

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

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

**APPEAL NO.03 OF 2023 (WZ)
I.A. NO.82 OF 2023 (WZ) & I.A. NO.278 OF 2024 (WZ)**

IN THE MATTER OF:

MR. SUHAS SHANKAR PRABHU
son of Mr. Shankar Prabhu,
R/o.H. No.172, Khalehawada,
Arambol, Pernem, Goa.

.....Appellant

Versus

- 1. GOA COASTAL ZONE MANAGEMENT AUTHORITY**
Department of Science, Technology and Environment,
(Government of Goa)
Through the Member Secretary,
Office at 4th Floor, Dempo Towers,
Patto, Panaji, Goa- 403 001.

- 2. DHIRUBAI J. TANDEL,**
R/o. Nani Daman,
Through his Power of Attorney,
Nitin Kudav,
R/o. H. no. 479, Arambol,
Pernem, Goa- 403 524.

.....Respondents

Counsel for the Appellant:

Mr. Shivan Desai, Advocate

Counsel for the Respondents:

Ms. Supriya Dangare, Advocate for R-1/GCZMA
Mr. Abhijit Gosavi, Advocate along-with
Mr. Shivshankar Swaminathan and Ms. Krupa Naik, Advocates for R-2

PRESENT:

Hon'ble Mr. Justice Dinesh Kumar Singh (Judicial Member)
Hon'ble Dr. Vijay Kulkarni (Expert Member)

Reserved on	: 23.04.2025
Pronounced on	: 02.06.2025

JUDGMENT

1. This appeal has been filed by the appellant against the order dated 06.12.2022 passed by Respondent No.1- GCZMA directing the appellant to demolish the structure having an area of 240 square meters. standing in the property bearing Survey No.71/0 of Arambol Village; and the land be restored to its original condition within 30 days from the receipt of this order, on the grounds that the impugned order has been passed by Respondent No.1 in violation of the Principles of Natural Justice, as no opportunity of hearing was given to the appellant to make his submission against the documents extended by the Intervener/ Respondent No.2- Dhirubai J. Tandel before them. The information, which was obtained by him under RTI, based on which Respondent No.1 negated all the documentary evidences extended by the appellant, are annexed by him from page nos. 61 to 66 of the paper book, in order to prove that no opportunity of hearing was given.

2. The next ground set up by the appellant is that Respondent No.2 had moved an intervention application in the 324th meeting of the Authority and the same was fixed for arguments. Considering the same, Respondent No.1- GCZMA has grossly erred in taking up the matter on its merits, immediately after allowing the said intervention application during 326th meeting, rather it would have been expedient that an opportunity of hearing was granted to the appellant to advert to the contentions made by the newly impleaded Respondent No.2. After considering the same, the impugned order has been passed by Respondent No.1 merely on the basis of reply filed by the appellant and also without hearing oral arguments of the appellant.

3. The next ground set up by the appellant is that Respondent No.1 has failed to consider the fact that Appellant has been regularly attending the hearings in respect of the show cause notice and yet Respondent No. 1

decided the matter in his absence during the 326th meeting of Respondent No.1 held on 27/10/2022.

4. Learned counsel for the appellant has also relied on the Judgment dated 19.02.2025 passed by the Hon'ble Supreme Court in *Civil Appeal No.9328 of 2022 (Zon Hotels Pvt. Ltd. vs. Goa Coastal Zone Management Authority & Ors.)*, wherein following was observed:-

“11. On the basis of the aforesaid order, the impugned order dated 09.05.2022 was passed by the first respondent-Authority. The Authority while determining the compensation has neither issued any Show Cause Notice to the appellant herein nor has it given an opportunity of being heard. Therefore, the said determination made by the first respondent-authority is unilateral and in the absence of hearing the appellant herein, we find that the procedure adopted by the first respondent herein was contrary to the settled principles of natural justice. Further, when the said order dated 09.05.2022 was assailed by the appellant before the NGT, the NGT, having found violation of the principles of natural justice, ought to have remanded the matter to the first respondent-authority for re- determination of environmental compensation after giving an opportunity of being heard to the appellant herein. Instead, the NGT took upon itself to determine the correctness or otherwise of the calculation of environmental compensation arrived at by the first respondent-authority on the premise that it was giving an opportunity to the appellant herein.”

