

**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: 08.04.2025

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

Applicant : None present.
Respondents : Mr. Shubham Sinai Priolkar, Advocate for R-1/ State of Goa & R-2/GCZMA
Mr. Manish Salkar, Advocate for R-3/GSPCB
Mr. Kaushik Desai, Dy. Collector & SDO, Panaji, Goa, for R-4
Mr. Terence Sequeira, Advocate for R-6

ORDER

1. None has appeared from the side of applicant despite repeated calls.
2. Initially, the cognizance has been taken on this Original Application by us, when the applicant had appeared in-person before us and had prayed that a direction may be issued to Respondent No.6- Mr. Nirdesh Gauns to carry out the site inspection and to prepare site inspection report of illegal land filling of Khazan land and illegal construction, which is being carried out by the said respondent at Survey Nos.59/13, 59/4 and 59/22, Village: Siridao, Tiswadi, Goa.
3. Thereafter, we had constituted a Joint Committee, which has submitted its report, which is annexed at page nos.105 to 114 of the paper book, wherein following conclusion is drawn:-

“Conclusion

The online Bhunaksha map and computerised online Form I & XIV records of Directorate of Settlement and Land Records, Goa does not depict the existence of any structures depicted in Survey No. 59/1, 59/4, 59/13, 59/22, 63/2 of Siridao village of Tiswadi Taluka. The laterite stone masonry compound wall with metal gate, the diesel generator fixed on permanent plinth with metal sheet roofing fixed on metal framework, the permanent structure on permanent plinth with laterite stone masonry walls with asbestos roofing sheets and partly metal corrugated roofing sheet fixed on metal frame work, the pathway with granite flooring with asbestos roofing sheets fixed on metal pipe framework, the permanent R.C.O structure with two R.C.O staircase's leading to the first floor and the garden comprising of fruit bearing trees, coconut trees and other trees and plants surveyed under Survey No. 59/1(part), 59/4, 59/13 and 59/22 of Siridao village of Tiswadi Taluka falls under Khazan land in CRZ-III and Water body - CRZ IVB as per CZMP 2011.”

4. From the above conclusion, it is apparent that permanent R.C.C. structure was found at the site in question, which fell under Khazan land in CRZ-III and water body in CRZ- IVB as per the CZMP 2011. Therefore, it is incumbent upon Respondent No.2- GCZMA to take appropriate action against the said structures.

5. By our previous order dated 10.02.2025, we had also directed Respondent No.2- GCZMA to file objection/reply to the Joint Committee Report, which has been submitted through email dated 07.04.2025, wherein it is made clear that a portion of the structure houses a temple and that the same requires detailed enquiry to be made. The answering respondent issued a Show Cause Notice to Respondent No.6 in relation to the said structures erected at the site in question and the same would be disposed by following principles of natural justice and in accordance with law. At this stage, learned counsel for Respondent No.2 prays for two months' time to be allowed to conclude the proceeding pending before Respondent No.2. We allow the said time.

6. From the side of Respondent No.3- GSPCB, learned counsel Mr. Manish Salkar has appeared, who submits that he does not want to file reply affidavit in this matter and would rely on the Joint Committee Report.

7. From the side of Respondent No.4- Mr. Kaushik Desai, Dy. Collector & SDO, Panaji, Goa has appeared in-person before us through Video Conferencing, who submits that he may be allowed two weeks' time to file reply affidavit in this matter. We allow him the said time with a direction that a copy of the same be served upon all other parties.

8. From the side of Respondent No.6- Mr. Nirdesh Gauns, learned counsel Mr. Terence Sequeira has appeared before us, who submits that he has not been served a copy of this Original Application along-with annexures and therefore, he could not file reply affidavit in this matter. We direct the Registry of this Tribunal to serve the same upon Respondent No.6 through email within a week and thereafter, Respondent No.6 may file their reply affidavit in this matter within two weeks thereafter and a copy of the same be also served upon all other parties.

9. Put up this matter for further consideration on 09.07.2025.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

April 08, 2025

ORIGINAL APPLICATION NO.200 OF 2023(WZ)

P.Kr