

MINUTES OF THE 2nd MEETING OF THE COMMITTEE TO DECIDE ON THE CRZ MATTERS AS PER THE NOTIFICATION NO. GCZMA/CONST/05/STE/98 DATED 03/08/2016 HELD ON 23/08/2016 (TUESDAY) AT 3:00 P.M. IN THE CONFERENCE HALL, 2ND FLOOR, SECRETARIAT, PORVORIM – GOA.

The 2nd meeting of the committee to decide on the CRZ matters as per the notification dated 03/08/2016 under the Chairmanship of the Secretary (Environment), on 23/08/2016 (Tuesday) at 3:00 p.m. in the Conference Hall, 2nd Floor, Secretariat, Porvorim - Goa.

The following members were present during the meeting:

1. Secretary (Environment)
2. Deputy Conservator of Forests, Department of Forests
3. Director, Department of Tourism, Government of Goa
4. Chief Engineer (Blgd.), P.W.D
5. Chief Engineer, Water Resources Department (WRD)
6. Director, Directorate of Industries, Trade & Commerce
7. Shri. Rangunath Dhume, invited as an Expert Member
8. Mani Murali, Senior Scientist, National Institute of Oceanography (NIO), invited as an Expert Member
9. Director, Department of Environment

At the outset, the Chairman welcomed all the invitees present for the meeting and thereafter the following agenda items were taken up for discussion and decision:

Item No.1: To confirm the minutes of the 1st Meeting of the Committee to decide on CRZ matters held on 05/08/2016.

The minutes of the 1st Meeting of the Committee to decide on CRZ matters held on 05/08/2016 were circulated amongst the Committee members. No comments received as such minutes of the 1st meeting were confirmed.

Item No. 2: To discuss and decide on Court Matters / Directional Matters / Complaints of Violation of the CRZ Notification 1991 / 2011 and Allied / Connected Matters

Case No. 2.1:

To Comply with the Order dated 02/09/2015 passed by the Hon'ble High Court of Bombay at Goa in the matter of Shri.Uday K.Naik V/s State of Goa & Ors. in W.P. No. 642/2015.

Background

1. Earlier a Public Interest Litigation Writ Petition (PIL WP) no.11/2014 was filed by the Chicalim Villagers Action Committee through its member Ms. Mary Da Costa and 3 ors v/s State of Goa & 6 ors interalia aggrieved by alleged illegal reclamation of land and land/mud filling in river Zuari being undertaken by M/s Abhishek Engineers in survey nos.16/6, 16/7 &72/1 of village Dabolim, Mormugao Taluka and alleged inaction on part of Goa Coastal Zone Management Authority (hereinafter referred to as the GCZMA in short) and various other authorities .
2. In this regard site was jointly inspected by Goa State Bio Diversity Board and expert member GCZMA Dr. Antonio Mascarenhas on 07/03/2014 and report prepared by the expert member dated 07/03/2014 along with photographs noted various violations pertaining to CRZ Notification 2011. The observations recorded by the expert member, GCZMA during the site inspection are as follows:
 - i) The plot is located at Chicalim bay, adjacent to NH 17A, along the southern bank of River Zuari.
 - ii) The mandatory setback between the road edge and the property is lacking; instead, wire mesh fencing is fixed along the road edge.
 - iii) Encroachment into the riverine area is clearly identified. The obvious evidence is the filling the bank with earth, thus spreading barge repair activities further into the river. Some mud is appears fresh, indicating that the filling is done regularly (may refer to photos and multi-dated Google Earth images on pages 2 ó 3 of the inspection report).
 - iv) In addition, there is also evidence of some mud filling done earlier; this is proved by the presence of an older embankment at the site.

- v) An old ramp with rails laid into the water was noted; this is used to haul marine craft onto the reclaimed bank.
 - vi) Since the road is located at a higher level, cutting along road side has been done by the owners; this mud is used for reclamation; a truck transporting mud was seen at the site.
 - vii) A large barge, around 60 m long, was being built at the site.
 - viii) The Chicalim bay constitutes a mud flat; this feature is observed in the toposheet of 1964, and also NHO charts of 1970, 1986 and 2003. Presently, the mud flat appears degraded / eroded probably due to the continuous movement of barges that touch river bed at low tide.
 - ix) An analyses of multi dated Google images (3 scenes) reveals the following: (1) In 2010, the river bank was fairly natural, with trees lining the river bank; (2) In 2012, a large strip along the bank has been reclaimed; also, there is evidence of a retaining wall being built; (3) In 2013, the GE image shows that a very large patch, with a retaining wall in the northern half, has been reclaimed. A roughly rectangular plot 130 m x 55 m that corresponds to a minimum of 3900 sq. m. area now exists in the river. This reclamation has been carried out in less than 3 years. The figure 3900 m² needs further confirmation and may need a detailed survey with measurements at site for accurate comparisons (may refer to page 3 of the report).
 - x) The presence of 17 barges in the GE image indicates a major barge building activity. The confirmed reclamation described above stretch falls under the NDZ, and is therefore a gross violation of the prevailing CRZ 2011 notification.
3. The site was also inspected by Mr.Fletcher Fernandes (Technical Officer GCZMA) on 21/11/2014 also observed various violations pertaining to CRZ Notification 2011. The observations recorded by the Technical Officer, GCZMA during the site inspection are as follows:
- a) The site is located adjacent to NH 17 ó A along the banks of River Zuari.
 - b) There are rails which lead to River Zuari which are used for ingress and outgress of barges / fishing boats for the purpose of repairs and building etc.

- c) There is evidence of mud filling of the bank along the riverside of the plot which appears to have been over a period of years.
- d) At the time of inspection it was found that no repairing or building activity of barges / fishing boats or any other marine craft is carried out but were cutting and piling of barges for scrap.
4. Earlier, GCZMA was also in receipt of a complaint dated 08/01/2015 filed by Chicalim Villagers Action Committee regarding alleged illegal mud filling in river Zuari adjacent to survey no.16/6 and 72/1 of village Dabolim, Mormugao Taluka by M/s Abhishek Engineers in violation of interim order to maintain status quo dated 01/12/2014 passed by the Honøble High Court of Bombay at Goa in the said matter.
5. Pursuant to the said complaint directions dated 12/02/2015 bearing no.GCZMA/MORM/DAB/10-11/11/2010 were issued by this authority to maintain status quo cum stop work of mud filling under Section 5 of the Environment (Protection) Act 1986 read with Rule 4 of the Environment (Protection) Rules, 1986.
6. Thereafter, a show cause notice dated 18/02/2015 bearing no: GCZMA/MORM/DAB/10-11/11/2047 was also issued by this authority based on inspection report dated 21/11/2014 of Technical Officer GCZMA.
7. The said M/s Abhishek Engineers through its proprietor has filed a reply dated 09/03/2015 to above mention show cause notice dated 18/02/2015 which interalia raised many preliminary objections with regard to the inspection report of the Technical Officer.
8. It may be noted that, the GCZMA has granted NOC dated 27/01/2010 bearing Ref. No. GCZMA/S/09-10/06/480 for construction of barge repair workshop which was examined in the 53rd GCZMA meeting held on 15/01/2010 and the same is approved with a condition that temporary workshop shed shall be restricted to the size block öAö 9.68 x 330 m and block öBö 11.65 x 3.20 m in Sy. No. 16/6, Chicalim Village subject to NOC from GSPCB and the conditions stipulated therein.

9. It may also be noted that earlier the Additional Collector, South Goa vide his letter dated 14/02/2011 under reference number AC-II/File-Sub Rep/26059/2010/1619 forwarded 3 reports to the Goa Coastal Zone Management Authority which were submitted by the Deputy Collector & SDO, Mormugao one of which report related to the retaining wall erected and land filling covering an area of 15 square meters within 100 m of HTL in Survey No. 16/6, Dabolim done by Shri. Uday Naik proprietor of Abhishek Engineers, Vasco da Gama, Goa. Accordingly earlier the Goa Coastal Zone Management Authority had issued a Show Cause Notice dated 08/03/2011 for illegal construction / erection of retaining wall and land filling covering an area of 15 Sq. m under reference No. GCZMA/MORM/DAB/1041/11/919 and also subsequently issued another a Show Cause Notice dated 06/07/2012 for illegal construction of retaining wall with rubble stones having length of 40 m and 1 m height at water front without obtaining permission to M/s. Abhishek Engineers through its proprietor Shri. Uday Naik. Earlier the site was also inspected by AG Untawale Member Secretary of GCZMA along with Member Secretary Goa State Bio Diversity Board (GSBB) along with Directorate of Settlement Land Records (DSLRL) on 16/11/2012. The DSLRL later submitted a survey plan vide letter dated 28/12/12 (Inwarded on 2/1/2013) pertaining to mapping of structures existing in Syno.72/1 (Part) & 16/6 & 7 of Dabolim Village, Mormugao Taluka.
10. The matter came up for hearing before the Honorable High Court of Bombay at Goa wherein vide order dated 24/02/2015 the Honorable Court was pleased to dispose the abovementioned matter with a direction to the concerned authorities to proceed with the show cause notice as expeditiously as possible within three months of date of order.
11. Accordingly, a notice of personal hearing dated 12/05/2015 bearing ref. No. GCZMA/MORM/DAB/10-11/11/266 was issued to all the concerned parties to appear remain present for personal hearing with all the documents, approved site plans and / or other related documents before the Member Secretary of the GCZMA on 21/05/2015.
12. On the said day of the personal hearing, alleged violator, Mr. Uday Naik, Proprietor of M/s. Abhishek Engineers was present along with his advocate Ms. Gina Almeida, Adv. Zeller D'Souza appeared on behalf of Village Panchayat, Chicalim, Mr. Rui Costa

Araujo represented Chicalim Villagers Action Committee and also Dr. Nitin Sawant, Member Secretary, Goa State Biodiversity Board (GSBB) was present.

