the Deputy Collector & SDO Salcete, Margao-Goa is annexed herewith as **ANNEXURE R2/4**.

12. That the Deputy Collector & In-charge Demolition Squad, Margao-Goa vide compliance report dated 27.06.2019 intimated the Answering Authority that the demolition process commenced on 07.05.2019 and was completed on 19.05.2019 and that all the structures and the retaining wall around the Furtado Guest house standing on the Land Sy. Nos. 12/1 to 12/5 within the NDZ of Sernabatim village were demolished except one structure which seemed to be a piggery (sty).

It was further informed that the owners of the other structures located within the same property being Mr. Remedious Goes alias Remy Gomes, Mr. Domingos Crasto, Mr. Lawrence Fernandes, raised objections for the demolition of the said structure because they were not parties to the orders passed by this Tribunal. Also, they had obtained stay orders from the Hon'ble High Court of Bombay at Goa vide order dated 08.05.2019 passed in Stamp No. Main 1880/2019 which order was operative till 10.07.2019. It is submitted that Mr. Remedious Goes alias Remy Gomes, Mr. Domingos Crasto, Mr. Lawrence Fernandes were not party to the Appeal No. 33/2014 (WZ) and Appeal No. 35/2014 (WZ) in which Judgement dated 02.07.2015 was passed.



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A copy of compliance report dated 27.06.2019 sent by the Deputy Collector & In-charge Demolition Squad, Margao-Goa to GCZMA enclosing Mamlatdar letter dated 26.06.2019 and stay order dated 08.05.2019 passed by Hon'ble High Court is annexed herewith as **ANNEXURE R2/5**.



13. It is submitted that with regard to the structures at survey no. 12/3 of village Sernabatim belonging to Mr. Remedios Goes (**M/s Quinsan Cottages**), the Answering Authority had earlier issued a demolition order dated 14.05.2019 in reference to orders dated 12.01.2015 and 21.06.2016 passed by the Hon'ble High Court of Bombay at Goa in Suo moto W.P. No. 02/2006. The said demolition order passed by GCZMA was challenged before this Hon'ble Tribunal in Appeal bearing no.42/2019 (WZ). This Hon'ble Tribunal vide order dated 28.11.2019 passed in Appeal bearing no.42/2019 (WZ) remanded the matter back to the Answering Authority for consideration of the matter afresh. It is submitted that the matter of M/s Quinsan cottages has been finally heard by the Answering Authority in 231st GCZMA meeting held on 15/10/2020 and has passed final decision.

A copy of the demolition order dated 14.05.2019 passed by the Answering Authority is annexed herewith as **ANNEXURE R2/6**.

A copy of the order dated 28.11.2019 passed in Appeal No.42/2019 (WZ) by this Hon'ble Tribunal is annexed herewith as **ANNEXURE R2/7**.

14. That with regards to structure belonging to Mr. Domingos Crasto and Ms. Isabel Fernandes at Sy. Nos. 12/1 and 12/3, Sernabatim village, Miscellaneous Applications Nos. 10/2019

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(WZ) and 11/2019 (WZ) were filed in Appeal No. 33/2014 (WZ) and Appeal No. 35/2014 (WZ) respectively before this Hon'ble Tribunal for modification of Judgement dated 02.07.2015 (Order sought to be executed herein) in Appeal no.33/2014 and 35/2014. This Hon'ble Tribunal, vide order dated 04.07.2019 passed in M.A. No. 10/2019 (WZ) and M.A. No. 11/2019 (WZ) directed the M.A. Applicants to approach GCZMA and directed the Authority to consider the contentions raised by them dispassionately and ascertain its veracity after examining the documents and after carrying out a physical survey of the area in question. It is submitted that the proceedings in this regard are pending for hearing before the Answering Authority and will be expedited.

A copy of the order dated 04.07.2019 passed in M.A. No. 10/2019 (WZ) and M.A. No. 11/2019 (WZ) in Appeal No. 33/2014 (WZ) and Appeal No. 35/2014 (WZ) by this Hon'ble Tribunal is annexed herewith as **ANNEXURE R2/8**.

15. That based on the submissions made herein above, it is submitted that with respect to demolition of the structures and the retaining wall around the Furtado Guest house at Sy. Nos. 12/1 to 12/5 within the NDZ of Sernabatim village, (Judgement dated 02.07.2015), the demolition process was commenced by the office of Collector South on 07.05.2019 and completed on 19.05.2019, barring some structures belonging to Mr. Remedious Goes-alias Remy Gomes, Mr. Domingos Crasto, and Mr. Lawrence Fernandes, as stated hereinabove.

Further, in compliance of order dated 28.11.2019 passed in Appeal bearing no. 42/2019 (WZ) by this Hon'ble Tribunal, the matter pertaining to structures at survey no. 12/3 of village



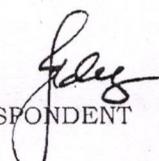
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Sernabatim belonging to Mr. Remedious Goes (**M/s Quinsan Cottages**), has been finally heard and disposed by the Answering Authority.

In reference to order dated 04.07.2019 passed in M.A. No. 10/2019 (WZ) and M.A. No. 11/2019 (WZ) in Appeal No. 33/2014 (WZ) and Appeal No. 35/2014 (WZ) by this Hon'ble Tribunal, the matter pertaining to structure belonging to Mr. Domingos Crasto and Ms. Isabel Fernandes at Sy. Nos. 12/1 and 12/3, Sernabatim village is pending for hearing before this Answering Authority and will be expedited.

16. That in light of the submissions made hereinabove, the contents of the Execution Application are denied as being false and misleading. The Answering Respondent has complied with the order dated 02.07.2015 (supra) as stated hereinabove. Accordingly, the present Execution Application be disposed of.

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


RESPONDENT


THROUGH
RUCHIRA GUPTA
COUNSEL FOR THE RESPONDENT No. 2
E-31, BASEMENT
JANGPURA EXTENSION
NEW DELHI-110014
Mob. No. 9810350333

VERIFICATON:

Verified in Panaji on this 26th day of October 2020 that the contents of the above affidavit are true and correct to the best of my knowledge and belief and as per the records maintained by

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Goa Coastal Zone Management Authority. No part of it is false and nothing material has been concealed therefrom.

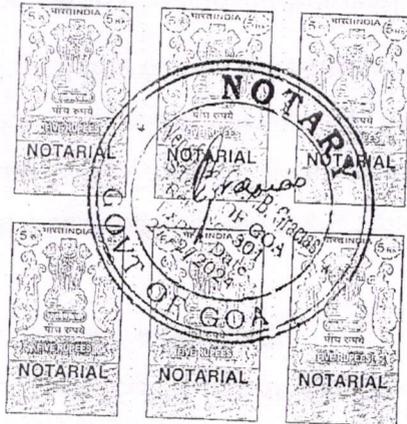


Panaji-Goa

Dated:26/10/2020

J. Bedy
DEPONENT

PAN CARD NO.AAJPF3664N



Solemnly affirmed before me
Johnson Bedy Fernandes

Who is identified before me by
Pan Card AAJPF 3664N

At Calangute - Goa

Sr. No. 208/10/2020

Date. 26/10/2020

C. P. B. Gracias
Venefreda C.P.B. Gracias
Advocate & Notary
Bardez - Goa

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AnnEXURE 2/1
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 5733-5734 OF 2015

MARIA FILOMENA FURTADO & ORS. .. APPELLANT(S)

VERSUS

M/S. GOA COASTAL ZONE .. RESPONDENT(S)
MANAGEMENT AUTHORITY & ORS.
ETC. ETC.

