

Item No.3

(Pune Bench)

**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: 11.01.2024

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

Applicant : Mr. Onkar B. Mistry, Advocate

ORDER

1. Today, learned counsel Mr. Onkar B. Mistry has filed his vakalatnama to represent the applicant in place of earlier counsel Mr. Pankaj Yadav, but he has not obtained No Objection from earlier counsel and states that he would obtain it within two weeks and the same would be filed before this Tribunal.

2. By our previous order dated 04.12.2023, we had directed the applicant to produce evidence as to how the land Survey Nos.59/13, 59/4 and 59/22 of village Siridao, Tiswadi, Goa, which is said to be Khazan land by the applicant, pursuant to which today, the information obtained under Right to Information Act has been submitted from the side of the applicant, wherewith site inspection report has also been annexed in respect of the inspection conducted on 28.08.2023. Under the head "Conclusion", it is recorded therein that the land in question i.e. Sy. No.59/4, 59/13, 59/22 falls within Khazan land & water body as per CZMP 2011.

3. The prayer made in the present application is for a direction to be issued to the respondent Authorities (appear to be respondent Nos.1 to 5 which are Govt. officers) to carry out site inspection and prepare site inspection report of illegal land filling of Khazan land and illegal construction carried out by respondent No.6 – Nirdesh Gauns in above survey numbers and a direction be issued to respondent Authorities to carry out demolition of the illegal construction carried out by respondent No.6 in above survey numbers.

4. During argument, the learned counsel for the applicant states that it is respondent No.6, who has made illegal construction in above survey numbers, which form part of the Khazan land in which such construction could not have been done, but we perused the pleadings and asked the learned counsel to indicate as to in which particular paragraph, pleading to that effect has been made, he submits that he may be granted last opportunity to file amendment application. We provide last opportunity to the learned counsel for the applicant to bring appropriate amendment application in the pleadings which would make the case clear.

5. The learned counsel for the applicant will also make it clear that there is no proceeding pending in the Hon'ble High Court either by the present applicant or by respondent No.6, relating to the present property.

6. Put up this matter for next consideration on 15.01.2024.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

January 11, 2024
O.A. NO.200/2023 (WZ)
npj