13. The Complainant / Petitioner filed written submissions dated 21/05/2015 and M/s. Abhishek Engineering also filed their reply. The main contention of M/s. Abhishek Engineering was that there is no reclamation being carried out at site under reference which is subject matter of the proceedings. The Complainant Mr. Rui Costa Araujo representing Chicalim Villagers Action Committee stated that there is reclamation being carried out over the period of time prejudgement of the Honøble High Court.
14. Thereafter matter was placed before the authority in the 118th GCZMA meeting held on 06/07/2015 for final decision in the mater. In the said meeting the Authority after detailed discussion and due deliberation noted that there is land reclamation being carried out by the violator and hence decided to issue directions under Section 5 of the Environment Protection Act, 1986 read with other enabling provisions to the violator, M/s. Abhishek Engineers to restore the land to its original state in consultation and under supervision of the Goa State Biodiversity Board (GSBB). Accordingly directions dated 21/07/2015 bearing ref no. GCZMA/MORM/DAB/10-11/11/980 were issued by GCZMA to M/s. Abhishek Engineers.
15. The said M/s. Abhishek Engineers later filed a Writ Petition no.642/2015 before the Honøble High Court of Bombay at Goa interalia being aggrieved by directions issued by GCZMA dated 21/07/2015. The said matter came up of hearing before the Honøble High Court of Bombay at Goa on 02/09/2015.
16. The Honøble High Court vide order dated 02/09/2015 has observed as under *“Upon hearing the learned counsel appearing for the respective parties, without going into the merits of the rival contentions a short point which arises for consideration in the above Writ Petition is whether the impugned order dated 21.07.2015 stands vitiated for not complying with the principle of natural justice.”* *“5. Mr. D. Pangam, learned counsel appearing for the petitioner has pointed out that the impugned order does not disclose any reasons to arrive at the conclusion stated therein. The learned counsel further pointed out that during the course of the hearing the respondents relied upon a report which was not furnished to the petitioner in advance nor any opportunity given to the*

petitioner to meet the allegations in such report. The learned counsel further submits that as no adequate opportunity was given to the petitioner to meet the allegations of the respondents in the show cause notice, the impugned order deserves to be quashed and set aside.

17. *The Honøble High Court noted that òOn the other hand, Mr. Salkar, learned Government Advocate appearing for the respondents points out that the petitioner has committed a breach of the conditions of licence and as such the respondents are entitled to issue the show cause notice to the petitioner and take necessary action in accordance with law. The learned Government Advocate further submits that though there are no reasons in the impugned order nevertheless, the impugned order refers to the minutes of the meeting which according to him would disclose such reasons. The learned Government Advocate as such submits that in case this Court is inclined to remand the matter, directions may be issued to decide the show cause notice as expeditiously as possible.*

18. *The Honøble high Court observed that òWe have considered the rival contentions of the learned counsel and we have also gone through the records. On plain reading of the impugned order dated 21.07.2015, we find that there are no reasons discloses therein to show how the respondents have arrived at such conclusion. Apart from that, the reliance upon the report which was not furnished to the petitioner would also result in a breach of the principle of natural justice. On this short point, we find that the impugned order dated 21.07.2015 passed by the respondent no.2 cannot be sustained and deserves to be quashed and set aside. Needless to say that the respondent no.2 can proceed to take a decision on the show cause notice dated 18.02.2015 after hearing the petitioner in accordance with law as expeditiously as possible and in any event within four months from the date of the receipt of the order. In view of the above, we pass the following : O R D E R (i) The impugned order dated 21.07.2015 is quashed and set aside. (ii) The respondent no.2 shall proceed to decide the said show cause notice in the light of the observations made herein above in accordance with law. (iii) Rule is made absolute in above terms. (iv)All contentions of both the parties on merits are left open. (v) The petition stands disposed of accordingly”.*

- 19.** In the light of the above, the authority was required to decide show cause notice after giving an opportunity of being heard to M/s Abhishek Engineers and concerned in accordance with law as expeditiously as possible and in any event within four months from the date of receipt of the order (i.e. order dated 02/09/2015 passed by Honøble High Court at Goa in Writ Petition no.642/2015 filed by M/s Abhishek Engineers v/s The State of Goa & ors).
- 20.** The course of action decided for compliance of the abovementioned order was to conduct fresh site inspection to be carried out by Dr.Mascarenhas, Dr. Sawant and Technical officer of GCZMA and thereafter after perusal of fresh site inspection report and thereafter personal hearing to be given to the parties and decide the final course of action.
- 21.** In this regard, a site inspection notice was issued dated 24/11/2015 bearing ref no: GCZMA/ MORM/ DAB/ 10-11/ 11/1983 was issued by the GCZMA fixing the site inspection on 27/11/2015 to which written objection was filed by M/s Abhishek Engineers interalia stating that the same is not permissible as per law and further is being undertaken to widen the scope if the subject matter. Further another site inspection notice dated 15/1/2016 bearing ref no: GCZMA/ MORM/ DAB/ 10-11/ 11//2431 was issued the GCZMA fixing the site inspection on 25/1/2016 to which another written objection dated 19/1/2016 was filed by M/s Abhishek Engineers. Although the site inspection was conducted on 25/1/2016 successfully the report of the expert member GCZMA was awaited.
- 22.** The fresh report of the expert member GCZMA dated 20/3/2016 was only received via email on 28/7/16. The said report has interalia recorded the following findings:-
1. The plot is located at Chicalim bay, along the southern bank of River Zuari. The saline river is influenced by the daily tides and thus comes under the purview of CRZ. The near shore zone comprises a mud flat that extends from Chicalim to Cortalim; tidal mud flats are categorized as CRZ I under the prevailing CRZ 2011 rules. The plot falls in the No Development Zone (NDZ).

2. National Highway 17 passes adjacent to the plot. The mandatory setback between the road edge and the property boundary is lacking; instead, wire mesh fencing is fixed along the present edge of the asphalted road.
3. Since the highway is located at a higher level, cutting along road side has been done by the owners; this mud is used for reclamation; a truck transporting mud was seen at the site
4. Encroachment into the riverine area is clearly identified. The obvious evidence of reclamation is the filling along the river bank with loose earth, thus spreading barge repair activities further into the river. Some mud is appears fresh, indicating that the filling has been done regularly and progressively (see photos and multi-dated Google Earth images on pages 3 and 4 of this report.
5. In addition, there is also evidence of some mud filling done earlier; this is confirmed by the presence of an older embankment at the site. Also, a large quantity of metal / ferruginous waste as well as used tyres, ropes and plastic material was seen scattered all along the water line. Metal, rubber and plastic debris pose a danger in the form of contamination of the riverine environment.
6. An old ramp with rails laid into the water that was seen during the earlier site visit (March 2014) was noted this time as well (January 2016); this is used to haul marine craft onto the reclaimed bank. Several pontoons(?) / small vessels(?) were found to be in the initial stages of construction. The 60 m long barge that was being built at the site in March 2014 was not seen during the second inspection in January 2016.
7. The Chicalim bay constitutes a gently sloping mud flat; this feature is observed in the toposheet of 1964, and also NHO charts of 1970, 1986 and 2003. Presently, the mud flat appears highly degraded / eroded, probably due to the continuous movement and anchoring of barges, some of which touch the river bed at low tide.
8. In the earlier inspection dated 07 March 2014 by the undersigned, an analyses of multi dated Google earth (GE) images (3 scenes) had revealed the following:
 - (a) In 2010, the river bank was fairly natural, with trees lining the river bank;
 - (b) In 2012, a large strip along the bank has been reclaimed; also, there is evidence about a retaining wall being built;
 - (c) In 2013, the GE image shows that a very large patch, with a retaining wall in the northern half, has been reclaimed. A roughly rectangular plot 130 m x 55 m that corresponds to a minimum of 3900 sq. m. area now exists in the river. This reclamation has been carried out in less than 3 years.

9. The figure 3900 m² needs further confirmation. But it is pertinent to note that the DSLR had already conducted a detailed and accurate field survey with measurements in 2012. A coloured map dated 28 December 2012 was then submitted to GCZMA. The reclaimed portion that is clearly delineated and shown in the DSLR map roughly corresponds to the observations made in this report.
10. In this present report, the GE images (two different scenes) are presented once again. A comparison of two multi-dated images reveals the following(see page 3):
- i) GE image of March 2010:A natural river bank with substantial vegetation can be identified along the NH 17.Only a thin strip of land can be observed between the road and the water line.
 - ii) GE image of October 2015: A drastic change in the landscape is clearly observed. A large riverine area has been reclaimed with mud brought from elsewhere. The presence of 18 barges / boats in the GE image indicates a major barge building activity.
11. Earlier inspection of March 2014 and analyses of available images had identified reclamation. The second survey of January 2016 has confirmed encroachment by mud filling along the tidally influenced Zuari river bank. The attached satellite images (page 3) offer undisputed proof of mud dumping.
12. File records show a request for land filling of an area of 980 m² (70 m x 14 m) In comparison, the land filling identified is 4 times that area. The confirmed reclamation, described in the above stretch (done after 2011) and dumping of industrial waste in an area that falls under the NDZ, is prohibited. These activities are therefore tantamount to gross violations of the prevailing CRZ 2011 notification.
23. In the light of the above the issue before the Committee is that considerable time period has been lapsed and the show cause notice has to be decided after giving an opportunity of being heard to M/s Abhishek Engineers and concerned parties in accordance with law as expeditiously as possible.
24. Accordingly, the said matter was placed in the 1st meeting of the Committee to decide on CRZ matters wherein the Committee after detailed discussion and due deliberation decided to grant personal hearing to the concerned parties and to decide in accordance with law.
25. In this regards, a personal hearing notice has been issued to M/s Abhishek Engineers.
26. It may be noted that, a contempt petition No. 25/2016 has been filed before the Honøble High Court of Bombay at Goa by Chicalim Villagers Action Committee for non-compliance of Order dated 02/09/2015.