O R D E R

1. Shri Kapil Sibal, learned senior counsel appearing for the appellants, on instructions, seeks permission of this Court to withdraw these appeals with liberty to file an appropriate review petition along with additional documents, if any, before the National Green Tribunal (Western Zone), Pune.
2. Permission sought for is granted.
3. Accordingly, the Civil Appeals are disposed of as withdrawn with liberty to the appellants to file an appropriate review petition along with

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additional documents, if any, before the National
Green Tribunal (Western Zone), Pune.

.....CJI.
[H.L. DATTU]

.....J.
[ARUN MISHRA]

.....J.
[AMITAVA ROY]

NEW DELHI,
AUGUST 03, 2015.

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ITEM NO.71

COURT NO.1

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal Nos. 5733-5734/2015

MARIA FILOMENA FURTADO & ORS.

Appellant(s)

VERSUS

GOA COASTAL ZONE MANAGEMENT
AUTHORITY & ORS., ETC. ETC.

Respondent(s)

(With appln. (s) for ex-parte stay and permission to place
addl. documents on record)Date : 03/08/2015 These appeals were called on
for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE AMITAVA ROY

For Appellant(s) Mr. Kapil Sibal, Sr. Adv.
Mr. P.K. Dey, Adv.
Mr. Vijay Pal Singh, Adv.
Mr. Ansar Ahmad Chaudhary, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

The Civil Appeals are disposed of as
withdrawn in terms of the signed order.

[Charanjeet Kaur]
A.R.-cum-P.S.

[Vinod Kulvi]
Asstt. Registrar

[Signed order is placed on the file]

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ANNEXURE 2/2 13

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

REVIEW APPLICATION NO.13/2015 IN
APPEAL NO.35/2014 (WZ)
(Disposed on 2.7.2015)
(M.A.No.148/2015)

Rabindra Dias Vs Village Panchayat of Colva & Ors.

**CORAM: HON'BLE DR JUSTICE JAWAD RAHIM, JUDICIAL MEMBER
HON'BLE DR. AJAY A. DESHPANDE, EXPERT MEMBER**

Present: Applicant/Appellant : Mr. Radharao F. Gracias Adv
Respondent Nos.2,3 : Mr. Nigel da Costa Adv

Date and Remarks	Orders of the Tribunal
Item No.2 August 12, 2016 Order No.6	<p>Learned Counsel for Project Proponent though commence argument, seek time to address the Court on the question of maintainability of Review Application, submits in view of certain restrictions imposed by Section 114 and Order 47 of the Civil Procedure Code, he will verify and submit. We give them time of four (4) weeks</p> <p style="text-align: center;">List it on 20th September, 2016.</p> <p style="text-align: right;">....., JM (Dr. Justice Jawad Rahim)</p> <p style="text-align: right;">....., EM (Dr. Ajay A. Deshpande)</p>

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Annexure 2/2
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**BEFORE THE NATIONAL GREEN TRIBUNAL, WESTERN ZONE
BENCH, PUNE**

REVIEW APPLICATION NO.14/2015 IN
APPEAL NO.33/2014 (WZ)
(Disposed on 2.7.2015)
M.A. No.149/2015
Mrs. Maria Filomena Vs GCZMA & Ors.

**CORAM: HON'BLE DR JUSTICE JAWAD RAHIM, JUDICIAL MEMBER
HON'BLE DR. AJAY A. DESHPANDE, EXPERT MEMBER**

Present: Applicant/Appellant : Mr. Radharao F. Gracias Adv
Respondent Nos.2,3 : Mr. Nigel da Costa Adv

Date and Remarks	Orders of the Tribunal
Item No. 3 August 12, 2016 Order No.6	<p>Learned Counsel for Project Proponent though commence argument, seek time to address the Court on the question of maintainability of Review Application, submits in view of certain restrictions imposed by Section 114 and Order 47 of the Civil Procedure Code, he will verify and submit. We give them time of four (4) weeks</p> <p style="text-align: center;">List it on 20th September, 2016.</p> <p style="text-align: right;">..... JM (Dr. Justice Jawad Rahim)</p> <p style="text-align: right;">..... EM (Dr. Ajay A. Deshpande)</p>

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO(s). 8779-8780 OF 2016

ANNEXURE R213

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M/S. MARIA FILOMENA FURTADO AND ORS.

Appellant(s)

VERSUS

RABINDAR DIAS AND ORS.

Respondent(s)

ORDER

Mr. Rana Mukherjee, learned senior counsel appearing for the appellants, seeks leave to withdraw these appeals which are hereby dismissed as withdrawn.

.....CJI.
(T.S. THAKUR)

.....J.
(A.M. KHANWILKAR)

NEW DELHI
DATED 16th SEPTEMBER, 2016.

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ITEM NO.23

COURT NO.1

SECTION XVII REVISEDS U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G SCivil Appeal No(s).8779-8780 of 2016

M/S. MARIA FILOMENA FURTADO AND ORS.

Appellant(s)

VERSUS

RABINDAR DIAS AND ORS.

Respondent(s)

(With appln. (s) for ex-parte stay and office report)

Date : 16/09/2016 These appeals were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE A.M. KHANWILKAR

For Appellant(s)

Mr. Rana Mukherjee, Sr. Adv.

Mr. David Rao, Adv.

For Mr. Abid Ali Beeran P., Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Mr. Rana Mukherjee, learned senior counsel appearing for the appellants, seeks leave to withdraw these appeals which are hereby dismissed as withdrawn.

(MAHABIR SINGH)
COURT MASTER(VEENA KHERA)
COURT MASTER

(Signed order is placed on the file)

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Annexure 2/4 18

GOA COASTAL ZONE MANAGEMENT AUTHORITY

C/o Department of Science, Technology and Environment (Govt. of Goa)
1st floor, Pt. Deendayal Upadhyay Bhavan, Pundalik Nagar, Alto,
Porvorim, Bardez- Goa-403 521, Phone: (0832) 2416561
www.czma.goa.gov.in

Ref. No. GCZMA/PIL/WP.No.04/2013/347

Date: 07/04/2019
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To,

1. The Collector & District Magistrate (South),
Office of the Collector (South),
Mathany Saldanha Administrative
Complex, Margao-Goa.
2. The Deputy Collector & S.D.O Salcete,
having office at
Mathany Saldanha Administrative
Complex, Margao-Goa.

Sub: Non-Compliance of judgement order dated 02/07/2015 in Appealnos.33
and 35 of 2015 passed by Hon'ble NGT,Pune.

Ref: (1) Judgement order dated 02/07/2015 in Appealnos.33 and 35 of 2015
passed by Hon'ble NGT,Pune.

(2) Order dated 08/03/2019 in Appeal nos 444-4445 of2017 by Hon'ble
Supreme Court.

(3) Letter bearing no. GCZMA/PIL/WP no.04/2013/41 dated 08/04/2019
issued by GCZMA.

Sir,

With reference to abovementioned subject matter, I am to inform you that earlier vide letter referred to above at serial no.3, you were directed to comply with the directions of Hon'ble NGT, Pune and to carry out demolition in respect of all the appellants/respondent violators interms of judgement order dated 02/07/2015 in Appealnos.33 and 35 of 2015.

