

**BEFORE THE NATIONAL GREEN TRIBUNAL
(WESTERN ZONE) BENCH, PUNE
APPLICATION NO.4 OF 2015 (WZ)**

CORAM :

**HON'BLE SHRI JUSTICE V.R. KINGAONKAR
(JUDICIAL MEMBER)**

**HON'BLE DR. AJAY A.DESHPANDE
(EXPERT MEMBER)**

IN THE MATTER OF:

CAVELOSSIM VILLAGERS FORUM

A Society registered under the
Societies Act, 1860, bearing Registration
No.196/Goa/2013
H.No.314/LIBR-Plaza,
Patecantem, Cavelossim,
Salcete Goa 403 731
Through its President,
Mr.Iris Passanha
R/o H. No.314/L, Patrecantem,
Cavelossim,
Salcete, Goa.

APPLICANT

VERSUS

1. THE COLLECTOR,
South Goa District,
Margao Goa.

2. THE TOWN PLANNER,

Town and Country Planning Department,
South Goa District office,
Margao, Goa.

3. THE DEPUTY COLLECTOR & SDO,

flying squad,
Margao Goa,

4. GOA COASTAL ZONE MANAGEMENT AUTHORITY,

C/o Department of Science, Technology &
Environment, Government of Goa,
3rd Floor, Dempo Towers,
Patto, Panaji-Goa.

5. MEMBER SECRETARY,

Goa State Biodiversity Board
C/o. Department of Science, Technology
& Environment,
Opp. Saligao Sminary, Saligao,
Bardex, Goa-403511.

6. MR. JOSE GARTH E.L.Do ROSARIO e SOUZA,

Alias Mr. Garth D'Souza
Vaingainim Valley, Dona Paula,
Panaji Goa.

7. GOA STATE POLLUTION CONTROL BOARD,

1ST Floor, Dempo Tower, Patto,
Panajin, Goa.

**8. MINISTRY OF ENVIRONMENT, FOREST & CLIMATE
CHANGE,**

Indira Parivarn Bhavan,
Jor Bagh Road,
New Delhi-11003, India

.....**RESPONDENTS**

Counsel for Applicant(s):

Mr. Iris Passanha.

Counsel for Respondent(s):

Mr. Nikhil D.Pai a/w Fawia M. Mesquita for Respondent Nos1 to 5,7.

Mr. Saurabh Kulkanri a/w Mr. Pramod Bendre Mr. Aprameya, Mr. Pratik Shah for Respondent No.6.

DATE : AUGUST 13th 2015

P.C.

1. The Application is filed under Section 14(1) read with Section 18(1) of the NGT Act, 2010, alleging that construction activities of the Respondent No.6, did cause obstruction in natural flow of water course, which used to go through Peddy fields of Survey Nos.87,88 and 92 and reach to the sea.

2. The Applicant alleged that the lands of Respondent No.6 are within CRZ area and obstruction to the natural flow of water bodies could have caused adverse environmental impact to the adjoining lands, because of the project of construction work, which the Respondent No.6 had undertaken. It was alleged that the Respondent No.6, had taken permission for certain construction work and debris, bricks and mud had been filled in the water drain, which blocked the

natural flow and, therefore, restoration of environment was necessary.

We have heard the Applicant and learned Advocates for the parties.

3. It is stated by learned Advocate Mr. Saurabh Kulkarni that the proposed construction project is presently abandoned by the Respondent No.6. He states that the lands in question are owned by the Respondent No.6. According to him, the Respondent No.6, by any stretch of imagination, cannot dump debris or mud in the natural flow of watercourse, so as to cause damage to his own lands. He, however, is ready and willing to restore environment, because the inspection carried out by GCZMA, has indicated such dumping activity.

4. Learned Advocate for the Respondent No.6, Sh. Saurabh Kulkarni, has filed undertaking under the instructions of Respondent No.6, that amount of Rs.25,000/- will be deposited with the Village Panchayat, Cavelossim, to carry out the work of restoration. The restoration work involves only removal of blockage by shifting of mud, debris and plastic bottles etc. which are dumped in the midst of natural

flow course of the water body. According to the Report of Dr. Antonio Mascarenhas, Expert Member of GCZMA dated 25.07.2014, approximate cost of the work of restoration is Rs.20,000/-to 25,000/-.

5. We deem it proper, therefore, to dispose of the Application by partly allowing the same with direction that the Village Panchayat Cavelossim, shall carry out the restoration work by incurring expenditure, if the amount is so deposited within two (2) weeks by the Respondent No.6. The debris, mud and plastic bottles shall be appropriately disposed of, as per direction of the GCZMA. The GCZMA, shall supervise the work of restoration and disposal of debris/mud/plastic bottles etc. and ensure restoration through Village Panchayat, Cavelossim and if it is not carried out by the Village Panchayat, then it shall be carried out by the GCZMA, itself, within period of four (4) weeks.

The Application is, accordingly, disposed of.

No costs.

....., **JM**
(Justice V. R. Kingaonkar)

....., **EM**
(Dr.Ajay A. Deshpande)

Date: AUGUST 13th, 2015.