In View of the above, the matter was placed before the Committee for grant of personal hearing to the concerned parties.

Proceedings: Mr. Uday Naik, Proprietor, M/s. Abhishek Engineers remained present for the meeting alongwith his Advocate Shivdutt Munj. Mr. Rui M. Da Costa Araujo, Secretary, Chicalim Villagers Action Committee (CVAC) was also present.

Adv. S. Munj, representing the Respondent, M/s. Abhishek Engineers made written as well as oral submissions wherein he stated that as per the directions of the Honøble High Court passed in W.P. No. 642/2015, the Authority is required to specifically decide on the Show Cause Notice dated 18/02/2015 after hearing the parties within four months time period. However, the four months time period got expired on 01/01/2016 and no hearing was granted within the stipulated time period. Further, as per the Judgment /Order dated 18/02/2015 and 02/09/2015 passed in W.P. No. 11/2014 and 642/2015 respectively, the Authority was not directed to conduct inspection of the site under reference. He further submitted that pursuant to the Order dated 02/09/2015, a site inspection notice dated 24/11/2015 and 15/01/2016 served upon them clearly widened / enlarged the scope of the Show Cause notice dated 18/02/2015 issued to him which was subject matter of the PIL W.P. No. 11/2014, which notice for site inspection is not only improper and illegal but clearly an attempt to exceed and or overstep the jurisdiction of the said Judgment of the honøble High Court of Bombay at Goa.

He further submitted that the Show Cause Notice dated 18/02/2015 was based on the site inspection report dated 21/11/2014 prepared by the Technical Officer, GCZMA and not on the alleged report dated 07/03/2014 of Dr. Antonio Mascarenhas. Further, during the personal hearing granted in the matter the said undated report of Dr. Antonio Mascarenhas, Member, GCZMA titled "Inspection Report: Chicalim Bay Barge Repair Yard of Abhishek & Co." was relied upon by the Authority which was also not the subject matter of the aforementioned PIL Writ Petition however, directions dated 21/07/2015 were issued to M/s. Abhishek Engineers. Upon receipt of the aforementioned directions, the same were challenged before the Honøble High Court by filing a Writ Petition No. 642/2015 which was finally set aside by Judgment dated 02/09/2015.

He further submitted that pursuant to the notice of site inspections issued by the GCZMA, M/s. Abhishek Engineers had filed its objections dated 02/12/2015 and 19/01/2016 strongly objecting to conduct site inspection of their property in question and instead of considering and deciding on the aforementioned objections raised by M/s. Abhishek Engineers for conducting any site inspection the same was conducted by the Authority. He concluded stating that there is no violation of the CRZ notification 1991 / 2011 being done by M/s. Abhishek Engineers and in terms of clause 3 (1) (a) of the CRZ Notification 1991 those activities which are related to the waterfront or directly leading foreshore activities are not prohibited activities. Thus, all the activities which are in connection with the waterfront and which need foreshore facilities for their operations are protected and as such the shipbuilding activity being one of the waterfront activities is not prohibited under the CRZ Notification. He has denied that the area in question is classified as CRZ ó I. There is no Notification or any Order classifying their land as CRZ ó I. He further concluded stating that the site inspection reports dated 07/03/2014 and 20/03/2016 prepared by Dr. Antonio Mascarenhas, Expert Member, GCZMA are disputed by them and

denied that they refer to the properties bearing Sy. No. 16/6 and 16/7 of Village Dabolim and further informing that the property bearing Sy. No. 16/7 does not belong to them.

Mr. Rui M. Da Costa Araujo representing Chicalim Villagers Action Committee also made written as well as oral submissions wherein he informed the Committee that as per the inspection report dated 20/03/2012 of the Deputy Collector & SDO, Mormugao, it is stated that the M/s. Abhishek Engineers have carried out illegal reclamation of land in Sy. No. 16/6 and 16/7 of Village Dabolim, that there is no permission obtained for the same. That an illegal retaining wall of a height of 1 m and length 40 m had been constructed in Sy. No, 16/7 adjacent to the river.

He further stated that during the inspection conducted by the BDO of Mormugao on 12/07/2012 it was found that illegal mud filling and leveling was being done in the said land and in the river Zuari by M/s. Abhishek Engineers and that the area covered by the illegal filling and leveling was 5250 sq. m.

He also invited the attention of the Committee on the three site inspections conducted by the GCZMA dated 07/03/2014, 21/11/2014 and 25/01/2016 wherein all three reports disclosed that there has been an encroachment by M/s. Abhishek Engineers in to the riverine land, illegal reclamation of the riverine land with mud filling, dumping of metal / ferruginous waste and other waste in to the river, that a large strip of a river bank has been reclaimed and these activities are prohibited in that area which is tidally influenced Zuari River bank under the CRZ Notification 2011. The land wherein the reclamation is done is CRZ 6I area wherein any construction activity other than that specified under the CRZ regulations is prohibited. M/s. Abhishek Engineers has been carrying out barge cutting and building activities in the said property illegally though it has only permission for setting up a temporary barge repair workshop from the Village Panchayat.

Decision: The Committee after detailed discussion and due deliberation and considering the written as well as oral submissions made by both the parties and upon perusal of the documents noted that based on the site inspection report of the then Expert Member of the erstwhile GCZMA alongwith the other reports produced by Block Development Officer (B.D.O) and Directorate of Survey and Land Records (DSLRL) which clearly shows encroachment by reclamation in the river bed. Accordingly, the Committee arrived at a decision that:

1. The Violator, M/s. Abhishek Engineers has carried out unauthorized reclamation of an area of 3900 sq. m as delineated by the DSLRL which can be seen in its report alongwith the site plan showing the reclamation which is annexed herewith.

As such the Encroachment by reclamation in the river to the extent of 3900 sq. m as shown in DSLRL report is ordered to be removed and the river bed restored to its original condition as under:

2. The Committee decided that in view of the typical nature of violation which is of very serious nature, blatant violation of Environmental laws, the restoration work, particularly in an area of

Biodiversity importance cannot be left for restoration at the hands of Violator as it is apprehended that actual restoration may not take place.

3. In view of this Committee directs that the Captain of Ports (CoP) should estimate the costs of work within 3 months and submit the same to the violator who shall deposit the entire costs of estimate to the CoP within 15 days thereafter.

4. The CoP shall after the costs been deposited by M/s. Abhishek Engineers shall follow all the required Codal formalities and undertake the restoration work within 3 months thereafter.

5. The CoP shall consult the Goa State Biodiversity Board for preparation of estimates as well as for execution of work.

6. In the interim the Chief Electrical Engineer is directed to disconnect power supply to the violator till the restoration is complete.

7. The Village Panchayat, Chicalim is directed to suspend the trade license of the violator and stop him from carrying on the activity till the execution of work relating to restoration is complete to the satisfaction of this Committee.

Case No. 2.2:

To discuss and decide on the applications both dated 04/12/2015 seeking Clearance for proposed repair and regularisation of house / structure bearing H. No. E-3/40A (i.e. Structure I) and a Outhouse (i.e. Structure II) situated in the property bearing Sy. No. 163/1 of Calangute Village, Bardez Taluka by Mr. Antonio G. Braganza.

Background: The applicant has sought permission / CRZ Clearance for proposed repair and regularisation of house / structure bearing H. No. E-3/40A (i.e. Structure I) and A Outhouse (i.e. Structure II) situated in the property bearing Sy. No. 163/1 of Calangute Village, Bardez - Goa. The applicant has submitted a copy of Instrument of Sale dated 14/01/1966 executed between Mr. Diago Joao Mascarenhas and his Antoneita D'Souza (referred to as the Sellers) and Maria Joaquina Braganza (referred to as the Purchaser). The applicant has also submitted a letter dated 14/02/2013 wherein it is stated that the aforesaid property is partly falling in the zone between 200 to 500 m and partly beyond 500 m from the HTL and has also submitted a survey plan of 02/11/2007 which shows only one structure as well as resurvey plan of 13/02/2013 which shows two structures and has also submitted a copy of Permission issued by the Village Panchayat of Calangute re-roofing of the house bearing H. No. 3/40A and a copy of Deed of Gift between Maria J. Braganza and Antonio Gregorio Braganza. The name of mother (Mary Braganza) of the Applicant is reflected in Form I & XIV.

It may be noted that a Writ Petition bearing No. 535 / 2016 has been filed by Mr. Antonio Braganza before the High Court of Bombay at Goa challenging the Judgement dated 26/04/2016 passed by the Hon'ble Adhoc District Judge-I at (FTC) Mapusa by which the Civil Revision Application No. 16/205 filed by the Petitioner challenging the order dated 08/07/2014 of the Additional Director of Panchayats-II at Panaji-Goa was dismissed and

further upheld the Order of demolition dated 13/07/2012 passed by the Respondent No. 2 i.e. the Village Panchayat of Calangute.

The said matter was taken up before the Honøble High Court on 23/06/2016 on which date of hearing the Petitioner (Mr. Antonio Braganza) submitted that an application for regularization has been filed before the GCZMA and the same is pending in view of the clarification sought from the MoEF as far as regularization of the structure is concerned.

Thereafter the said matter was taken up on 15/07/2016 on which date of hearing the Ld. Additional Government Advocate appearing on behalf of the GCZMA submitted that the Application of the Petitioner for regularization of the structures I & II shall be considered in the meeting of the GCZMA. The statement was accepted and the matter is now been stand over to 29/07/2016 for Petitioner to file counter reply to the reply filed by the Respondent No. 4 and to place on record the decision taken by the GCZMA.

It is pertinent to note that earlier the said matter was placed before the Authority in its 98th and 99th meeting held on 10/02/2014 and 20/02/2014 respectively which was in respect of the compliance of the directions of the Honøble High Court of Bombay at Goa in W. P. No. 324/2013 which was filed by the Petitioner for not taking any final decision in respect of the Show Cause Notice dated 24/05/2012 issued by the GCZMA against the illegal construction carried out in the property bearing Sy. No. 163/1 of Calangute Village.