It is amply clear from Para 24 of the judgement order dated 02/07/2015 passed by Hon'ble National Green Tribunal in Appealnos.33 and 35 of 2015 that Collector, South was solely responsible for implementation and execution of demolition. The copy of the said judgement was also supplied by this authority along with representation of the complainant dated 27/03/2019. The said judgement order dated 02/07/2015 passed by Hon'ble National Green Tribunal is self explanatory.

It is an established procedure that your office is entrusted with pivotal role in implementation and enforcement of CRZ Notification. In case, an order to demolition or stop work at site etc are issued by this authority the same is enforced at site under aegis of

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your office. Only in such cases, the role of GCZMA is prominent for the purpose of identification of structures which it has deemed to be illegal after conducting site inspection, hearing the parties etc in accordance with law.

In the present matter, the order dated 02/07/2015 passed by Hon'ble National Green Tribunal is a speaking order and this authority has no role to play either in identification of structure. The operative part of the judgement by Hon'ble NGT states that "*Instead of impugned order, we direct that the entire construction of the house property and retaining wall, around the house property, guest house, called ' Furtado Guest House' as well all other constructions standing on land survey nos.12/1 to 12/5, within NDZ of Sernabatim village shall be demolished within period of eight (8) weeks by the Collector, South Goa. Compliance of these directions bereported to this Tribunal within two (2) weeks thereafter. If required, the Collector, may use police force, as per the law for work of demolition, in case of resistance by Furtado family members or any third party put forth by them for such purpose.*"

The authorities which are responsible for identifying the survey numbers and structures belonging to Furtado guest house are the one in possession of the relevant records which in the present case are District administration and local authorities.

However, to the dismay of this authority the demolition work was apparently called off due to unavailability of GCZMA official required for the purpose of identification of structures. Further, various factually incorrect/irresponsible statements setting out reasons for non execution of demolition drive were made by officers under your control which are being widely published in the local news papers.(Copies of the new articles are attached herewith). The said factually incorrect and irresponsible statements made by officers are condemnable as it portrays a bleak picture of enforcement mechanism.

The said acts/omission of the officer under your control which has led to non-execution of demolition drive is infact a dilatory tactic and an act of willful contempt of NGT directions.

In the light of the above, you are required to take note of the conduct and act/omissions on part officials under your control and initiate necessary inquiry in the matter. You are required to ensure that such events involving adoption of crude methodology to circumvent established procedure under law is not repeated in future.

Further, you are directed to ensure strict compliance of the judgement order dated 02/07/2015 passed by Hon'ble National Green Tribunal in letter and spirit.

Yours Faithfully



(Ravi Jha, IAS)

Member Secretary (GCZMA)

o/c

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MOST URGENT
NGT MATTER

Member Secretary
G.C.Z.M.A.
Inward No. 1136/1
Date 01-07-2019

ANNEXURE 2/5

20

CONFIDENTIAL

No. SDO/SAL/DEMO/2019/6834
Office of the Deputy Collector &
In-charge Demolition Squad,
Sub Division, Margao - Goa.
Dated: 27/06/2019

To,
The Member Secretary,
Goa Coastal Zone Management Authority,
C/o Department of Science,
Technology and Environment (Govt. of Goa),
1st floor, Pt. Deendayal Upadhyay Bhavan,
Pundalik Nagar, Alto Porvorim Goa.

Sub: Compliance of Judgement order dated 02/07/2015 in Appeal nos. 33
and 35 of 2015 passed by Hon'ble NGT, Pune.

Sir,

With reference to the letter No.GCZMA/PIL/W.P.No.04/2013/41 dated 08/04/2019, this is to kindly inform you that the this office has issued demolition orders SDO/SAL/Demo/2019/36 dated 02/05/2019 & SDO/SAL/Demo/2019/39 dated 13/05/2019 to demolish Furtado Guest House and all the structure in Sy. No.12/1 to 12/5 of Sernabatim village.

The Mamlatdar of Salcete, vide letter NoMAM/SAL/Demo-Furtados/2019/2159 dated 26/06/2019 has reported that the entire construction of the house property and the retaining wall around the house property Guest house called Furtado Guest House as well as other constructions standing on Land surveyed under nos.12/1 to 12/5 within the NDZ of Sernabatim village were demolished except one structure within the Sy.No. 12/1 to 12/5 of village Sernabatim which seem to be Piggery (sty) in the above Sy. No. which is not demolished as the owner of the structure raised an objection for the demolition of the said structure and informed that Piggery (sty) falls outside the NDZ area as mentioned in the NGT order. (copy enclosed)

Temporary relief was given to the Structures belonging to Mr. Remedios Goes alias Remy Gomes, Mr. Domingos Crasto & Mr. Lawrence Fernandes within the Sy. No.12/1 to 12/5 were granted as they have produced Stay Orders from the Hon'ble Higher Court of Bombay at Goa, Altinho Panjim Goa. (copy enclosed)

The demolition process commenced on 07/05/2019 & was completed on 19/05/2019, with the help of adequate JCB's and excavator deployed by the PWD department in a peaceful matter without any law and order situations.

This is submitted for information and necessary information.

Yours faithfully,

[Signature]

(Uday R. Prabhu Dessai)
Deputy Collector & In-charge Demolition
Squad, Sub Division, Margao - Goa.

Copy to: The Collector, South Goa District, Margao Goa.

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01-07-19 LA
(Vinit)

OFFICE OF THE COLLECTOR
SOUTH GOA
26/6/19
9016

Rupe

No. MAM/SAL/Demo-Furtados/2019/2159
Office of the Mamlatdar of Salcete
Margao-Goa

21

Date:- /06/2019

To
✓ The Dy. Collector & SDM,
Incharge of Demolition Squad,
Sub Division, Margao - Goa.

Sub: regarding demolition of Furtado's Guest House

Ref:- 1. MAM/SAL/Demo-Furtados/2019/1562, dated 07/05/2019
2. MAM/SAL/Demo-Furtados/2019/1626, dated 09/05/2019

Sir,

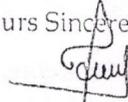
In continuation to the above referred report even numbered, it is submit that as per the directions issued vide Memorandum No. SDO/SAL./DEMO/2019/4044 dated 06/05/2019, the entire construction of the house property and the retaining wall around the house property Guest-house called Furtado Guest House as well as other constructions standing on land survey Nos. 12/1 to 12/5 within the NDZ of Sernabatim village were demolished except one structure within the Sy. No. 12/1 to 12/5 of village Sernabatim which seem to be Piggery (sty) in the above Sy Nos. which is not demolished as the owner of the structure raised an objection for the demolition of the said structure and informed that Piggery (sty) falls outside the NDZ area as mentioned in the NGT Order. The clarification in this regard is still not received, hence, the said structure was not demolished.

Temporary relief was given to the Structures belonging to Mr. Remedios Goes alias Remy Gomes, Mr. Domingos Crasto & Mr. Lawrence Fernandes within the Sy. No. 12/1 to 12/5 were granted as they have produced Stay Orders from the Hon'ble Higher Court of Bombay at Goa, Altinho Panjim Goa (Copy of the Stay Order Enclosed).