5. Based on the above ruling, it is urged by learned counsel for the appellant that it is proved that an opportunity of hearing was not given to the appellant by the GCZMA, and that error cannot be rectified by this Tribunal treating the present appeal to be a continuation of the matter, which was considered by the GCZMA. But we are of the view that we have no quarrel with the above position of law, but for complying with the said law, we have to give our finding as to whether an opportunity of hearing was given to the appellant or not? If the same was given, but the appellant did not avail of it, that would deprive the appellant to get any benefit of this ruling.

6. The next ground set up by the appellant is that the findings in the impugned order are recorded on the basis of the conjunctures. The material documents placed by the appellant have been discarded on the ground of purported non-authenticity of the same, which cannot not be sustained. The Authority has erroneously ignored the documentary evidences placed before it by the appellant and has unilaterally carried out an exercise of trial and has scrutinized the documents issued by the other authorities only to disregard the documents placed by the appellant to arrive at an adverse finding.

7. The next ground set up by the appellant is that the documents, which were placed by the appellant before Respondent No.1, clearly establish the existence of the structures in question prior to the year 1991. But Respondent No.1 proceeded to assume that the same did not exist prior to the year 1991. Respondent no.1 erroneously held that the impugned structures were constructed in violation to the CRZ regulation. It is further mentioned that it is erroneously held by Respondent No.1 that there is doubt in respect to the authenticity of the permission issued by the Village Panchayat of Arambol because of an information sought under RTI from the Village Panchayat of Arambol, purportedly filed by the Respondent No.2, wherein it is stated that, “the House No.250 at Girkarwada is registered in the name of Markin Rodrigues and with regards to the House No.250/1, no such House Number is registered in Panchayat Records”.

8. In regard to the above, it is submitted by learned counsel for the appellant that the House No.250/1 is situated in Khalchawada and not in Girkarwada, which is borne from the documents and thus, the information, which is sought to be relied on by the GCZMA, *prima facie* seems to be erroneous and misconceived. Besides Respondent No.1 has unfairly discarded the Certificate dated 02-02-2017 issued by the Village Panchayat

of Arambol, confirming and certifying that the House No.622 and old House No.250/1 are one and the same, by stating that the Sarpanch has merely given his opinion in respect of both House Numbers being the same as per his knowledge and belief and that the same is not as per the documents maintained in the Panchayat Records. The said finding cannot be sustained in a court of law.

9. The next ground set up by the appellant is that the appellant obtained a Certificate dated 22/12/2022 from the Village Panchayat of Arambol, wherein it has been stated that the House No.250, which is situated in Madhalawada, Arambol, is found in the name of one Shreepad Ganesh Pai and his brother. This Certificate completely flies in the face of the information purportedly relied on by Respondent no.2, wherein it is mentioned “the house no.250 at Girkarwada is registered in the name of Markin Rodrigues and with regards to House No.250/1, no such house number is registered in the Panchayat Records”.

10. The next ground set up by the appellant is that Respondent No.1 has gone beyond its jurisdiction as a CRZ authority for claiming that the authenticity of the permission of the Panchayat is doubtful since the date of permission was 24/12/1989, and that 24/12/1989 had been a Sunday and also a Public Holiday and as such, all the Panchayats would have remained closed. The said finding is erroneous. By rendering such a finding based on hypothesis, Respondent No.1 has assumed the powers of a civil court, when in fact, as a CRZ authority, Respondent no.1 was liable to adjudicate a purported CRZ violation strictly within the confines of the CRZ Regulations, which has not been done.

