

**BEFORE THE NATIONAL GREEN TRIBUNAL**  
**WESTERN ZONE BENCH AT PUNE**  
**ORIGINAL APPLICATION NO. 97 OF 2015**

**IN THE MATTER OF:**

**NISARGA NATURE CLUB**

**... APPLICANT**

**VERSUS**

**KASIM SAYED ALI MAKANDER & ORS.**

**...RESPONDENTS**

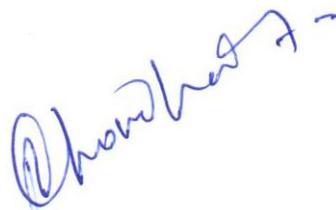
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**THROUGH**



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**Place:** New Delhi

**Date:** 1.10.2020

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**WRITTEN SUBMISSIONS BY THE APPLICANT**

**Most respectfully showeth:**

1. That the Applicant is filing the present written submissions in this Original Application No. 97 of 2015 relating to illegal encroachments on the private forests on Survey Nos. 193/0 and 194/0 of Bethora village, Ponda Taluka in Goa. The Applicant submits that these private forest have been identified and demarcated by the North Goa District Forest Committee and State Level Expert Committee ('Thomas Committee'). Further, the identification is on the basis of the private forest definition that has been accepted by this Hon'ble Tribunal in the judgement dated 18.08.2020 in Original Application No. 479/2018 (WZ) titled *Goa Foundation v. State of Goa and Ors* which is:
  - a) the plot should be minimum 5 ha area,
  - b) the plot should have minimum 75 % forest species and;
  - c) the plot should have a minimum of 0.4/40 % canopy density.
2. It is submitted that 12.5 ha of the present survey nos. 193 and 194 has already been identified and demarcated as a private forest as per the private forest definition and is a very dense forest having canopy density of over 40% and the only remedy thereafter sought is the removal of all encroachments made illegally on the said forest land so identified.
3. That the Survey nos. under the present Application were not covered by the order dated 18.08.2020 passed by this Hon'ble Tribunal in *Goa Foundation v. State of Goa and Ors. (Original Application No. 478/2018 (WZ))* as these survey numbers were not a part of the Sawant and Kapurkar Committees that were under review

in that matter. However, they are within the definition of private forest accepted by this Hon'ble Tribunal.

4. That the following documents show that the area is a forest:
  - a) Report of the North District Forest Committee based on a site inspection carried out on 19.04.2011 (**Exhibit F, pg. nos. 51-52 of the Original Application**);
  - b) Affidavit filed by the Chief Conservator of Forests dated 3.05.2016 (**pg. nos. 96-100 of the Original Application**);
  - c) Affidavit filed by the Principle Chief Conservator of Forests dated 3.05.2016 (**pg. nos. 101-105 of the Original Application**);
  - d) Letter by office of the Sub-Divisional Forest Officer to the Deputy Conservator of Forests, North Goa Division on 25.04.2016 (**pg. nos. 116-117 of the Original Application**);
  - e) Final Report submitted by the Joint Committee comprising of the PCCF, Forest Department; Collector, North Goa and Member Secretary, GSPCB (**pg nos. 1509-1624 of the Original Application**).
5. That this Report clearly states that the survey nos. 193 and 194 were identified as forests by the Thomas Committee and further that the periphery of the area has "dense tree cover". The following observations in the Committee are relevant to this matter:

***"(vi) The Deputy Collector vide order dated 20/08/2020 has rejected all 20 applications received for the regularisation of the structures on survey no. 193/0 and 194/0 with directions to the applicants to restore the land to its original form and demolish the unauthorised structures within a period of 6 weeks failing which the structure shall be demolished by the Mamlatdar of Ponda Taluka and the cost of demolition to be recovered from the Applicant. The Deputy Collector, Ponda has been directed by the Joint Inspecting Team not to allow any fresh construction in the properties which are subject matter of present application and expeditiously take legal action for removal of the unauthorised structures***

*(vii) the google maps and photographs of the land under survey no. 193/ and 194/0, photographs taken at the time of joint inspection and total structures in the said area are attached at Annexure D colly. It is submitted that the Survey No. 193/0 and 194/0 of Village Bethora, Ponda Taluka were not identified as private forest by earlier Sawant and Kapurkar Committee. These areas were identified as Private Forest by the Thomas Committee.*

***(viii) Further, the Government of Goa has already constituted a Review Committee headed by the Chief Conservator of Forests vide Notification No. DCF(WP)/Pvt. For/16(THC)/2013(WZ)/19-20/119 dated 18/06/2020 to review the private forest areas identified by State Level Expert Committee for North & South Goa (Thomas and Arujo Committee). The survey numbers 193/0 and 194/0 of Bethora Village, Ponda Taluka which are the subject matter of present application, will be verified with respect to the criteria adopted by the State Government of Goa for inclusion or otherwise in the Private Forests. The Notification of Review Committee is placed at Annexure F colly."***

***(emphasis supplied)***

6. Thus, the Applicant and the State Government of Goa are in agreement that the Thomas Committee has identified these Survey nos. 193/0 and 194/0 as private forests. Further, the counsel for the State of Goa has agreed that the State will be accepting the status of forests as per the Thomas Committee and that the Review process has started. Therefore, the Applicant only seeks that this Hon'ble Tribunal state that no non-forest activity be allowed in areas covered by the Thomas Committee Report, specifically Survey Nos. 193/0 and 194/0 that fall within the Thomas Committee till the Review Committee submits its report.

THROUGH

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