The demolition process commenced on 07/05/2019 and was completed on 19/05/2019, with the help of adequate JCBs and excavator deployed by the PWD department in a peaceful matter without any law and order situations.

This is submitted for information and necessary information.

Yours Sincerely,


(Prataprao P. Gaunker)
Mamlatdar of Salcete
Margao-Goa

Copy to the Collector, South Goa District, Margao, Goa


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stm1880-19-8-5-19

Santosh

*IN THE HIGH COURT OF BOMBAY AT GOA**STAMP NUMBER MAIN 1880 OF 2019*

Remedios Goes @ Remy Goes. Petitioner.
 Versus
 State of Goa and ors. Respondents.

Mr. Jitendra Supekar, with Mr. Sayed Sufiyan, Advocates for the
 Petitioner.

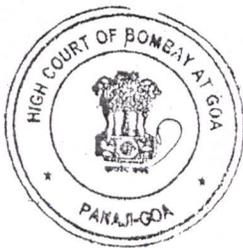
Ms. Priyanka Kamat, Additional Govt. Advocate for the
 Respondents.

Coram : P.D. Naik, J.

Date : 8th May, 2019.

P.C.:

1. Heard Mr. J. Supekar, learned Counsel for the Petitioner and Ms. P. Kamat, learned Additional Govt. Advocate for the Respondents.
2. The Petitioner is apprehending demolition of his structure, in the name and style "Quinsan Cottages" existing on Survey No.12/3 bearing House No.107/1 of Village Sernabatim, Salcete, Goa.
3. The learned counsel for the Petitioner submitted that the apprehension is based on the action to be initiated by the Respondent



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No.3 pursuant to the order dated 2nd July, 2015, passed by the National Green Tribunal, Western Zone, Pune. It is contended that the said order arises out of the proceedings initiated by the complainant therein against Furtado family and in respect to their structures and the Petitioner's structure was not the subject-matter of the said proceedings. It is submitted that the structures which are subject-matter of the said order are appearing on survey No.12/3, wherein the Petitioner's structure is also existing. However, the Petitioner was not a party to the said proceedings. It is further submitted that independent proceedings are pending before Respondent No.2 in respect to the complaint lodged by some other person. However, the action which is sought to be initiated by Respondent No.2 is not in consonance with the said proceedings, as no order has been passed in those proceedings. Respondent No.3 is apparently trying to initiate an action of demolition in view of the observations in paragraph 24 of the aforesaid order dated 2nd July, 2015 wherein a reference to structures standing in the land Survey nos.12/3 to 12/5 within the NDZ of Sernabatim Village is being made. However, the Petitioner being not a party and there was no grievance in respect to the structure of the Petitioner in the said proceedings, irreparable damage would be caused to the Petitioner in the event the structure is demolished.



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4. The learned Additional Govt. Advocate submitted that the Petitioner can move for clarification before the National Green Tribunal in view of the observations occurring in paragraph 24 of the aforesaid order. It is submitted that the Petitioner's apprehension of demolition is not based on any order.

5. In paragraph 13 of the Petition, the Petitioner has stated as follows :

" The Petitioner clarifies that the Petitioner has no connection with the Furtado family or their structures. Further, the present Petition is not filed at the behest of Furtado family or its members. The Petitioner has no interest in the Furtado guesthouse. The Respondents are free to carry out demolition in respect of the structures of Furtado family. The present Petition is filed only in respect of the Petitioner's structure being "Quinsan Cottages" against which there are no demolition Orders."

6. Considering the submissions advanced herein above, and the factual matrix of the case and the apprehension expressed by the Petitioner and since he is apprehending instant demolition of his structure, ad interim protection can be granted to the Petitioner, till the next date of hearing.

7. Hence, ad interim protection is granted in terms of prayer clause (B), which reads as follows :

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"(B) Pending the hearing and final adjudication of the present Petition, this Hon'ble Court may be pleased to direct the Respondents to not carry out any demolition of the Petitioner structure in the name and style "Quinsan Cottages" existing in Survey no.12/3 of village Sernabatim, Salcete, Goa"

8. The ad interim protection is granted till 10th June, 2019.
9. The learned Additional Govt Advocate to communicate this order to Respondent No.3-Deputy Collector.
10. S.O. to 10th June, 2019.
11. Parties to act on duly authenticated copy of this order.

P.D. Naik, J.



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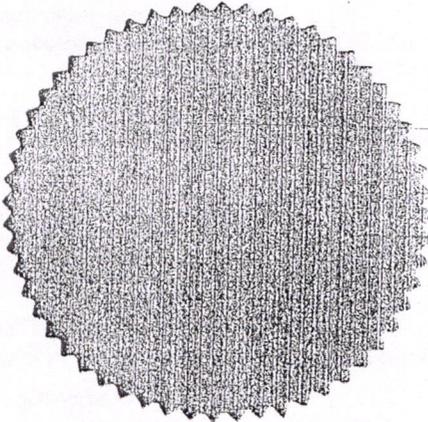
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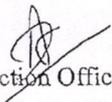
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 Panaji-Goa

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IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 403 OF 2019

DOMINUS 305 CHASTO...

... Petitioner

Versus

STATE OF GOA, THR. ITS CHIEF
SECRETARY AND 12 ORS.,

... Respondents

Mr. Parag S. Rao, Advocate for the Petitioner.

Mr. Dattaprasad Lawande, Advocate General with Mr. Pradosh
Dangui, Government Advocate for Respondent Nos. 1, 2, 4 to 7.

Mr. Nigel Da Costa Frias, Advocate for Respondent Nos. 8 & 9.

Coram:- R. D. DHANUKA &
PRITHVIRAJ K. CHAVAN, JJ.Date:- 25th April 2019

P.C.:

By this petition filed under Article 226 of the Constitution of India, the petitioner has challenged the order dated 02.07.2015 passed by the National Green Tribunal in Appeal No. 33/2004 and Appeal No. 35/2014, which according to the petitioner does not pertain to the structure of the petitioner.

2. It is the case of the petitioner that pursuant to the said impugned order dated 02.07.2015 passed by the National Green Tribunal, the petitioner was directed to demolish the structure.

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WP/403/2019

3. Till date, there is no notice issued by the Authority for proposing to demolish the structure of the petitioner. If it is the case of the petitioner that the said order dated 02.07.2015 passed by the National Green Tribunal does not pertain to the structure of the petitioner, it is for the petitioner to seek clarification from the National Green Tribunal and initiate appropriate action. We are thus not inclined to interfere with the said order dated 02.07.2015 in this writ petition.

4. The petitioner would be at liberty to apply for fresh reliefs before the National Green Tribunal. It is made clear that this order would apply only in this case and not as a precedent.

5. In view of the fact that the petitioner as well as the complainant both are appearing before the Authority who will consider the issue of demolition and in view of the fact that this Court has granted liberty to the petitioner to apply for modification of the impugned order before the National Green Tribunal, the Authority shall not demolish the impugned structure for a period of four weeks from today. It is made clear that this Court has not expressed any views on merits of this petition. All contentions of both the parties are kept open. It is made clear that in the application proposed to be filed by the petitioner before the National Green Tribunal, the petitioner shall identify the structure proposed to be claimed by the petitioner.

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W.P./403/2019

6. Mr. Rao, learned counsel for the petitioner states that the structure in question is already identified in the writ petition. The statement is accepted.