11. The next ground set up by the appellant is that almost every finding of Respondent No.1 is based on the purported information sought under RTI

from the Village Panchayat of Arambol, which was filed by Respondent No.2, wherein it is stated that, no house number, pertaining to Sy. No.250/1, is registered in the Panchayat Records. In this regard, it is submitted that Respondent No.1 has unfairly discarded and negated the authenticity of virtually every single document placed on record by the appellant by invoking and comparing with the same to the said purported RTI information in respect of the license. Respondent no.2 has erroneously discarded the receipt issued by the Village Panchayat for re-construction fee of Rs.500/- dated 24.12.1988, by holding that since the Appellant had paid the fees one a year prior to the issuance of the permission towards seeking re-construction, there being an ambiguity, the same could not be relied on in determining that the structure existed prior to the year 1991.

12. The next ground set up by the appellant is that the permission dated 24.12.1989, bearing Regd. No.VPA/71/9 and Permit No.9/89-90 issued by the Village Panchayat of Arambol, was for erection/ re-erection of a building already in existence on the said portion of the property bearing Survey No.71/0 of Village Arambol and the same was not a permission for construction of a new structure. Considering the same, the question of simply brushing aside the receipt issued by the Village Panchayat cannot arise.

13. The next ground set up by the appellant is that Respondent No.1 has observed that the signatures of the Secretary of Village Panchayat of Arambol on both the documents i.e. the permission and the receipt, differ. Further, it is mentioned that Respondent No.1 has also erroneously held that there is a mismatch in the estimated cost of construction of the Appellant's structure by observing that in the Register of Construction License maintained by the Village Panchayat of Arambol, it is recorded that in the year 1988-89 for the estimated cost of construction of Rs.18,000, the

Village Panchayat charged a fee of Rs.140/-, while in the present case, the estimated cost of the Appellant's structure was Rs.10,000/- and receipt dated 24.12.1988 issued by the Panchayat is that of an amount of Rs.500/- .

14. The next ground set up by the appellant is that Respondent No.1 has erroneously held that there are major discrepancies between the letter bearing No.3/1/Per-IV/Tech/07-08/2/39, dated 29.10.2007 issued by the Assistant Engineer, Electricity Department, Sub Division IV (O&M), Pernem, Goa and the Electricity Bills dated 05.12.2016 and 05.03.2020. It is further mentioned that Respondent No.1 has incorrectly observed on perusal of the Permission dated 31.3.1990 that there is tampering of the document with regard to the Survey Number, as the same is over written and that the document cannot be taken on record to ascertain that the structure was standing prior to the year 1991. The said tampering cannot be assessed by the CRZ Authority, having limited jurisdiction and powers under the CRZ Notification.

15. The matter was first considered by us on 27.01.2023 and notices were issued to the Respondents.

16. From the side of Respondent No.1- Goa Coastal Zone Management Authority (GCZMA), reply affidavit dated 27.03.2023 has been filed before this Tribunal on 26.08.2023, wherein all the allegations made by the appellant in the present appeal have been denied. It is specifically denied that there is a violation of principle of natural justice because out of the total 9 hearings conducted, on four occasions, appellant had sought time to file reply, which was filed on 27.10.2022. Most importantly on the last two hearings in the proceeding, the appellant chose not to appear before the Authority. This conduct would indicate that the allegations of violation of

the principle of natural justice are nothing but an afterthought on the part of the appellant.

17. It is further mentioned in this affidavit by Respondent No.1 that the subject structures are situated in 'No Development Zone' of CRZ Regulation. In fact, on the Arambol beach, the nature of violations are serious (i.e. permanent constructions in ecologically sensitive NDZ area), which are harmful to the environment and consequently liable to be demolished. The subject construction is permanent construction, which was carried out within the NDZ area and the same was without any kind of approval/permission from the Goa Coastal Zone Management Authority.

18. It is further mentioned in this affidavit by Respondent No.1 that the documents, which were relied on by the Appellant in order to prove that the structure in question existed prior to year 1991, were doubtful documents and the same appear to have been produced in an attempt to mislead the Authority. It is further mentioned that after taking into consideration all the relevant documents, which included the expert member's report dated 09.01.2020, the Authority arrived at the findings impugned herein, which clearly shows that the subject structures were found within NDZ of CRZ area, which were constructed in violation of the CRZ regulations. We find that rest of the contents of this affidavit are nothing but the same facts, which are already narrated in the impugned order. So we are taking here the relevant part from the impugned order itself.