Vide order dated 29/01/2014 passed in the above matter Honøble High Court was pleased to record the statement of the Advocate appearing for GCZMA that the decision in the matter will be taken at the next Meeting of the GCZMA which is likely to be fixed in 1st week of February 2014. Vide the said order dated 29/01/2014; the Honøble High Court has directed that the decision to be placed by an affidavit before the Court on or before 12/02/2014. The matter was placed in the 98th GCZMA meeting held on 10/02/2014 wherein it was decided to re-examine the matter in view of the objections filed by the Complainant and to verify the Inquiry Committees report by site visit by the Inquiry Committee as well as by GCZMA members Dr. Savita Kerkar, Dr. Nitin Sawant and Dr. Antonio Mascarenhas at the earliest. It was also decided to seek time from the Honøble Court. Accordingly, an inspection was conducted by Dr Savita Kerkar and Dr. Antonio Mascarenhas, Expert members of GCZMA along with the Inquiry Committee conducted and inspection on 14/02/2014.

The Expert Members who inspected the site informed that there exists two structures in Survey No. 163/1. Out of the two structures, 1st structure is mapped on the DSLR map and the 2nd structure is not seen on the DSLR map. If the plinth area of the 1 structure is as per the plinth area on the DSLR map the said structure could be considered for regularization provided Mr. Antonio Braganza and Mrs. Adilda Braganza submits an application to GCZMA for the same. It is also noted that Mr. Antonio Braganza and Mrs. Adilda Braganza has constructed additional floor on the said structure (Structure I). However, the height of the structure is less than 9 mts. Further, it is observed by the members that the 2nd structure (Structure II - outhouse) has got no permission from the Authority and has to be demolished.

The Authority after detailed discussion and due deliberation decided (i.e. in the 99th GCZMA meeting) that in case of the structure which is on DSLR map a Show Cause Notice has to be issued to Mr. Antonio Braganza and Mrs. Adilda Braganza as the 1st floor has been constructed without permission of GCZMA. With regard to the 2nd structure which is not seen on DSLR map and is illegal and Show Cause Notice has been already issued the Authority decided to issue order for demolition of the structure.

The said matter was placed in the 133rd GCZMA meeting held on 20/07/2016 wherein the Authority noted that the documents produced by the Applicant, Mr. Antonio Braganza in support of his application dated 04/12/2015 for regularization of the structures (Structure I & II) requires examination of the application in terms of the earlier decisions of the Authority and clarification from the concerned parties including personal hearing if required so also, site verification with respect to the application for regularization which could not be carried out due to paucity of time and as such, the Authority after detailed discussion, and due deliberation decided to defer the same and decide in the next meeting.

In view of the above, the matter was placed for grant of personal hearing to the concerned parties.

Mrs. Adilia Braganza was present on behalf of Mr. Antonio Braganza. Mr. Antonetto D'Souza was present in person.

Mrs. Adilia Braganza made oral as well as written submissions wherein she stated that she is the POA for the Applicant Mr. Antonio Braganza and submitted as follows:

- i) That the Applicant has his permanent residential house bearing No. E-3/40A in the property bearing Sy. No. 163/1 of Village Calangute, Bardez - Goa.
- ii) The Late Mother of the Applicant Mrs. Mary Braganza on the basis of NOC dated 30/10/1970 and construction license dated 13/04/1971 issued by the Mapusa Municipal Council constructed two residential houses i.e. Structure I & Structure II in the said property.
- iii) The GCZMA vide notice dated 12/02/2013 requested the DSLR to carry out site mapping of structures existing in Sy. No. 163/1 of Village Calangute which was accordingly submitted by the DSLR vide letter dated 14/02/2013 alongwith the site plan of structures situated in Sy. No. 163/1 of Calangute.
- iv) The Village Panchayat also approved plans vide letter dated 18/10/1986 for re-roofing which is in accordance with the DSLR site mapping plan, therefore there is no question of extension of ground floor.
- v) The Inquiry Committee of erstwhile GCZMA also submitted their report which in brief stated that, the extension to structure I and the incomplete construction with 8 RCC Pillars supporting the first and second floor of RCC slabs in the Structure 2 were not existing as on date of Notification 1991 nor any approval for construction was obtained from the Authority. However, by taking into consideration the fact that reconstruction or alteration is permissible subject to TCP rules, the party concerned may be directed to regularize those extensions to structure I in accordance with the TCP rules. The incomplete constructions with RCC pillars supporting the

first and second floor, if not build in accordance with TCP Rules, the Authority to deal with this incomplete construction in accordance with law.

vi) Accordingly, the report was placed in the 99th Meeting of the erstwhile Authority held on 20/02/2014 wherein the Authority held that as far as the structure I is concerned to issue a Show Cause Notice, however with regard to the second structure which is not seen on DSLR map and is illegal, the Authority decided to issue an Order of Demolition of the structure. The decision of the Authority is erroneous in law as well as in fact on the ground that the DSLR plan of 1971 was conducted prior to the construction of Structure II as per permission granted by the Mapusa Municipal Council and the said Structure II is clearly reflected in the DSLR re-survey of 2004-2005 which was done pursuant to resurvey of 1970-71.

vii) The Petitioner thereafter filed a Review Application dated 12/03/2014 before the GCZMA stating as to why Structure II is not appearing in the DSLR plan of 1971. However, the GCZMA rejected the said Review Application in its 102nd meeting held on 08/05/2014 and accepted the Report and findings of the Small Inquiry Committee but maintained the earlier decision of the GCZMA taken in the 99th minutes of the meeting and to issue Order of demolition as far as the new (2nd Structure) is concerned. Hence, she filed for application for regularization for only the new addition on the old structure.

The Complainant, Mr. Antonetto John A. DSouza made oral as well as placed on record his written submissions which states as follows:

- 1) That the contention of Mr. A.G. Braganza that the Structure I was constructed by his late mother Mrs. Mary Braganza in the year 1970 after obtaining permission from the Camara Municipal Bardez under endorsement from the Senior Town Planner dated 30/10/1970 and Structure 2 was constructed after obtaining permission from Mapusa Municipal Council dated 13/04/1971. On perusal of the plans dated 22/10/1970 bearing Inwd. No. 3192 and the letter from President of Municipality dated 23/10/1970 addressed to the Town Planning Committee forwarding the same for seeking remarks with respect to the construction of a residential house with septic tank at Tivai Waddo, Calangute and as such the same cannot be treated as a License.
- 2) Further submitted that the license dated 13/04/1971 for Structure II as stated by the Applicant is denied and submitted that the license pertains to one and the same Structure i.e. Structure I.
- 3) With respect to the submission of Mr. A. G. Braganza with regard to the letter dated 10/01/2013 issued by the Mapusa Municipal Council which confirms that the approvals / license were issued to two projects / structures. However, a bear reading of the said letter dated 10/01/2013 clearly shows that nowhere in the said letter the Chief Officer of the Mapusa Municipal Council confirms of having granted any permission/ approvals / license to Mrs. Mary Braganza for two projects / structures in the year 1970-71.
- 4) As far as the permission dated 18/10/1986 for re-roofing of both the structures from the Village Panchayat of Calangute is a blatant lie. Permission for re-roofing and the site plan annexed to it clearly shows only one Structure i.e Structure I and that to for a ground floor structure with sloppy roof.

- 5) The contents of the report submitted by the Inquiry Committee of the GCZMA are factually incorrect and the Authority in its 98th meeting held on 10/02/2014 once again ordered to conduct a site inspection of the property by the members of the GCZMA alongwith the members of the Inquiry Committee. Accordingly, site inspection was conducted and report was submitted.
- 6) The said report was placed in the 99th Meeting of the Authority and the Authority decided that incase of Structure I which is on DSLR map, a Show Cause Notice to be issued as the First floor has been constructed without the permission of GCZMA. With regard to the Structure II which is not shown on DSLR map and for which Show Cause Notice has already been issued, the Authority decided to issue an Order of demolition.
- 7) Subsequently a review was filed before GCZMA and the same was rejected in the 102nd meeting held on 08/05/2014 against which a Writ Petition was filed bearing No. 586/2014 before the Honøble High Court. The same was disposed of on 11/12/2014 with an Order that since the Petitioner has an alternative remedy, no interference is called for under Article 227 of constitution of India with a liberty to the Petitioner to avail an alternate remedy in accordance with law. Hence the Order attained finality as the same not being challenged before the NGT.
- 8) A Writ Petition No. 136/2014 was also filed by Mr. Antonio Braganza before the Honøble High Court and by an Order dated 06/03/2014 the Authorities were directed to conduct resurvey. The surveyors report clearly shows a new structure existing at site i.e Structure II and Structure I shown in dotted line as per original survey records (demolished and reconstructed) with increase in plinth.
- 9) The dates on the Photographs are manipulated.
- 10) That the plans submitted do not show any setbacks and in the area statement admits that total FAR consumed is 324.24 sq. m., Plot area is 500 sq.m. The permissible FAR is 33%. The plot bearing Sy. No. 163/1 lies between 200-500 m which works out to 165 sq.m.
- 11) The first Structure is itself is about 250 sq. m or there about. Structure I and II are beyond the permissible limits and much beyond the scope of regularization.
- 12) The surveyors report as well a report of field surveyor from the Office of the Mamlatdar clearly shows plinth area of the old house as 95 sq. m as per the gut book and nw the plinth area is 132 sq. m which clearly shows that the plinth of Structure I is increased.
- 13) Mr. A.G Braganza has till the date of filling the regularization has not replied to the letter of GCZMA dated 05/08/2009 asking Mr. A. G. Braganza to submit required documents.
- 14) The Applicant under guise of regularization is in fact seeking review of the Orders dated 20/02/2014 and 08/05/2014 which has attained finality and the same is not permissible in terms of law.