7. The writ petition is disposed of accordingly with no order as to costs.

8. Parties to act on the authenticated copy of this order.

PRITHVIRAJ K. CHAVAN, J.

R. D. DHANUKA, J.

MF/-

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IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 404 OF 2019

LIZBET FERREIRA COBREIA E
 FERNANDES, REP. BY POA, LAWRENCE
 FERNANDES.,

... Petitioner

Versus

STATE OF GOA, THR. ITS CHIEF
 SECRETARY AND 12 ORS.,

... Respondents

Mr.Parag S. Rao, Advocate for the Petitioner.

Mr.Dattaprasad Lawande, Advocate General with Mr. Rajesh
 Shivolkar, Addl. Government Advocate for Respondent Nos. 1,
 2, 4 to 7.

Mr. Nigel Da Costa Frias, Advocate for Respondent Nos. 8 & 9.

Coram:- R. D. DHANUKA &
PRITHVIRAJ K. CHAVAN, JJ.

Date:- 25th April 2019

P.C.:

By this petition filed under Article 226 of the Constitution of India, the petitioner has challenged the order dated 02.07.2015 passed by the National Green Tribunal in Appeal No. 33/2004 and Appeal No. 35/2014, which according to the petitioner does not pertain to the structure of the petitioner.

2. It is the case of the petitioner that pursuant to the said impugned order dated 02.07.2015 passed by the National Green Tribunal, the petitioner was directed to demolish the structure.


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WP/404/2019

3. If date, there is no notice issued by the Authority for proposing to demolish the structure of the petitioner. If it is the case of the petitioner that the said order dated 02.07.2015 passed by the National Green Tribunal does not pertain to the structure of the petitioner, it is for the petitioner to seek clarification from the National Green Tribunal and initiate appropriate action. We are thus not inclined to interfere with the said order dated 02.07.2015 in this writ petition.

4. The petitioner would be at liberty to apply for fresh reliefs before the National Green Tribunal. It is made clear that this order would apply only in this case and not as a precedent.

5. In view of the fact that the petitioner as well as the complainant both are appearing before the Authority who will consider the issue of demolition and in view of the fact that this Court has granted liberty to the petitioner to apply for modification of the impugned order before the National Green Tribunal, the Authority shall not demolish the impugned structure for a period of four weeks from today. It is made clear that this Court has not expressed any views on merits of this petition. All contentions of both the parties are kept open. It is made clear that in the application proposed to be filed by the petitioner before the National Green Tribunal, the petitioner shall

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WP/404/2019

Identify the structure proposed to be claimed by the petitioner.

Mr. Rao, learned counsel for the petitioner states that the structure in question is already identified in the writ petition. The statement is accepted.

7. The writ petition is disposed of accordingly with no order as to costs.

8. Parties to act on the authenticated copy of this order.

PRITHVIRAJ K. CHAVAN, J.

R. D. DHANUKA, J.

MF/

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ANNEXURE 2/6

GOA COASTAL ZONE MANAGEMENT AUTHORITY

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

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

Porvorim, Bardez- Goa-403 521

www.czma.goa.gov.in

Ref. No. GCZMA/SMWP/02/06/ 486

Date: 14/05/2019

33

DIRECTION UNDER SECTION 5 OF THE ENVIRONMENT (PROTECTION)
ACT, 1986, READ WITH RULE OF THE ENVIRONMENT (PROTECTION)
RULES, 1986.

Sub: Directions to demolish the structures erected in the property bearing Survey No. 12/3 Sernabatim Village, Salcete-Goa.

Ref. : (1) Suo Moto Writ Petition no.02/2006.

- (2) Order dated 12/01/2015 passed by the Hon'ble High Court of Bombay at Goa in the matter of Suo Moto Writ Petition no.02/2006.
- (3) Minutes of 115th GCZMA meeting held on 04/05/2015.
- (4) Letter dated 15/05/2015 issued to the Inquiry Committee of GCZMA.
- (5) Report dated 21/12/2015 Submitted by the Inquiry Committee of GCZMA.
- (6) Order dated 21/06/2017 passed by the Hon'ble High Court of Bombay at Goa in the matter of Suo Moto Writ Petition no.02/2006.
- (7) Minutes of 179th GCZMA meeting held on 19/07/2018
- (8) Minutes of 180th GCZMA meeting held on 31/07/2018
- (9) Minutes of 181th GCZMA meeting held on 14/08/2018
- (10) Minutes of 190th GCZMA meeting held on 18/12/2018
- (11) Minutes of 193rd GCZMA meeting held on 21/02/2019

WHEREAS, the present matter is inter alia Suo Moto cognizance of the Hon'ble High Court of Bombay at Goa, Panaji about the illegalities / constructions in the CRZ area. The Hon'ble High Court of Bombay at Goa vide Order dated 26/09/2007, passed in the matter of Suo Moto Writ petition no. 02/2006 had directed all Panchayats / Municipalities to submit 'Action Taken Report' with regard to constructions in NDZ / CRZ Area as per terms mentioned therein along with an affidavit.

AND WHEREAS, the Hon'ble High Court of Bombay at Goa, Panaji vide its Order dated 12/01/2015 passed in the matter of Suo Moto Writ Petition no. 02/2006 had inter alia directed the Respondent no. 19, Village Panchayat of Colva, to furnish the material on record, to suggest the structures are not illegal before the GCZMA and such authorities shall examine such material after hearing the parties in accordance with law.

AND WHEREAS, the said Village Panchayat of Sernabatim, Vanelim, Colva and Gandaulim produced its 'Action Taken Report' along with all material record of relevant

copies of the parties. etc to the office of GCZMA vide letter dated 19/01/2015 The Action taken report was filed by the Village Panchayat of Sernabatim, Vanelim, Colva before the Hon'ble High Court of Bombay at Goa with two additional affidavits annexing all the documents of the structures pointed out by the intervenor (Colva Civic Forum) in its intervention application dated 13/07/2012 bearing MCA no.635/2012.

AND WHEREAS, the matter was placed in the 115th GCZMA meeting held on 04/04/2015; wherein the authority after detailed discussion and due deliberations, decided to refer the matter to the Inquiry Committee of GCZMA. to examine all the documents on record and hear the parties if required, and submit the detailed report to the GCZMA within 30 days.

AND WHEREAS, the concerned file was forwarded to the Inquiry Committee of GCZMA for necessary action vide letter dated 15/05/2015. as referred to above at Sr.no.4. In this regard the Inquiry Committee of GCZMA completed its inquiry and submitted its report dated 21/12/2015.

AND WHEREAS, the matter came up for hearing before the Hon'ble High Court of Bombay at Goa on 21/06/2016 and was pleased to dispose off the matter interalia with a direction which can be seen as follows:- "*Besides the above directions, the Anjuna as well as the Colva Panchayats namely respondent no.9 and 19 and the GCZMA are directed to take necessary action with regard to the structures identified in the report of the GCZMA and proceed to take necessary action in accordance with law within three months from today and file a compliance report with that regard.*"

AND WHEREAS, in the while the term of GCZMA expire and the matter was placed before the Committee to decide on CRZ matters as per Notification no. GCZMA/CONST/05/STE/98 dated 03/08/2016. The matter was placed for personal hearing on 08/09/2016 before the said Committee. the meeting was adjourned.