19. In the impugned order dated 06.12.2022 passed by Respondent No.1-GCZMA, following is recorded:-

“

The Authority noted that the Respondent had relied upon the following documents to prove his stand that the Structure in Sy. No 71/0 of Arambol is legal:

1. Permission for reconstruction of (restaurant) shop dated 24/12/1989 bearing Regd No VPA/71/9 and permit no 9/89-90 of the year 1989-90; issued by the Village Panchayat of Arambol
2. Receipt dated 24/12/1988 issued by the Village Panchayat of Arambol in respect of Reconstruction fee
3. Letter bearing No.3/1/Per-IV/Tech/07-08/2/39 dated 29/10/2007 issued by the Assistant Engineer, Electricity Department, Su Division IV (O& M) Pernem Goa
4. Old Electricity Bill dated 12/02/1988 issued by the Electricity Department
5. Recent Electricity Bill dated 05/03/2020 issued by the Electricity Department
6. Occupancy Certificate dated 31/03/1990 issued by the Village Panchayat of Arambol.
7. Certificate dated 02/02/2017 issued by Village Panchayat of Arambol that House no 622 and old house no 250/1 is one and the same.

The Authority perused the documents submitted by the Respondent and noted that:

1. With Regards to the Permission for reconstruction of (restaurant) shop dated 24/12/1989 bearing Regd No VPA/71/9 and permit no 9/89-90 issued by the Village Panchayat of Arambol. The permission was issued to reconstruct the restaurant / shop bearing house no 250/1 at Girkarwada situated in the property bearing Sy No. 71/0. However, the intervener has placed on record an information sought under RTI from the Village Panchayat of Arambol wherein they state that, “ the house no 250 at Girkarwada is registered in the name of Markin Rodrigues and with regards to the House No 250/1 no such house number is registered in Panchayat Records”. The Village Panchayat of Arambol has categorically stated that no such license

/permission dated 24/12/1989 bearing Regd No VPA/71/9 and permit no 9/89-90 as per construction register maintained by them was issued.

From the above documents there is a doubt created in the authenticity of the Permission as infact the issuing Authority i.e Village Panchayat of Arambol, has clearly stated that the permission does not stand registered in their records as such this permission dated 24/12/1989 bearing Regd No VPA/71/9 and permit no 9/89- 90 cannot be taken on record to prove that the structure existed prior to 1991.

The Authority noted that the date the permission issued was on the 24/12/1989, and that the 24th of December 1989 incidentally had been a Sunday and a Public Holiday and as such all the Panchayats remain closed; however, this point also gives rise to a doubt about the authenticity of the document.

2. With regards to the Receipt issued by the Village Panchayat for the reconstruction fee of Rs. 500/- dated 24/12/1988, the Authority noted that the Respondent has paid the Reconstruction fees and obtained a receipt on 24/12/1988. The concerned Village Panchayat of Arambol issued Permission on 24/12/1989. Now it is noted that the Respondent has paid the fees one year prior to the issuance of the Permission towards reconstruction, there being an ambiguity the same cannot be relied upon in determining that the structure in existence was prior to 1991. Moreover, the Signatures of the Secretary of Village Panchayat of Arambol on both the documents i.e the permission and the receipt differ.

The Authority from the document i.e the Register of Construction Licence maintained by the Village Panchayat of Arambol it is record that in the year 1988- 89, for the estimated cost of construction of Rs.18,000 then, the Village Panchayat charged a fee of Rs 140/-, however, in the present case the estimated cost of the Respondent's structure was Rs. 10,000/- and fees/ receipt dated 24/12/1988 issued by the Panchayat is that of an amount of Rs 500/- this again is a mismatch for which the Respondent has furnished no answer. Hence there is a suspicion about the genuiness of the receipt of reconstruction fees dated 24/12/1988 submitted by the Respondent.