Decision: The Committee after detailed discussion and due deliberation and on considering the oral as well as the written arguments of both the parties and upon perusal of the documents annexed to the Application for regularization of Structure I in the property bearing Sy. No. 163/1 of Village Calangute is concerned the Committee noted that the actual FAR available as per the CRZ Notification is 33.0% and hence decided that as far as application for regularization of

Structure I in the property bearing Sy. No. 163/1 of Village Calangute is concerned the same to be forwarded / referred to the Planning Authority (NGPDA) for verification of the construction / reconstruction of the Structure carried out by Mr. A. G. Braganza as per the building bye laws and in terms of the CRZ Notification, 2011.

Further, with regard to Structure II, the Committee noted that the Structure is not reflected in the old DSLR plan and the same is a new structure which is further corroborated by the resurvey plan carried out by the DSLR pursuant to the Order dated 06/03/2014 of the Hon'ble High Court of Bombay at Goa in Writ Petition No. 136/2014 which shows that there existed no structure and as such the question of regularization of Structure II does not arise. The Committee taking into consideration the material on record decided to reject the Application for regularization of Structure II in the property bearing Sy. No. 163/1 of Village Calangute and further decided to reiterate the decision of the erstwhile GCZMA taken in the 99th meeting held on 20/02/2014 and decided to issue an Order of demolition under Section 5 of the Environment (Protection) Act, 1986, read with other enabling provisions to Structure II located in the property bearing Sy. No. 163/1 of Village Calangute, Bardez ó Goa with further directions to the violator to restore the land to its original state, failing which the Dy. Collector & SDO, Bardez to demolish the structure and restore the land to its original condition and recover the expenses as arrears of land revenue from the violator. The Authority further decided to issue Order of disconnection of Power and Water connection to the Department of Electricity and Public Works Department respectively.

Case No. 2.3:

To discuss and decide on the Order dated 30/11/2015 passed by the Hon'ble High Court of Bombay at Goa in Contempt Petition No. 21/2012 filed in W.P. No. 422/1998 by Mr. Kashinath Shetye V/s. Mr. Anil Hoble & 5 Ors.

1. A complaint dated 19/03/2012 was filed by Mr. Kashinath Shetye with regard to illegal encroachment in Government land and filling up of land and creek, illegal construction of a compound wall / retaining wall, gate for entering the premises near ice plant at Ribandar, Panaji carried out by Mr. Anil Hoble.
2. Accordingly, upon receipt of the said complaint a Show Cause Notice dated 25/05/2016 was issued to Mr. Anil Hoble so also, a letter was issued to the Deputy Collector & S.D.O, Tiswadi for necessary action in the matter.
3. Subsequently, a reply dated 11/06/2012 to the Show Cause Notice was filed by Mr. Anil Hoble.
4. Further, a site inspection was conducted by Dr. Untawale, the then Expert Member of the erstwhile GCZMA, so also the site was again re-inspected by Dr. Savita Kerkar, the then Expert Member of the erstwhile GCZMA on 24/09/2012. Copies of the site inspection reports of the Expert Members of the GCZMA are annexed herewith as Annexure I.

5. It is pertinent to note that, in this regard, a Contempt Petition bearing No. 21/2012 in W.P. No. 422/1998, has been filed by Mr. Kashinath Shetye wherein the Petitioner sought direction to the GCZMA to take action on account of an alleged breach of the provisions of the CRZ Notification 1991 by Mr. Anil Hoble. The Ld. Additional Government Advocate appearing for the GCZMA had pointed out that an action with that regard has already been initiated by issuing a Show Cause Notice dated 25/05/2012 which is still under consideration by the authorities. However, the Ld. Counsel appearing for the Petitioners, stated that GCZMA be directed to take a final decision on the said Show Cause Notice as early as possible.
6. Accordingly, in view of the above, the Honøble High Court of Bombay at goa disposed off the said Petition vide Order dated 30/11/2015 with a direction to the GCZMA to dispose of the complaint within a period of four months.
7. Now, in view of the aforementioned Order dated 30/11/2015 passed by the Honøble High Court of Bombay at Goa in Contempt Petition No. 21/2012 filed in W.P. No. 422/1998 the said matter is placed before the Committee for grant of personal hearing to the parties with reference to the Show Cause Notice bearing No. GCZMA/TIS/RIB/12-13/02/237 dated 25/05/2012 issued by the erstwhile GCZMA.

In view of the above, the matter was placed for grant of personal hearing to the concerned parties.

Mr. Kashinath Shetye was present in person. Mr. Anil Hoble remained present alongwith his Advocate Jitendra Supekar. Both the parties made oral as well as written submissions.

Mr. Kashinath J. Shetye denied the contents of the reply filed by the Respondent. He stated that he had filed two complaints dated 19/03/2012 and 05/03/2014. He also stated that the NOC dated 08/12/2008 issued by the GCZMA was for re-flooring and re-roofing and in the guise of it Mr. Hoble has constructed huge structure extending the FSI/FAR and changed the user to Restaurant, Bar, wine shop and oil lubricant shop. The permissible coverage is 16 sq. m total buildup area of garage is 800 sq. m but in actual coverage is 16 sq. m. the compound walls have been built in 2012. The H. No. 212 has been extended to more four shops which is in setback area of River Mandovi. The Google images of 2004 and 2015 shows there is existence of the mangroves in that area and the building is in NDZ Setback area.

He further stated that based on the CZMP 1996 Ribandar area falls under CRZ ó III zone and incase of existence of mangroves it falls under CRZ ó I Zone:

õ B) CRZ along banks of rivers, backwaters and creeks:

- vi. The areas at mouth of the river having reserved / protected forests, sand dunes of Caranzalem ó Miramar and Nerul and all areas including Nerul, Verem, Ourem, Ribandar, Betim to Britona, outskirts of Mapusa, San Pedro, Banastarim, Volvoi and Savoï- Verem are classified as CRZ ó I and rest of the areas without mangroves and ecologically sensitive areas, are classified as CRZ ó III.õ

He also relied upon the letter issued by the MoEF dated 03/12/2001 to the Chief Secretary, Govt. of Goa with regard to proposal for reclassification of CRZ stretches of Goa wherein following coastal stretches were proposed for reclassification:

- i) The areas from Cabo Raj Niwas to Donapaula Cove /Bay ó Map No. 1,
- ii) The area from Donapaula Cove /Bay to Vainguinim Beach ó Map No. 2,
- iii) The area from Vainguinim Beach up to Panjim Municipal limits towards Siridao ó Map No. 3 and
- iv) The entire stretch of land at Ribandar (within Panjim Municipality limits along the Mandovi River) ó Map No. 4 and 5.

He further relied on the Judgment passed in the matter of Carlos Noronha in W.P. No. 519 of 2007 with M.C.A. No. 617/09 with Writ Petitions No. 420 & 474 of 2007. He also pointed out the Page No. 54 of the RSI Report on identification and delineation of structures / dwelling units along rivers, creeks and estuaries upto the tidal point experienced towards land which reveals that at prior to 1991, there existed 374 structures in that area i.e. Panaji (Sr. No. 41 of Pg. 54 of RSI) and after 1991,106 new structures were observed in addition to the already existing structures.

Advocate Jitendra Supekar representing the Respondent, Mr. Anil Hoble stated that the Complainant, Mr. Kashinath Shetye has deleted him as a party in a Contempt Petition bearing No. 21/2012 filed by the Complainant. He further stated that there is an Application No. 51/2014 before the Honøble NGT on the very same grounds as urged in the Contempt Petition. The said proceedings have concluded vide Order dated 29/05/2015 before the Honøble NGT to which the GCZMA was also a party Respondent and is aware of the entire proceedings and inspite of it the present notice has been issued without even having reference to the said proceedings. As such he requested to withdraw the said notice and no further action is required in view of the fact that the appropriate Court of law has already dealt with the same. He further stated that the time period granted by the Honøble High Court vide Order dated 30/11/2015 have expired and without there being appropriate Order from the Honøble High Court thereby extending the time period.

Decision: The Committee after detailed discussion and due deliberation and on considering the oral as well the written submissions made by both the parties decided to direct the Respondent to clarify on the para Nos. 3, 4 and 5 of the written reply to the notice dated 12/08/2016 filed by him and the Committee further granted 4 weeks time to Mr. Anil Hoble to provide the necessary clarification with respect to the contents of his reply and to hear the parties thereafter.

Case No. 2.4:

To Comply with the Order dated 18/03/2016 of the Hon'ble National Green Tribunal at Pune in Appeal No. 08/2016 filed by Mr. Kashinath Shetye V/s. Aditya Puri & ors with regard to the alleged illegal construction of a structure / Bungalow opposite Adv. Gopal Tamba's House at Ribandar, Tiswadi – Goa

Brief Summary:

- Complaint received from Mr. Kashinath Shetye & Ors. with regard to alleged illegal construction of a structure / Bungalow opposite Adv. Gopal Tamba's House at Ribandar, Tiswadi - Goa by Mr. Aditya Puri.
- Accordingly, a Show Cause Notice Cum Stop Work Order was issued which was replied to by Mr. Aditya Puri alongwith necessary permissions / licenses/ approvals for modification / reconstruction of the house existing in the said property from the concerned authorities.
- Further, the Site under reference was also inspected by the Technical Officer alongwith Junior Scientific Assistant of the GCZMA wherein it is stated that there is no violation of NOC /permission given by GCZMA dated 06/03/2008.
- Accordingly, in view of the reply and site inspection report, a letter was issued to Mr. Kashinath Shetye informing that no action is warranted in the matter and as such cannot proceed ahead with the complaint filed by him.
- However, the said Order / letter was challenged before the Honøble National Green Tribunal vide Appeal bearing No. 08/2016 by Mr. Kashianth Shetye & Ors. The said Appeal bearing No. 08/2016 was disposed of by the Honøble NGT at Pune vide Order dated 18/03/2016 thereby quashing and setting aside the Order dated 14/12/2015 issued by the GCZMA and remanded the matter back to the GCZMA with a direction to hear the concerned parties and take decision in the matter in accordance with law within a period of four months.
- The matter was placed in the 132nd GCZMA meeting held on 06/07/2016 wherein the Authority after detailed discussion and due deliberation decided to conduct re-inspection of the site under reference through its Expert Member of the GCZMA.
- Accordingly, site inspection was conducted by Shri. Ragunath Dhume and Dr. Antonio Mascarenhas on 15/07/2016. The site inspection report submitted by Dr. Antonio Mascarenhas is as follows:
 - The property belong to Mr A Puri who has built a house in the plot; originally, the plot belonged to some other individual.
 - The plot is located on the southern bank of tidal river Mandovi, on the riverside side of the existing road; the new house lies about 8-10 metres form HTL.
 - The original vertical wall which was composed of laterite stone has been restored but has not been tampered with. A grill of steel is fixed on the outer part of the wall.
 - Similarly, the original boundary wall still exists, but has been covered with natural laterite stone.
 - The owner has obtained approvals from the erstwhile GCZMA based on which the house has been constructed. However, the area is classified by GCZMA as CRZ II whereas the CZMP 1996 for Goa has classified this area (Ribandar) as CRZ III.
 - It is this issue that is challenged by the complainant. Moreover, the same complainant is of the view that such a property cannot be sold to a non-local individual. As this case may now have further legal repercussion, it needs to be debated by the GCZMA.

