

Item No.2

(Pune Bench)

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

(By Video Conferencing)

Appeal No. 01/2023 (WZ)
I.A. No. 11/2023(WZ)

Hevona Fernandes

.....Appellant

Versus

GCZMA & Ors.

....Respondent(s)

Date of hearing: 16.01.2023

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

Appellant : Mrs. Fawia Mesquita, Advocate

ORDER

1. From the side of Appellant, learned Counsel Mrs. Fawia Mesquita has appeared.

2. In the present appeal, the prayer is made to set aside the read with Order/direction dated 18.11.2022 read with Corrigendum dated 05.12.2022 passed by the Respondent No. 1/GCZMA directing demolition of the structure/house situated at Survey No. 118/8 of Agonda Village, Canacona, Goa.

3. The learned Counsel for the Appellant states that this order has been passed mechanically without application of mind against the principles of Administrative and Quashi-Judicial Jurisdiction vested in the authority.

4. During argument, it transpired that the House No. 371/A which is situated at Survey No. 118/8 stated above, is the structure which has been ordered to be demolished, of which the Appellant is claiming to be

Mundkar, based on an application dated 19.06.2006, which is an application moved by the Appellant to the Mamlatdar of Canacona, Goa. The learned Counsel for the Appellant further states that this application has been dropped by the Mamlatdar against which a review has been filed before the appropriate authority but neither the order dropping the proceeding nor the review has been placed before us. Besides that we also tried to know from the learned Counsel for the Appellant as to what were the evidences laid before the authority, on the basis of which it has given finding with respect to the disputed property in question to the effect that the said structures were not constructed prior to 1991. No evidence has been placed before us nor the same appears to have been placed before the GCZMA, but the learned Counsel says that she may be allowed time of 02 days to bring on record that important pieces of evidence so as to convince us that this matter deserves to be admitted and that the impugned order suffers from infirmity. We allow the said time period.

5. As prayed, put up this matter for admission on 19.01.2023

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

January 16, 2023
Appeal No. 01/2023 (WZ)
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P.Kr