3. With regards to the letter bearing No. 3/1/Per-IV/Tech/07-08/2/39 dated 29/10/2007 issued by the Assistant Engineer, Electricity Department, Sub Division IV (O&M) Pernem Goa and the Electricity Bill dated 5/12/16 and 5/3/2020, there seem to be major discrepancies in the same;
 - This letter dated 29/10/2007 does not bear any house number nor does it state to which structure this electric installation is issued for.

- The Authority noted that the meter numbers, consumer number mentioned on all the three documents are different; on bare perusal it is observed that the bills belong to different meters.
- The documents on record also show that the Respondent is a resident of Khalchawada Arambol (Harmal) based on the residence certificate produced by the Respondent. The Respondent in order to hoodwink the Authority has produced the documents of his resident as supporting documents to this illegal structure.
- Further, in view of there being no clarity to the letter dated 29/10/2007 and the bill dated 5/12/16 and 5/3/2020 as to the house number but there is a reference to the ward as Khalchawada Harmal presumption can be raised that this house number was issued for the residence of the Respondent; hence in view of the ambiguity the same cannot be relied upon for considering that the document pertains to the structure in dispute.

The Authority noted that the intervener has produced documents such as tourism licence issued by the Tourism Department standing in the name of Suhas S Prabhu [the Respondent] having obtained a temporary permission for erecting a temporary stall for sale of drinks at Harmal beach right from the year 1988.

4. With regards to the Permission issued by the Village Panchayat of Arambol bearing no VPP/SSP/250-/89-90 dated 31/3/1990 the same is issued to the Respondent for the house bearing no 250/1 situated at Khalchawada Arambol. The Authority Firstly noted that the same Village Panchayat had in their RTI reply stated the house no 250/1 does not form part of their records.

Secondly on perusal of the permission dated 31/3/1990 it is noted that there is tampering of the document with regards to the survey number as the survey number is over written hence the document cannot be taken on record to ascertain that the structure was standing prior to 1991.

Further from the records it is observed that the Respondent has a shack licence issued by the Tourism Department and while obtaining that shack licence/ permission he had sworn an affidavit dated 22/9/2008 stating that the Respondent along with his family had no other source of income and that the temporary shack is their only source of income and further that they are not directly and indirectly engaged in any business, vocation or profession or any service in Government or private. Now claiming that he has a structure and falsely deposing on oath that he has no other source of income amounts to deliberately and willingly lying on oath. The Authority concluded that since the licence dated 31/3/1990 has been tampered with and in view that the Village Panchayats have stated that the house no 250/1 does not exist in the

records of the Panchayat the same cannot be considered or taken on record to establish that the structure was standing prior to 1991.

5. With regards to the Occupancy Certificate bearing Registration no VPA/not legible/89-90 dated 31/3/1990 the same cannot be relied upon as the Village Panchayat have themselves stated that the House bearing no 250 /1 does not stand registered in their records.

6. With regards to "Certificate bearing no VPA/PER/cert/2016-17/1516 dated 02/02/2017 issued by Village Panchayat of Arambol stating that House no 622 and old house no 250/1 is one and the same" the Sarpanch has clearly stated that "..... old house no 250/1 and New House no 622 is one and the same to the best of my knowledge and belief"; However, it is clear from this certificate dated 2/2/2017 that the Sarpanch has merely given his opinion to both the house numbers being the same as per his knowledge and belief and not as per documents maintained in the Panchayat records. Unfortunately for the Respondent this Certificate dated 2/2/2017 contradicts itself with the RTI application bearing ref no VPA/PER/RTI/2018-19/76 dated 16/11/2018 from the Village Panchayat of Arambol in Sr No 4 wherein to the query "Date of allotment of House No 250/1 – the reply states, "No such House Number is registered in Panchayat records". The Authority has thereby concluded that in view of the discrepancy this document also cannot be relied upon in deciding that the structure is prior to 1991.