The said matter was placed in the 133rd GCZMA meeting held on 20/07/2016 wherein the Authority after detailed discussion and due deliberation and upon considering the site inspection report dated 15/07/2016 and the fact that complainant has brought forward new facts and also on considering the aforementioned observations wherein there are alleged discrepancies in the categorization of the CRZ areas and as such the Authority decided to grant the concerned parties an opportunity of personal hearing on the issues before the Authority in its next meeting and then to decide the matter.

In view of the above, the matter was placed for grant of personal hearing to the concerned parties.

Mr. Kashinath Jairam Shetye was present in person. Advocate Y. Naik represented the Respondent, Shri. Aditya Puri.

Mr. Kashinath Jairam Shetye as well as Advocate Y. Naik representing Mr. Aditya Puri filed written submissions.

Mr. Kashinath J. Shetye denied the contents of the reply filed by the Respondent. He stated that the NOC issued by the GCZMA was conditional with directions to the NGPDA. He further stated that Chalta No. 27 of P.T.S No. 2, Panaji which is nalla is specifically an encroachment in the Government property. He further stated that permissions were taken only in Chalta Nos. 6 and 7 of P.T.S No. 2 by builder Eric Sequeira POA to Domingos Xavier Rodrigues and Lucy Rodrigues and the same could not be sold to non traditional fisherman or outsider as per CRZ Notification 1991 / 2011. Further, the setback is not ensured nor the plan was approved by the GCZMA and as such the NOC should be withdrawn and the setback should be maintained forthwith. The permissible coverage is 109 sq. of the total built up area is 220. 52 sq. m but in actual coverage is 52 sq. m and Stilt parking is covered for rooms to stay. The walls of the Stilt parking are built without obtaining necessary approvals and are used for residential purpose.

He also stated that no amalgamation of plot can be done as per the Judgment of Suresh Estates all the boundaries are freezed on CRZ Notification, 19/02/1991.

He further stated that the Bungalow has been built on the Seaward side and there is no road between the building and the creek and no set back is left and the bungalow is in setback area of River Mandovi and no setback has been shown on the plan and the NGPDA approval dated 18/12/2008 has been violated as no setback is maintained as ordered by the GCZMA and approving the sanctioned plans by the GCZMA. The Google images of 2004 and 2015 shows there is existence of the mangroves in that area and the building is in NDZ Setback area.

He further stated that based on the CZMP 1996 Ribandar area falls under CRZ ó III zone and incase of existence of mangroves it falls under CRZ ó I Zone and as per the letter issued by the MoEF dated 03/12/2001 to the Chief Secretary, Govt. of Goa with regard to proposal for reclassification of CRZ stretches of Goa wherein it was proposed for reclassification of the entire stretch of land at Ribandar (within Panjim Municipality limits along the Mandovi River) ó Map No. 4 and 5.

Advocate Y. Naik submitted that the Order dated 18/03/2016 passed by the Honøble, NGT is strictly to decide based on the complaint of the Appellant and as such requested to stick to the

contents of the complaint only. He stated that the allegations levelled in the complaint by Mr. Kashinath Shetye against the Respondent, Mr. Aditya Puri are false and devoid of factual veracity and are antithetic to ground reality. He stated that as alleged by the Complainant that the Respondent has carried out construction of new Bungalow is false and earlier there existed a structure / house in the said property and the same is being rebuilt / reconstructed in to a Bungalow. Further as far as the permissions for the said reconstruction of bungalow is concerned, the Respondent has obtained all the necessary permissions including that of the GCZMA for reconstruction in his property. He further highlighted on the necessary permissions obtained by the Respondent which includes a) Permission dated 04/03/2008 issued by the GCZMA for modification / reconstruction in Chalta Nos. 5,6,7,27,28,28-A, 28-B, 30 & 42 of P.T.S. No. 2 of Panaji City Tiswadi Taluka, b) Approval / permission dated 11/11/2008 of the Town & Country Planning Department, c) Permission dated 18/12/2008 for construction of single Family dwelling in the said property from the North Goa Planning & Development Authority, d) NOC issued by Health Officer of Panaji and e) NOC issued by Public Works Department, f) Construction license issued by the Corporation of City of Panaji and g) Occupancy Certificate issued by the Corporation of City of Panaji in terms of completion certificate issued by the NGPDA.

He further relied upon the site inspection report dated 27/11/2015 of the erstwhile GCZMA wherein the report stated that the Respondent possessed all the relevant and mandatory permissions stipulated in that regard and the same was communicated by the erstwhile GCZMA to the Complainant vide letter dated 14/12/2015 which was then challenged by the Complainant before the Honøble NGT, Pune.

He also stated that the Respondent is the bonafide and lawful owner of land in the property öFonduvemö admeasuring 240 sq. m along with the house thereon at Ribandar, Tiswadi ó Goa which is registered in the Office of Ilhas under No. 3415 of Book ó 9 New and also registered in Taluka Revenue Office under No. 145 within the Corporation of City of Panaji and which plot of land surveyed under Chalta Nos. 6 & 7 of P.T.S. No. 2 of City Survey Panaji vide duly executed and registered Deed of Sale dated 22/08/2007.

He further invited the attention of the Committee that although the permission issued by the GCZMA includes Chalta No. 27 of P.T.S No. 2, Panaji, the Respondent has confined and limited his construction strictly within the limits of his property i.e. property bearing Chalta No. 6 & 7 of P.T.S No. 2 and he is only in possession of the property bearing Chalta No. 6 & 7 of P.T.S No. 2, Panaji and as such no encroachment has been carried out by the Respondent upon Government property as alleged by the Complainants. Further, as far as the compound wall is concerned, he stated that the Respondent has maintained the old compound wall with natural laterite stones.

He further stated that as far as the allegations made by the Complainants with regard to violation of CRZ norms by conducting illegal construction in CRZ ó III area is concerned, the permissions of the Respondent itself reveals that the said permissions have been granted by the Authorities in respect of area classified and covered under CRZ ó II norms and as such the issue sought to be raised by the Complainant does not arise. So also, all the allegations levelled by the Complainant with reference to the purchase of the property by the Respondent by violating the statutory norms

are a blatant misinterpretation of facts. He finally concluded stating that the Respondent has abide by all the permissions granted to him and the said permissions has not been set aside by any Courts of law.

The Committee heard the parties at length.

The Committee noted that the permission has been granted to Mr. Eric Sequeira for proposed modification in Chalta Nos. 5,6,7,27,28,28-A, 28-B, 30 & 42 of P.T.S. No. 2 of Panaji City Tiswadi Taluka and there is no evidence produced by the Respondent regarding the flow of right of the aforementioned permissions to the Respondent from the predecessor.

Decision: The Committee after detailed discussion and due deliberation and on considering the oral as well the written submissions made by both the parties decided:

- 1) To verify / check the Directorate of Survey & Land Records (DSLRL) records and maps of above survey / Chalta numbers and check it with current records about location of the property under question and to prepare a superimposed DSLRL plan on Satellite imagery for referencing purpose.
- 2) Further, the Committee also directed the Respondent, Mr. Aditya Puri to submit a declaration / statement regarding the flow of right from Mr. Eric Sequeira to present occupier in the light of CRZ Notification and other applicable laws.
- 3) The Committee further granted 4 weeks time to Mr. Aditya Puri to provide all the necessary details / information in support of his case which includes the flow of right to the present occupier in light of CRZ Notification and to hear the parties thereafter.

Case No. 2.5:

To Comply with the Order dated 18/03/2016 of the Hon'ble National Green Tribunal at Pune in Appeal No. 06/2016 filed by Mr. Kashinath Shetye V/s. Madan Narayan Sawant & ors with regard to the alleged illegal construction of a Bungalow / commercial establishment by cutting mangroves located in the property bearing Chalta No. 10 and 11 of P.T.Sheet No. 12 at Ribandar, Tiswadi – Goa.

Brief Summary:

- Complaint received from Mr. Kashinath Shetye & Dr. Ketan Govekar with regard to alleged illegal construction of a structure / Bungalow / commercial establishment by cutting mangroves located in the property bearing Chalta No. 10 and 11 of P.T.Sheet No. 12 at Ribandar, Tiswadi ó Goa.
- Accordingly, a Show Cause Notice was issued to Mr. Madan Narayan Sawant which was replied to alongwith relevant documents in support of his case.
- Further, the site under reference was also inspected by the Technical Officer of GCZMA alongwith the junior Scientific Assistant of GCZMA.
- Based on the reply as well as the site inspection report it was noted that the construction of bungalow has been done after obtaining requisite permissions from the concerned

authorities and that there is no violation of the permission issued by the GCZMA and that there is no evidence of cutting of mangroves seen at the site.