AND WHEREAS, the matter was placed in the 179th GCZMA meeting held on 19/07/2018 wherein the Authority decided to issue personal hearing notices to all the parties including complainant to appear before it on 31/07/2018. The authority further noted that a lot of time has passed in the matter and it needs to be disposed expeditiously in accordance with law

AND WHEREAS, the matter was placed in the 180th GCZMA meeting held on 31/ 07/ 2018. The proceedings of the 180th GCZMA meeting held on 31/ 07/ 2018 of the present matter can be seen as follows:; "*The complainant Mrs. Judith Almeida remained present in person and respondent remained present through his authorized representative. The complainant submitted that there is encroachment and trespass; the structures are put by tress passers. No permission is taken from GCZMA. Respondent relied on the inquiry*

35

committee report submitted by Inquiry committee of GCZMA and the documents submitted before inquiry committee. which states that the structures are existing prior to 1991".

AND WHEREAS, in the 180th GCZMA meeting held on 31/ 07/ 2018. decided that, "The Authority after hearing all the above parties, took on record submissions made by them. It directed all the parties to file written submissions before 14/8/18. The hearing on all the matters to continue in the next GCZMA meeting on 14/08/2018. Personal hearing notices were waived off".

AND WHEREAS, the matter was placed in the 181th GCZMA meeting held on 14/08/2018, wherein the Complainant Mrs. Judith Almeida remained present in person and Respondent remained present through his Advocate. Complainant produced additional documents on which she proposed to rely upon to the Authority and a copy to the Respondent. Further the Respondent sought time to file a reply by 28/09/2018. Accordingly, Authority took a note of the written submission made by the complainant and directed respondent to file reply by 28/09/2018.

AND WHEREAS, the Respondent submitted his reply along with the documents on 28/09/2018; based on the documents on record the Authority has derived certain points of determination as under:

- (i) Whether M/s Quinsan Cottages as it exists today has the necessary approvals from Competent Authority?
- (ii) Whether any unauthorised reconstruction / new construction or extension has been carried out by M/s Quinsan Cottages ?

AND WHEREAS, the matter was placed in the 190th GCZMA meeting held on 18/12/2018: The Complainant Mrs Judith Almeida remained present in person. Respondent was represented by his Advocate. The proceedings of the 190th GCZMA meeting held on 18/12/2018 of the present matter can be seen as follows, "The Complainant states that the structure came up in the year 1998. That the survey plan of 1995-96 does not show any structure therein. That there was no structure in the property bearing Sy No 12/3. That the RSI Mapping of 2006 does not show any structure. That the documents produced by the Respondent proves that the structure was constructed after 1997. That the structure is illegally constructed on a pioneer sand dune.

The Respondent states that there was a hut and the Respondent converted the hut to a 9 room commercial structure made of Laterite stone in the year 1985, with the permissions of the Village Panchayat. The Respondent states that he belongs to the fishing community. The Respondent has relied upon fisheries license. The Respondent has failed to produce document which depicts the exact area of the structure/house"

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AND WHEREAS, in the 190th GCZMA meeting held on 18/12/2018 decided that, "The Authority after detailed discussion and considering the oral submissions made, by both the parties granted time to submit additional documents if any, before the 26/12/2018 in the office of the GCZMA; and that this matter will be placed before the Authority for final orders in its next meeting. No further personal hearing in the matter would be granted".

AND WHEREAS, the matter was placed in the 193rd GCZMA meeting held on 21/02/2019; the matter was placed before the Authority for final decision and the Authority after going through the records have decided that, "The Authority noted that the structures in question lie within 200 mts of HTL in CRZ III area. The document produced by the Respondent dated 25/06/1985 clearly stated that the hut needed to be reconstructed with laterite stones and roof of tiles to keep his canoe and fishing equipments. The Respondent did not produce any plan to ascertain the area of the structure and the permission sought for in the year 1985. No Permission has been produced before the authority to establish the legality of use of the said structure as guest house. Subsequently, in reply to the letter dated 25/06/1985 of the Respondent; the Panchayat vide letter VP/SVCG/583/86-87 dated 22/09/1986 wrote that "..... (The Panchayat hereby permits you to carry out minor repairs of the above premises so as to run the business for letting out rooms for tourist accommodation purpose in the property bearing survey no 12/3 of Village Sernabatim)". The Authority noted that strangely, the Main Application of the Respondent did not mention the survey no of the property nor the use of the hut as a guest house. However, the fact that the Permission granted by the Panchayat does not corroborate with the contents of the Application of the Respondent, there seems to exhibit blatant collusion between the Respondent and the Village Panchayat of Sernabatim as a result of which, the permission granted by the Village Panchayat dated 22/09/1986; cannot be relied upon.,

The Authority noted that the NOC granted by the Village Panchayat vide letter VP/SVCG/236/88-89 dated 08/07/88; also directed the Respondent not to carry out any construction besides repair of the hut. It was also noted that the NOC granted by the Village Panchayat of Sernabatim vide letter VP/SVCG/1752/97-98 dated 27/08/97, could not have been granted without obtaining CRZ clearance for the Said Premises, as the structure falls within the limits of the CRZ III area.

The Authority also noted that the Huts were never issued a house number as they were Temporary in Nature. Respondent had neither proved by documentary evidence his personal title to the said property, nor produced any plans of the structure converted and the approved plans showing the area of the structure. Hence, the Authority concluded that the Documents of the Panchayat cannot be relied upon, as they do not corroborate


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with facts and contents mentioned therein and did not ascertain the area of the structure on site.

Further, there was no document placed on record by the Respondent, to seek permission from the Town and Country Planning Department for erecting the structure. The Authority again noted that the Registration of the Hotel Certificate issued by the Department of Tourism was from the Year 30/06/1998. The Report of the Inquiry Committee cannot be considered as there are discrepancies in findings of the Committee.

The Authority also noted that the Respondent had failed to produce any document on record to prove that the house bearing no 107/4 (Old) and 107/1 (New); pertains to the structure located in survey no 12/3 of the Village Panchayat of Sernabatim. The Authority had forwarded the file to the Deputy Collector & SDO Margao in order to conduct an inquiry and submit a report. The report bearing No. DY/SAL/CRZ/20/2007/4711 states that, "... Remy Goes has constructed Restaurant and 10 rooms by the name Quinsan Bar and Restaurant of about 800 sq mts covered with an area surrounded with wooden fencing within the Limits of CRZ within 200 mts from HTL without any permission from the concerned authority".

Furthermore, the Deputy Collector vide Order No. LRC/Illeg-Conv/57/98 dated 2/09/1998; has also confirmed /stated that the structures are illegal and have been erected without any approvals, and had directed the structure for demolition.

The Respondents has miserably failed to produce the requisite documents including the Conversion Sand, the Construction License, the Approved Plan from Town and Country Planning Department, License from the Village Panchayat of Sernabatim or any Title Ownership Documents to prove ownership of the property.

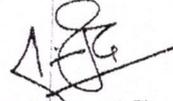
In view of the above observations, the Authority differed from the findings of the Inquiry Committee and concluded that the Respondent had undertaken construction without any valid necessary approvals / permission / documents in Survey Nos. 12/3 of Sernabatim Village. The old hut existing in Sy. No. 12/3; is not shown in the survey plan issued by the DSLR, Govt. of Goa. The Authority resolved that the Respondent has failed to establish/justify existence of the structures in Survey No. 12/3 of Sernabatim Village, as prior to 1991 with the help of document/record. Hence the Authority resolved to pass demolition order against all the structures existing in Survey No. 12/3, of Sernabatim Village, and direct M/s Quinsan Cottages to stop all the commercial activity being carried out in Survey No. 12/3, of Sernabatim Village with immediate effect."