The Authority noted that the Respondent has not produced any concrete document to prove that the structure was standing prior to 1991. In view of the above the Authority has concluded that the structure having an area of 240 sq mts standing in Sy No 71/0 as Identified by the Expert Members in their report has to be demolished.

20. The above order itself makes it clear that in all 7 documents, which were relied on by the appellant at the time of hearing before Respondent No.1- GCZMA, were discarded by Respondent No.1 one by one with reasoning given therein as to why they were discarded and pursuant to that, impugned order of demolition has been passed.

21. From the side of Respondent No.2- Dhirubai J. Tandel, reply affidavit dated 13.05.2023 has been filed before this Tribunal, in which in para no.7 thereof in tabular form, the documents, which were relied on by the appellant before the GCZMA, have been dealt with and the reasons are given

therein as to why they were required to be discarded and that it was argued that they were rightly discarded by the reasoning given in the Remarks column. For the sake of convenience, the said table is reproduced herein below:-

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Sr. No.	DOCUMENTS PRODUCED BY THE APPELLANT	REMARKS
1.	Permission for Reconstruction dated 24.12.1989 bearing Registration No. VPA/71/9	• The Village Panchayat of Arambol in its response under RTI has clearly mentioned that no such license has been issued by the Village Panchayat. • As per the documents provided under RTI i.e. certified Copy of the audited Construction License Register maintained by the Village Panchayat for the period from 1984-92, no such construction license is
		reflected and/or mentioned therein. • The Village Panchayat in its RTI reply has clearly stated that no House bearing No.250/1 is registered in Panchayat records. • The permission is purportedly issued on 24.12.1989. The said date happens to be Sunday and a public holiday and the Panchayat Offices are closed on this day.
2.	Receipt issued by the Village Panchayat for the Reconstruction Fees of Rs. 500 dated 24.12.1988	• The reconstruction permission is granted on 24.12.1988 whereas strangely the reconstruction fee was purportedly paid 1 year prior i.e. on 24.12.1988. • Also the amount mentioned as reconstruction fee is at variance from the fee which the Panchayat used to charge at the relevant point in time. • The Village Panchayat in its RTI reply has clearly stated that no House bearing No.250/1 is registered in Panchayat records.

3.	Permission No.10/89-90 bearing Reference No. VPP/SSP/250/89-90 dated 31.03.1990 which is in Reference of House.No.250/1	• Firstly as per the Panchayat records there is no House No. 250/1. • Also the perusal of the permission reveals that there is some kind of tampering in respect of Survey No. mentioned in the permission.
4.	Occupancy Certificate dated 31.03.1990 in respect of House No. 250/1	• As per the Panchayat records the House No. 250/1 does not stand registered in their records.
5.	Letter bearing No. 3/1/PR/IV/TECH/07/108/2/39 dated 29.10.2007 issued by the Electricity Department Pernem-Goa.	• The said letter does not bear House number, nor does it state as to which structure it relates to. • This appears to be the bills relating to the residential house of the Appellant situated at Khalchawada Arambol and the Appellant has attempted to mislead the Authority by producing the same as relatable to subject matter structure.

22. We have heard the arguments of learned counsel for the appellant as well as that of learned counsel for Respondent Nos.1 & 2.

23. The main emphasis has been laid by learned counsel for the appellant on the Show Cause Notice dated 01.11.2022, which is annexed at page nos.67 to 69 of the paper book, wherein details of the property are given in tabular form as below:-

Sr. No.	Name of the Party/alleged violator	Sy. No. Cordinates./ Village	Type of Construction	Distance from HTL
1.	Suhas Prabhu	Sy. Nos. 71/10 Arambol, Pernem, Goa 15°41'15.23 "N and 73°42'12.11"B	Illegal erection of a shack bearing commercial name "Coco Loco" and is located between Acuresta and Hapiness Shacks having an area of 240 sq. mtrs. Illegally constructed the flooring with cement concrete flooring and super structure with laterite masonry and cement and roofing with asbestos sheets on steel trusses	No Development Zone (NDZ)

24. With regard to above property having existed prior to the year 1991, learned counsel for the appellant has submitted that the appellant has produced the documents before the GCZMA, which are annexed from page nos.61 to 66 of the paper book and thereafter he took our attention to these pages one by one.

