

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

[Through Physical Hearing (with Hybrid Option)]

ORIGINAL APPLICATION NO.200 OF 2023 (WZ)

Green Space

Applicant

Versus

The State of Goa & Ors.

Respondents

Date of hearing : 06.05.2024

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

Applicant : Mr. Omkar Mestri, Advocate along with Mr. Pravin D'Lima,
President of applicant

ORDER

1. This application has been filed with the prayers that a direction be issued to respondent No.2-Member Secretary, GCZMA, respondent No.3-Member Secretary, Goa State Pollution Control Board (GSPCB), respondent No.4-the Deputy Collector and SDO, Tiswadi Taluka, Panaji-Goa and respondent No.5-the Secretary, Village Panchayat of Siridao-Palem, Siridao, Tiswadi-Goa to carry out site inspection and submit the report of illegal land filling of khazan land as well as illegal construction carried out by respondent Nos.6-Nirdesh Gauns in Survey Nos.59/13, 59/4 and 59/22 of village Siridao, Tiswadi-Goa and a direction may be issued to respondent Nos.2, 4 and 5 to carry out demolition of the illegal construction carried out in the said land.

2. The learned counsel for the applicant submits that the applicant is a Non-Governmental Organization (NGO), which has filed this application through its President Praveen D'Lima seeking above prayers. The learned counsel representing the applicant has drawn our attention to Form I &

XIV, annexed at pages 18 to 22 of the paper-book, wherein the name of Gopal Ondu Gaunso is recorded as owner of the aforesaid survey numbers and respondent No.6 is son of said Gopal Ondu Gaunso. In order to establish prima face that illegal construction has been made on the said pieces of land, the learned counsel has drawn our attention to site inspection conducted by GCZMA on 28.08.2023 regarding which the information was obtained by the applicant under the Right to Information Act, which is annexed at pages 98 to 104 of the paper-book. In it, it is recorded that above mentioned survey numbers fall within khazan land and water body as per CZMP-2011. The structures standing on the aforesaid survey numbers are of permanent nature. The legality of the same was needed to be verified because at the time of inspection, the premises were locked and hence, the same could not be measured.

3. Because of the above reasons, prayer for appointing a Joint Committee to visit the site in question and carry out measurement of the illegal construction is made.

4. Regulation 8 (V) (3) CRZ of Goa (v) of the CRZ Notification, 2011 provides as follows:

“The mangroves along such as khazan land shall be protected and a management plan for the khazan land prepared and no developmental activities shall be permitted in the khazan land.”

5. We find that the construction would be treated as developmental activity only which is laid down to be barred under CRZ Goa , as per the provision mentioned above.

6. Considering the averments made in the application and the provision of CRZ Notification, 2011, stated above, we deem it appropriate to admit this appeal and direct the Registry to issue notice to the respondents, returnable within four weeks.

7. The applicant is directed to provide copies of the Original Application and annexures thereto to the respondents, within a week.

8. The applicant is also directed to take necessary steps for service upon the respondents by both ways and also through available e-mail.
9. We also deem it appropriate to constitute a Joint Committee comprising one member each of respondent No.2-GCZMA and Collector, North Goa, Panjim-Goa, of which the GCZMA shall be nodal agency, with a direction that the Committee, after informing the applicant, shall visit the site in question and submit its report with respect to illegal structures/construction at the site in question within four weeks.
10. The report of the Joint Committee shall be submitted before us by the GCZMA by e-mail at ngt-pune@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.
11. A copy of this order shall be served upon all the members of the Joint Committee by the GCZMA for compliance as above.
12. Put up this matter for further consideration on 09.07.2024.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

May 06, 2024
O.A. NO.200/2023(WZ)
npj