A copy of the Extract of minutes of 193rd GCZMA meeting held on 21/02/2019 is annexed hereto and marked as Annexure A.

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NOW THEREFORE, the GCZMA in exercise of the powers conferred under Section 5 of the Environment (Protection) Act, 1986 (Central Act 29 of 1986) read with sub-rule (3) (a) of Rule 4 of the Environment (Protection) Rules 1986, and read with power vested with the GCZMA vide Order S.O. 3324 (E) dated 26/10/2016 issued by the Ministry of Environment & Forests, Government of India, hereby directs **M/s Quinsan Cottages, through its proprietor Remedios Goes**, to demolish all the structures in Survey No. 12/3 of Sernabatim Village and the Respondent M/s Quinsan Cottages, through its proprietor Remedios Goes, is hereby directed to stop commercial activity in Survey No. 12/3 of Sernabatim Village, with immediate effect and further to restore the land to its original condition, within 30 days from the date of receipt of this order. The Dy. Collector & S.D.O of Salcete, to verify if the structures as referred above located in the property bearing survey No. 12/3 of Sernabatim Village Salcete-Goa is demolished as per these directives failing which the concerned Deputy Collector/ S.D.O shall demolish all the structures to enable restoration of land to its original state within 15 days and recover the expenses incurred from M/s Quinsan Cottages, through its proprietor Remedios Goes, as the arrears of land revenue. Further, Dy. Collector & S.D.O of Salcete is required to submit a compliance report in respect of compliance of afore stated directions to the GCZMA within next 3 days of expiry of the aforementioned 30 days time period. The proceedings are disposed off accordingly.

For and on behalf of the
Goa Coastal Zone Management Authority



(Ravi Jha, IAS)
Member Secretary (GCZMA)

Encl: as above

To,

1. **M/s Quinsan Cottages** through its manager/ proprietor C/o Remedios Goes Sernabatim, Salcete-Goa.
2. **Colva Civic & Consumer Forum, C/o Mrs Judith Almeida, H.No.257/1, ward 3, Bagdem, Colva, Salcete-Goa.**
3. **The Director, Department of Tourism,** having its office in Paryatan Bhavan, Patti, Panaji.with a direction to withdraw the approvals/permissions granted to the structure ordered to be demolished.
4. **The Commissioner of Excise, The Department of Excise,** office of the Commissioner of Excise Abkari Bhavan, Old High Court Building, Panaji..... with a direction to withdraw the approvals/permissions granted to the structure ordered to be demolished.
5. **The Commissioner of Commercial Taxes, Department of Commercial Taxes,** Vikrikar Bhavan, MG Road, Panaji Goa with a direction to withdraw the approvals/permissions granted to the structure ordered to be demolished.

Copy to:-

1. The Collector & District Magistrate (South), office of Collector (South), Mathanhy Saldanha Complex, Salcette-Goa... *for information and necessary action.*
2. The Deputy Collector & S.D.O of Salcete, Office of the Dy. Collector & S.D.O, Salcete, Margao-Goa...*to ensure enforcement and compliance of the aforementioned directions including restoration of land to its original state incase of the failure on the part of violator.*
3. The Secretary, Village Panchayat of Sernabatim, Vanelim, Colva and Gandaulim..... *who is required to assist the Dy. Collector & S.D.O Salcete in enforcing and complying the abovementioned directions.*
- ✓ 4. The Scientific Assistant, Goa Coastal Zone Management Authority...*to upload copy of this order on GCZMA website immediately.*

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Item No. 04

ANNEXURE R2/7

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
(Through Video Conferencing)**

Appeal No. 42/2019 (WZ)

(I.A. No. 79/2019)

M/s. Quinsan Cottages

Appellant (s)

Versus

Goa Coastal Zone Management Authority & Anr.

Respondent(s)

Date of hearing: 28.11.2019

**CORAM : HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

For Appellant (s): Mr. Ashwin Bhohe and Mr. Shivshankar Swaminathan, Advocates

For Respondent (s): Mrs. Fawia M. Mesquita, Advocate for Respondent No.1.
Ms. Maitreya Ghorpade, Advocate for Respondent No.2.

ORDER

1. This Appeal is directed against order dated 14.05.2019 issued by the Goa Coastal Zone Management Authority (GCZMA), Respondent No. 1, directing the Appellant to demolish all the structures existing in survey no. 12/3 of village Sernabatim and further to stop commercial activities with immediate effect and to restore the land to its original condition cautioning that failing to do so would entail

TRUE COPY

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the Deputy Collector and the S.D.O in demolishing the structure at his cost.

2. The primary contention raised in support of the Appeal is that although the inquiry Committee instituted by the Respondent No. 1 in terms of the order of the Hon'ble High Court had found that the structures in question existed prior to the date of CRZ Notification, 1991, the Respondent No. 1 in its 193rd meeting took a decision to the contrary and rejected the claim of the Appellant on an erroneous assumption that the structures were illegal and the claim of the Appellant was unsustainable.
3. We have heard the learned counsel for the Appellant and the GCZMA and have perused the impugned order.
4. One of the foundations of the findings of the GCZMA in arriving at the conclusion that the structures of the Appellant were illegal and had been erected without any approvals which had led the Deputy Collector to demolition of the structure, is an order dated 20.09.1998 passed by the Deputy Collector.
5. It appears that the authority has overlooked the judgement dated 07.09.2016 passed by the Dy. Collector and SDO, Margao, Goa in LRC/Illegal-Conv/57/98 in the matter of *Mamlatdar of Salcete vs. Ruth Aguiar & Ors.* filed as Annexure A collectively to the memo of Appeal by which it has been held as follows:

"I have heard the respondent and perused the documents on records and the observations are as under:-

1. The Talathi of Colva has filed a checklist in 3/02/98 stating that Shri Santan Goes the Respondent No. 2 has constructed cottage admeasuring 171.54 sq. mts. In the property surveyed under Sy. No. 12/3 of Village Sernabatim which is in the named of Ruth Agular as per Form I & XIV. The Talathi of Colva has also filed a checklist on 03/02/98 stating that Shri Joao Inacio Furtado has constructed a house admeasuring 45.85 mts in the property and the said property surveyed under No. 12/3.
2. On perusal of the show cause Notice bearing No. LRC/Illeg-Conv/59/98 it is observed that the said Show Cause Notice has been issued for the purpose of stopping the development activity including filling of mud in the property surveyed under Sy. No. 12/3 of Village Sernabatim.
3. I am satisfied from the documents on record that the respondent is a traditional fisherman and has been in the fishing business right from 1949. The construction in question has been registered for the purpose of house tax from prior 1986 to 87 till date and that the respondent No. 2 has been regularly paying the house tax. Thus the structure in question was in existence prior to the CRZ regulation coming into force. The checklist fails to suggest the exact date or the period of construction. Also there is a discrepancy noticed in the Show Cause Notice and the checklist as regards the area of the structure in question.