- Accordingly, in view of the above, a letter was issued to Mr. Kashinath Shetye informing that no action is warranted in the matter and as such cannot proceed ahead with the complaint filed by him.
- However, the said Order / letter was challenged before the Honøble NGT, Pune vide Appeal bearing No. 06/2016 by Mr. Kashinath Shetye & Ors. The said Appeal bearing No. 06/2016 was disposed of by the Honøble NGT at Pune vide Order dated 18/03/2016 thereby quashing and setting aside the Order dated 15/12/2015 issued by the GCZMA and remanded the matter back to the GCZMA with a direction to hear the concerned parties and take decision in the matter in accordance with law within a period of four months.
- The matter was placed in the 132nd GCZMA meeting held on 06/07/2016 wherein the Authority after detailed discussion and due deliberation decided to conduct re-inspection of the site under reference through its Expert Member of the GCZMA.
- Accordingly, site inspection was conducted by Shri. Ragunath Dhume and Dr. Antonio Mascarenhas on 15/07/2016. The site inspection report submitted by Dr. Antonio Mascarenhas is as follows:
 - The property belongs to M Sawant who has built a G+1 residential house in the plot.
 - The property is located on the bank of Chimbel tidal creek, on the river side of the existing road; the house lies about 10-12 metres from the bank (HTL).
 - The creek bank is marked by a concrete retaining wall apparently built by WRD some years ago; the need for such a thick and high concrete wall is not known; some scattered mangroves are noticed.
 - The owner has obtained approvals from the erstwhile GCZMA based on which the house has been constructed. However, the area is classified by GCZMA as CRZ II whereas the CZMP 1996 for Goa has classified this area (Ribandar) as CRZ III.

The said matter was placed in the 133rd GCZMA meeting held on 20/07/2016 wherein the Authority after detailed discussion and due deliberation and upon considering the site inspection report dated 15/07/2016 and also on considering the aforementioned observations wherein there are alleged discrepancies in the categorization of the CRZ areas and as such the Authority decided to grant the concerned parties an opportunity to personal hearing on the issues before the Authority in its next meeting and only then to arrive at a decision.

In view of the above, the matter was placed for grant of personal hearing to the concerned parties.

Mr. Kashinath Jairam Shetye was present in person. Mr. Madan Sawant was present alongwith his Advocate Jitendra Supekar.

Mr. Kashinath Jairam Shetye filed his written submissions.

Mr. Kashinath J. Shetye denied the contents of the reply filed by the Respondent. He stated that the NOC issued by the GCZMA was conditional with directions to the NGPDA wherein the project was approved from CRZ angle with a recommendation that the project proponent should maintain maximum setback and this should be ensured while approving the plan. However, the structure is not ensured nor the plan was approved by the GCZMA and based on this fact the NOC should be withdrawn and the setback should be maintained forthwith. He further stated that permissible coverage is 251.20 sq.m total built up area is 207.29 sq. m but in actual coverage is 334.54 sq.m Stilt parking is covered for rooms to stay. The walls of the Stilt parking are built without obtaining necessary approvals and are used for residential as well as commercial purpose as carpentry workshop.

He further stated that amalgamation of plot of Chalta No. 10 and 11 in P.T.S. No. 12 is illegal as per the Judgment of Suresh estates all the boundaries are freezed as per CRZ Notification, 19/02/1991. The Building / Bungalow has been built after the amalgamation on the Seaward side and there is no road between the building and the creek and no set back is left and the bungalow is in setback area of River Mandovi and no setback has been shown on the plan. The Google images of 2004 and 2015 shows there is existence of the mangroves in that area and the building is in NDZ Setback area. He also stated that the mangroves have been cut.

He further stated that based on the CZMP 1996 Ribandar area falls under CRZ ó III zone and incase of existence of mangroves it falls under CRZ ó I Zone and as per the letter issued by the MoEF dated 03/12/2001 to the Chief Secretary, Govt. of Goa with regard to proposal for reclassification of CRZ stretches of Goa wherein it was proposed for reclassification of the entire stretch of land at Ribandar (within Panjim Municipality limits along the Mandovi River) ó Map No. 4 and 5. He further relied on the Judgment passed in the matter of Carlos Noronha in W.P. No. 519 of 2007 with M.C.A. No. 617/09 with Writ Petitions No. 420 & 474 of 2007. He also pointed out the Page No. 54 of the RSI Report on identification and delineation of structures / dwelling units along rivers, creeks and estuaries upto the tidal point experienced towards land which reveals that at prior to 1991, there existed 29 structures in that area i.e. Chimbél Village and after 1991, 15 new structures were observed.

Adv. Jitendra Supekar stated that as far as the letter dated 03/12/2001 issued by the MoEF to the Chief Secretary, Govt. of Goa regarding reclassification of CRZ stretches of Goa wherein it was proposed for reclassification of the entire stretch of land at Ribandar (within Panjim Municipality limits along the Mandovi River) ó Map No. 4 and 5 is concerned there was another letter issued by the MoEF dated 05/01/2012 wherein modifications to the Order dated 03/12/2001 were issued in which the areas to be reclassified as CRZ óIII are included and there is no mention of the stretch of land at Ribandar (within Panjim Municipality limits along the Mandovi River) ó Map No. 4 and 5 and as such the contention of the complainant that Ribandar is being classified as CRZ ó III cannot be taken in to consideration.

Further, as far as the cutting of mangroves is concerned, there is no mangrove cutting carried out by the Respondent and the same was also in question with respect to the retaining wall build by the WRD.

Shri. Ragnath Dhume who inspected the said site in question stated that it is not known at which point of time the mangroves are being cut and who exactly has carried out such activity.

The Committee heard the parties at length.

The Committee noted that the permission has been granted by the GCZMA to Mr. Madan Sawant however, the plans have not been approved by the GCZMA and it is not known that whether the adequate setback as required under the CRZ Notification and other applicable laws has been left by the project proponent. Also, it is to be verified whether the NGPDA approval is in violation of CRZ or not.

Decision: The Committee after detailed discussion and due deliberation and on considering the oral as well the written submissions made by both the parties decided:

- 1) To direct an Expert Member to examine the plan as approved by the NGPDA in the instant matter in the light of provisions of CRZ Notification as applicable at the time of approval of plan.
- 2) Further, the in site condition should be checked in the light of the above.
- 3) The Respondent is directed to provide a copy of approved plan alongwith original for matching the same.
- 4) The representative from NGPDA with said approved plan should also be called for inspection in presence of both the parties.
- 5) The Committee further granted 4 weeks time to Mr. Madan Sawant to provide all the necessary details / information which includes the plan approved by the NGPDA in light of CRZ Notification and to hear the parties thereafter.

Case No. 2.6:

To Comply with the Judgement dated 04/08/2016 of the Hon'ble National Green Tribunal at Pune in Application No. 24/2016 filed by Mrs. Suhasini Govekar challenging the alleged illegal construction of shops, compound wall and a hotel (G+1) in the name and style of "Colours" carried out by Mr. Domnic Almeida and Mrs. Synthia Almeida alias Christilia Almeida in the property bearing Sy. No. 72/37 of Village Anjuna, Bardez – Goa.

Brief Summary:

- Complaint letter dated 02/09/2015 was received from Mrs. Suhasini Govekar and Mrs. Sheetal Dabolkar with regard to the alleged illegal construction of shops, compound wall and a hotel (G + 1) by name style "Colours" within 200 m from the HTL and without any prior permissions from the concerned authorities being carried out in the property bearing Sy. No. 72/37 at Anjuna Village, Bardez ó Goa by Mr. Domnic Almeida and Mrs. Cynthia Almeida D'Souza alias Mrs. Christillia Almeida both R/o. H. No. 172 G (1) / 2, Alto Duler Mapusa, Bardez - Goa.

- Upon receipt of the said complaint, the Office of the GCZMA had issued a Show Cause Notice cum Stop Work Order bearing No. GCZMA/ILLE- COMPL/15-16/83/1510 dated 09/09/2015 to the alleged violators and had also forwarded the said complaint to the Deputy Collector & S.D.O, Bardez and the Village Panchayat of Anjuna ó Caisua for necessary action and report.
- Also, the Office of the GCZMA was in receipt of a letter dated 14/10/2015 from the O/o. Deputy Collector & S.D.O, Mapusa forwarding the inquiry report of the Mamlatdar of Bardez, Goa.
- Further, the Office was in receipt of reply dated 30/10/2015 from Mr. Domnic Almeida and Mrs. Cynthia Almeida in respect of the Show Cause Notice cum Stop Work Order issued to them wherein it was stated as follows:

1) They have not carried out any illegal construction or development in contravention of the provisions of CRZ Notification 2011 or the Environment (Protection) Act, 1986.

2) The said matter was earlier a subject matter of demolition Order that came to be issued by the Village Panchayat of Anjuna, Caisua in terms of general directions issued by the Honøble High Court of Judiature at Mumbai, Panaji ó Goa in W.P. No. 150 / 1998 and suo moto W.P. No. 2/2006.

3) Further, they filed an appeal before the Director of Panchayats I, in Appeal No. 26/2009 wherein the Addl. Director of Panchayats ó I by Judgement and Order dated 11/03/2010 was pleased to allow the appeal and set aside the demolition Order and remanded the matter back to conduct a detailed enquiry in the matter to ascertain the legality of the construction of the structure carried out in Sy. No. 72/37, Anjuna.

4) Accordingly, the Village Panchayat of Anjuna, Caisua constituted committee for conducting said enquiry which included conducting of site inspection, perusing of documents on record wherein it was resolved unanimously to close the proceedings in view of the fact that the documents established and confirmed that the residential house cum shop existed prior to coming in force of the CRZ Notification as the same is confirmed from the copy of the cadastral survey, copy of the certificate bearing No. VP/ANJ-CAI/1168/09-10 dated 22/04/2009 issued by the Village Panchayat of Anjuna ó Caisua stating that H. No. 765 stands in name of Mr. Pedro Almeida from the year 1983-84, copy of challan dated 04/10/1995 and 03/12/1986 of Director of Tourism, Panaji, NOC regards to registration of Paying Guest under the Tourism Trade Act.