25. At page no.61 of the paper book, learned counsel for the appellant has pointed out that this is a Permit dated 24.12.1989 issued to the appellant for re-construction of restaurant (shop) bearing No.250/1, situated at the property surveyed under 71/0, known as Milagaris Girkarwada, at the estimated cost of Rs.10,000/-, which was issued in the year 1989-90; page no.62 of the paper book is a Permission dated 31.03.1990 granted to the appellant by the Secretary, Village Panchayat, Arambol, Pernem, Goa for starting the Restaurant and Cold Drink House; and page no.63 of the paper book is a Certificate dated 29.10.2007 issued by the Assistant Engineer, Electricity Department, Sub-Division IV (O & M), Pernem, Goa to the appellant, wherein it was clarified that, the electric connection bearing Consumer No.9G/19-1, situated at Khalchawada Harmal, standing in the name of appellant, has been released on 12.01.1987.

26. Thereafter, learned counsel for the appellant has drawn our attention to page no.64 of the paper book, which is an Occupancy Certificate dated 31.03.1990 issued in favour of the appellant by the Village Panchayat, Pernem, Goa; page no.65 of the paper book is a Certificate dated 02.02.2017 issued by the Sarpanch, Village Panchayat, Arambol, Pernem, Goa, certifying that as per the records maintained by the Panchayat (Demand and Collection register), the house bearing no.622 presently

registered in the name of appellant as noted earlier and further certified that Old No.250/1 and New No.622 is one and the same number; page 66 is a receipt dated 24.12.1989 of an amount of Rs.50/-, which was issued by the Secretary, Village Panchayat, Arambol and the same was paid to the Village Panchayat Arambol, Pernem, Goa by the appellant on account of house tax of the year 1989-90.

27. On the basis of above-mentioned documents, it is submitted by learned counsel for the appellant that it is quite clear that above-mentioned structure belonging to the appellant, which was the only structure existing on the survey number in question, has been erroneously ordered to be demolished, despite the fact that the above-mentioned documents proved *prima facie* that the said structure existed prior to the year 1991, as all these documents are of the date prior the year 1991. Further, it is submitted that all these documents have been negated by Respondent No.1- GCZMA relying on the information obtained by Respondent No.2 under RTI, which we have already reproduced above, while dealing with the reply affidavit of Respondent No.2 and based on that, these documents have been erroneously discarded by Respondent No.1 without giving an opportunity of hearing to the appellant.

28. We have gone through the impugned order very meticulously and found that the appellant had full knowledge about dates fixed before GCZMA and he was appropriately provided an opportunity of hearing on the date when the order was passed, but he did not appear before GCZMA for the reasons best known to him. We also inquired from learned counsel for the appellant at the time of argument as to what was the reason for his abstaining to appear for hearing, he did not give specific reply. Therefore, we apprehend that he might have abstained on the date of hearing before Respondent No.1 only to gain time on this ground that he was a victim of

not being given opportunity of hearing, hence could resort to the defense of principles of natural justice being violated. Therefore, ruling of the Hon'ble Supreme Court, which he is relied on before us, would not be of any benefit to the appellant.

29. In view of above, we are of the firm view that full opportunity of hearing was given to the appellant by Respondent No.1 before passing the impugned order, but he chose not to place his contentions in response to the information received under RTI by Respondent No.2, which went against him. The reasoning of discarding above documents, which has been given by Respondent No.1- GCZMA, is very sound and believable and therefore, the findings given by the GCZMA appear to be logical, well-reasoned and hence do not deserve any interference from our side. Accordingly, we uphold the order dated 06.12.2022 passed by Respondent No.1- GCZMA and dismiss the present appeal.

30. Pending I.A.s, if any, also stand disposed of.

31. No order as to cost.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

June 02, 2025
APPEAL NO.03 OF 2023 (WZ)
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