I therefore, conclude that the structure in question was originally a hut which was in existence prior to the survey and was used by the respondent No. 2 being the traditional fisherman in furtherance of his occupation as a fisherman. The said structure has been reconstructed with the permission of the Village Panchayat in the year 1985 well before the coming of CRZ regulation in force."

6. In view of the above, the impugned finding would be hit by perversity in as much as this document had not been taken into consideration in passing the impugned order. There are also other questions which have been raised by the Appellant which the GCZMA would also require to consider. It is accordingly ordered so.
7. In view of the above, the case is remanded to the GCZMA for consideration of the matter afresh.

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8. Let the parties appear before the GCZMA on 05.12.2019 which shall hear the parties and dispose off the matter within 30 days thereafter.
9. The Appeal is thus allowed.
10. The impugned order stands set aside.
11. No order as to costs.

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

28th November, 2019
Appeal No. No. 42/2019 (WZ)
avt

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Item No. 04

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
(Through Video Conferencing)

ANNEXURE 2/8

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M.A. No. 10/2019 (WZ) and M.A. No. 11/2019 (WZ)
INOriginal Application No. 33/2014 (WZ)
AND

Original Application No. 35/2014 (WZ)

Isabel Piedade Correia etc.

Applicant

Versus

Village Panchayat of Sernabatim & Ors.

Respondent(s)

Date of hearing: 04.07.2019

CORAM: HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER

For Applicant(s) : Mr. Parag S. Rao, Advocate

For Respondent (s) : None

ORDER

M.A. No. 10/2019

1. This application had been filed seeking modification of the common order dated 02.07.2015 passed in Appeal Nos. 33/2014 and 35/2014 by which directions had been issued *inter alia* for demolition of the entire construction of the house property and retaining wall around the house property, guest-house called "Furtado Guest House" as well as all other constructions standing on land Survey Nos. 12/1 to 12/5, within NDZ of Sernabatim Village, within a period of eight weeks by the Collector, South Goa.
2. The Applicant's stand is that she was never a part of any of the proceedings before the Tribunal and the property belonging to her was also never alleged to have been raised in violation of the CRZ

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Notification. The impugned order which is of a sweeping nature, however, has brought within its ambit her structure also. It is contented that the Applicant was not aware of the order which came to her knowledge only through newspaper reports. Soon thereafter Writ Petition No. 404/2019 was preferred by the Applicant seeking *inter alia* quashing of the said order in so far as it relates to the Applicant. However, the High Court by order dated 25.04.2019 disposed off the Writ Petition directing the Applicant to approach the Tribunal for clarification/modification of the impugned order which has let her to file the present case.

3. The only prayer sought for in the application is for issuing of order clarifying that the directions for demolition were confined to the structures belonging to the Appellants in Appeal No. 33/2014 against the parties before the Tribunal.
4. On hearing Mr. Parag S. Rao, learned counsel appearing for the Applicant, we are of the view that this application can be disposed off by directing the Applicant to approach the GCZMA before whom they are already appearing as a consequence of a Show Cause Notice issued to her. The authority shall consider the contentions raised by the Applicant dispassionately and ascertain its veracity after examining the various documents and after carrying out a physical survey of the area in question.
5. Let the entire exercise be completed within a period of two months.
6. A copy of this order be transmitted to GCZMA, Goa for compliance. The Learned Counsel for the Applicant shall also serve copies of the entire set of papers along with a copy of this order to the authorities for convenient transaction of the case.

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M.A. No. 11/2109

7. The facts of this case are similar to M.A. to 10/2019 and, therefore, the order passed therein today shall also be applicable to this case. Let the GCZMA take action accordingly. A copy of this order be transmitted to GCZMA, Goa for compliance.
8. The Applicant is at liberty to place the GCZMA copies of entire papers along with a copy of this order.
9. With the above directions, M.A. No. 10/2019 (WZ) and M.A. No. 11/2019 (WZ) are disposed off accordingly.

S. P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Negin Nanda, EM

4th July, 2019
M.A. Nos. 10/2019 (WZ) and 11/2019 (WZ)
avt&hb

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BEFORE THE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE, PUNE

Execution Application No. 10/2019 (WZ)
In
Appeal No. 33/2014 (WZ) and Appeal No. 35/2014 (WZ)

IN THE MATTER OF:
RABINDRA DIAS

VERSUS

...APPLICANT

**VILLAGE PANCHAYAT OF COLVA,
VANELIM, SERNAATIM AND
GANDULIM & ORS.**

...RESPONDENTS

KNOW ALL to whom these presents shall come that We *Member Secretary*, GCZMA, the above named **Respondent No. 2** do hereby appoint **Ms. Ruchira Gupta Advocate**, hereinafter called the advocates to be my/our Advocates in the above noted case and authorize them:-

1. To act, appear and plead in the above mentioned case in this Court or any other Court in which the same may be tried or heard in the First instance or in Appeal or letters patent appeal for review or revision or execution or in any other stage of its progress until its final decision.
2. To sign, file, verify and present pleadings, appeals, letters patent appeal, petition of appeal to Supreme Court, cross objections or petitions or execution, review, revision, withdraw compromise or other petitions or affidavits or other documents as shall be deemed necessary or advisable for the prosecution of the said case in all its stages.
3. To file and withdraw documents and to admit and/or deny the documents filed by the opposite party; to take execution proceedings.
4. To withdraw or compromise or compound the said case or submit to arbitration any differences or disputes that shall arise touching or in any manner relating to the said case.
5. To receive moneys and grant receipts there for and to do all other acts and things which may be necessary to be done for progress and in the course of the prosecution of the said case.
6. To employ any other Legal Practitioner authorizing him to exercise the power and authority hereby conferred on the Advocates whatever they may think fit to do so.

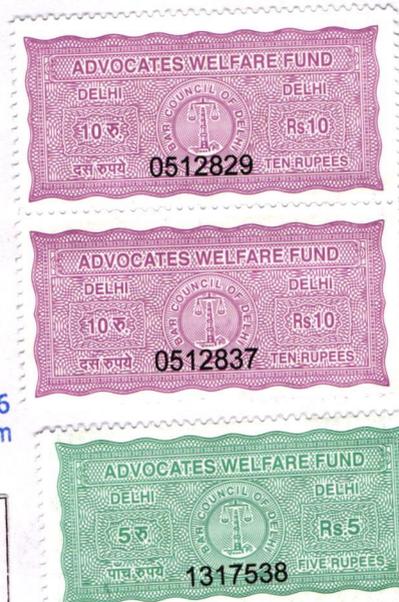
And I/We hereby agree to ratify whatever the Advocates or their substitute shall do in the premises.

And I/We hereby agree that in the event of the whole or any part of the fees agreed by me/us to be paid to the Advocates is remaining unpaid, they shall be entitled to withdraw from the prosecution of the said case until the same is paid.

IN WITNESS WHEREOF I/We do hereunto set my/our hand to these presents the contents of which have explained to and understood by me, on this the **26** day of October, 2020.

Accepted.

Advocate
RUCHIRA GUPTA
Advocate
Chamber of Ruchira Gupta
E-31 (Basement), Jangpura Extn.,
New Delhi-110014
Enr. No. JH/387/01
Mobile : 9810350333, PH. : 011-43562646
E-mail : ruchiragupta2010@gmail.com



Member Secretary
Client(s)
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