5) The resolution passed on 15/10/2010 by the Village Panchayat of Anjuna having not been called in question nor the report of the enquiry committed being challenged, there is a clear presumption that the structure has been in existence prior to coming in force of CRZ Notification.

- Further, in this regard, a letter dated 06/11/2015 was issued to the complainants seeking for their comments with respect to the reply filed by the alleged violators.

- Subsequently, the Complainant, Mrs. Suhasini Govekar filed comments dated 17/11/2015 in response to the aforementioned reply filed by the alleged violators so also, the Complainant filed additional comments dated 04/02/2016 in this regard.
- Further, the Deputy Collector & S.D.O, Bardez vide letter dated 27/04/2016 was directed to take immediate action in the matter and submit report accordingly.
- A report bearing No. DC/MAP/CRZ/32/2015/3551 dated 29/06/2016 was submitted to this Office by the Deputy Collector & S.D.O, Bardez wherein it is concluded that the structure in question has been in existence prior to coming in force of the CRZ Notification and to withdraw the Show Cause Notice or in the alternative dismiss the complaint for lack of material to substantiate the allegations contained therein.
- Also, the said site under reference was inspected by the then Expert member wherein it is stated that the documents produced by the alleged violator does not pertain to the alleged construction under reference and hence the existence of the structure prior to CRZ Notification, 1991 is not known.
- It is pertinent to note that an Application bearing No. 24/2016 was filed before the Honøble NGT, Pune by Mrs. Suhasini Govekar thereby challenging the alleged illegal construction of shops, compound wall and a hotel (G+1) in the name and style as 'Colours' carried out by Mr. Domnic Almeida and Mrs. Synthia Almeida alias Christilia Almeida in the property bearing Sy. No. 72/37 of Village Anjuna, Bardez ó Goa.
- The Honøble NGT, Pune vide Judgment dated 04/08/2016 has been pleased to state that even if the GCZMA by expiry of the period of time has lost its existence, the State Environment Department is the statutory authority who has ultimate control for enforcement of the statutory provisions in the matter relating to CRZ regulations and fixed 19/08/2016 as a date on which Environment Department must proceed with enquiry after giving opportunity to both the parties.

In view of the above, the matter was placed for grant of personal hearing to the concerned parties.

Mrs. Suhasini Govekar was present in person. Advocate Sitaram B. Parab was present on behalf of Mr. Domnic Almeida and Mrs. Cynthia Almeida.

The Complainant, Mrs. Suhasini Govekar relied on the contents of her complaint that it is an illegal G+1 structure.

The Advocate for the Respondent sought for adjournment in the matter.

Decision: The Committee after detailed discussion and due deliberation and on considering the plea of the Advocate for Respondent decided to grant adjournment in the matter in the interest of justice and informed both the parties to remain present for personal hearing in the next meeting of the Committee to be held on 30/08/2016 at 3:00 p.m. onwards in the Conference Room of Chief Electoral Officer, Altinho ó Goa.

Case No. : 2.7:

To Comply with the Judgement dated 05/07/2016 of the Hon'ble High Court of Bombay at Goa in Writ Petition No. 597/2016 filed by Mr. John Pires challenging the Order / directions bearing no. GCZMA/NGT/12-13/04/248 dated 06/05/2016 issued by GCZMA to demolish the illegal construction of structures located in the property bearing Sy. No. 150/3-A (part) and 150/1-B of Village Candolim, Bardez-Goa.

1. An Order of demolition / directions bearing no. GCZMA/NGT/12-13/04/248 dated 06/05/2016 was issued by the erstwhile GCZMA to Mr. John Francisco Pires with a direction to demolish part of the illegal construction of ground floor and the first floor of Antonio's Guest House and the compound wall running of 75.3 mtrs. located in the property bearing Sy. No. 150/3-A (part) and the entire first floor of the structure where Antonio Guest House is existing located in the Sy. No. 150/1-B of Village Candolim, Bardez-Goa, the passage from the first floor of building of Antonio Guest House in Sy. No. 150/1-B to the first floor of the building of Antonio Guest House in Sy. No. 150/3-A of Candolim Village as indicated in the enclosed report of the Inquiry Committee of GCZMA within 30 day from the date of receipt of the Order and submit a compliance report to that effect alongwith the photograph within 7 days of expiry period of 30 days time period.
2. However, the said Order of Demolition /directions dated 06/05/2016 issued by GCZMA were challenged by Mr. John Francisco Pires before the Hon'ble High Court of Bombay at Goa vide W.P. No. 597/2016 on the ground of violation of the principles of natural justice and various other grounds..
3. The said W.P. No. 597/2016 has now been disposed of by the Hon'ble High Court of Bombay at Goa vide Judgement dated 05/07/2016 thereby setting aside the impugned order of demolition issued by GCZMA with a further direction to GCZMA to hear the concerned and decide the matter afresh.

In view of the directions of the Hon'ble High Court of Bombay at Goa, the matter was placed before the Committee inorder to grant personal hearing to the parties and take decision in the matter.

Mr. John Pires was present alongwith his Advocate Pankaj Vernekar. Mrs. Betty Alvares remained absent.

Advocate Pankaj Vernekar stated that the Inquiry Committee of the GCZMA had inspected the aforementioned site in question and submitted its report. Upon perusal of the said inspection report it was noted that the Inquiry Committee of the GCZMA had inspected a structure located in Sy. No. 150/3-B, Candolim which does not belong to the Respondent and the same belongs to his brother and as such the requested for proper verification of the structure under reference.

Decision: The Committee after detailed discussion and due deliberation and upon perusal of the report of the Inquiry Committee of the GCZMA and considering the request made by the Advocate for the Respondent decided to conduct a fresh inspection of the structure under

reference situated in Sy. No. 150/3-A, 150/1-B, Candolim through the Expert Member so as to ascertain the facts and also to verify the documents and to hear the parties thereafter.

Case No. 2.8:

To discuss and decide on the Complaint dated 01/06/2016 received from Mr. Rajeev Lad requesting to demolish illegal shacks and structures built to carry out business in the property bearing Sy. No. 185/21, Morjim Village, Pernem – Goa.

1. A complaint dated 01/06/2016 has been received from Mr. Rajeev Lad in continuation to his earlier complaint / objections dated 10/12/2015 with regard to construction / erection of illegal shacks and structures built to carry out business by some unknown people in the property bearing Sy. No. 185/21, Morjim Village, Pernem ó Goa.
2. Upon perusal of the office record, it is seen that there no permission has been granted / issued for erection of shacks / temporary structures in the property bearing Sy. No. 185/21, Morjim Village, Pernem ó Goa.
3. The said complaint letter was placed before the Authority in its 133rd GCZMA meeting held on 20/07/2016 for discussion as to the further course of action to be taken in the matter wherein the Authority noted that no permission has been granted / issued for erection of shacks / temporary structures in the property bearing Sy. No. 185/21, Morjim Village, Pernem ó Goa.
4. After detailed discussion and due deliberation and in view of the above, the Authority decided to issue Show Cause Notice to the alleged Violator in respect of the erection of illegal shacks and structures standing in the property bearing Sy. No. 185/21, Morjim with a direction to file reply within 7 days time period alongwith relevant documents. The Authority further decided that incase no reply is received within the prescribed time limit to issue an Order of demolition under Section 5 of the Environment (Protection) Act, 1986, read with other enabling provisions to the said shacks / structures erected in the property bearing Sy. No. 185/21, Morjim. The Authority also noted that as the complaint is filed against unknown persons, the Show Cause Notice and / or Order of demolition to be served on the violator through the Village Panchayat by affixation of the notice / Order on the structure.
5. In view of the aforementioned decision, a Show Cause Notice bearing No. GCZMA/N/ILLE-COMPL/16-17/44/942 dated 21/07/2016 was issued to an Unknown person, Sy. No. 185/21, Morjim, Pernem ó Goa with a direction to file reply on or before 02/08/2016 thereby explaining why Order of demolition of said structure should not be issued. Also, copy of the said Show cause Notice was forwarded to the Deputy Collector & S.D.O, Pernem and the Secretary, Village Panchayat of Morjim with a direction enforce the service of the notice upon the alleged violator and incase the alleged violator is not found and /or not located, service shall be effected by affixing the Notice on the structures by way of substitute service as per the provisions of Order 5 Rule 17of CPC and to report the compliance to the GCZMA.

6. A letter dated 29/07/2016 was received from the Village Panchayat of Morjim enclosing the copy of Panchanama held during the service of the notice wherein it is stated that the party was not available hence the said Notice dated 21/07/2016 is pasted on the structure.
7. It is noted that till date there has been no reply filed by any person in this regard.

In this regard, the matter was placed for further course of action in the matter.

Decision: The Committee noted that as decided in the 133rd GCZMA meeting a Show Cause Notice was issued to the alleged Violator in respect of the erection of illegal shacks and structures standing in the property bearing Sy. No. 185/21, Morjim with a direction to file reply within 7 days time period alongwith relevant documents and the said notice was pasted on the structure in question by the Village Panchayat of Morjim. However, it was noted that no reply has been received in this regard and as such after detailed discussion and due deliberation and in view of the above decided to issue Order of demolition under Section 5 of the Environment (Protection) Act, 1986, read with other enabling provisions to the said shacks / structures erected in the property bearing Sy. No. 185/21, Morjim. The Committee also noted that as the complaint is filed against unknown persons, Order of demolition to be served on the violator through the Village Panchayat by affixation of the notice / Order on the structure.

Item No. 3:

Any other Item with permission of the Chair.

Sd/-

(Vikas S. Naik Gaunekar)
Director, Environment Department & Ex- Officio
Joint Secretary to Government
