

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

M.A. No. 148/2015 (WZ)
IN
Review Application No. 13/2015 (WZ)
AND
Review Application No. 13/2015 (WZ)
Rabindra Dias Vs. Village Panchayat of Colva
IN
Appeal No. 35/2014 (WZ)
(Disposed 2.7.2015)
Rabindra Dias Vs. Village Panchayat of Colva
AND
M.A. No. 149/2015 (WZ)
AND
M.A. No. 244/2015 (WZ)
IN
Review Application No. 14/2015 (WZ)
AND
Review Application No. 14/2015 (WZ)
Mrs. Maria Filomena Vs. GCZMA
IN
Appeal No. 33/2014 (WZ)
(Disposed of 2.7.2015)
Mrs. Maria Filomena Vs. GCZMA

**CORAM: HON'BLE MR JUSTICE V.R. KINGAONKAR, JUDICIAL MEMBER
HON'BLE DR. AJAY A. DESHPANDE, EXPERT MEMBER**

Present: Applicant/Appellant : Mr. David Rao Adv.
Respondent Nos.2 & 5 : Mr. Nda Costa Frias Adv.

Date and Remarks	Orders of the Tribunal
Item No. 3, 4, 5, 6 and 7 2 nd December, 2015 Order No.4	<p>We have heard the learned Advocates for the parties.</p> <p>This Review Application is entertained in view of the order passed by Hon'ble Apex Court in Civil Appeal No.5733-34/2015 on August 3, 2015 (Mrs. Maria Filomena Furtado & Ors. Vs. M/s. Goa Coastal Zone Management Authority & Ors).</p> <p>The text of the order may be reproduced in order to clarify as to how the permission to file appropriate review petition alongwith additional documents, if any, before this Tribunal was granted:</p> <p><i>“3. Accordingly, the Civil Appeals are disposed of as withdrawn with liberty to the appellants to file an appropriate review petition along with additional documents, if any, before the National Green Tribunal (Western Zone), Pune.”</i></p> <p>It appears that the Hon'ble High Court of Bombay at Goa took <i>suo moto</i> action against the occupant of illegal construction when the large numbers of such constructions were found to have sprouted in NDZ CRZ-III (area) where such constructions could not have been done. No permission was taken from the GCZMA. In <i>suo moto</i> Writ</p>

**Item No. 3, 4, 5,
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Petition No.2/2006 Division Bench of High Court of Bombay at Goa directed that survey be taken of all the beaches of Goa by the competent authority, inquiries be made and by following due procedure illegal structures shall be dismantled and demolished.

The issue pertains to severe violation of CRZ Notification 1991/2011 and from the direction issued by the Hon^{ble} High Court of Bombay at Goa it appears that the Appellants are occupant of certain construction within No Development Zone situated at Survey No.12/1 to Survey No.12/5 of village Sernabatim, CRZ-III, Goa. Respondent No.2 Rabindra Dias and Respondent No.3 Santana Afonso had filed Writ Petition No.58 of 2010 before the Hon^{ble} High Court of Bombay at Goa alleging several violations of CRZ Notification, 1991 by the Applicants. It was alleged that the Applicants have carried out large numbers of construction in NDZ area. The construction and the legality thereon was under the scanner of the Hon^{ble} High Court in Writ Petition No.58 of 2010 which came to be disposed off by order dated June 22nd, 2010. High Court directed that the Village Panchayats/competent authority shall re-examine the issue, loco of the construction in question and thereafter, the report be made available to GCZMA which shall complete the proceedings for hearing of the matter and decide the issue on merits.

It may be noted that during the intervening period 133 illegal structures were noticed and identified at Village Panchayat Candolim and other villages. As per above referred direction, the necessary action against those structures are taken, in pursuance to the order passed in PIL(WP) 94 of 2013. It appears that no action was taken by Village Panchayat Candolim and therefore, Writ Petition was filed respondent Nos.2 and 3 i.e. Rabindra Dias and Santana Piedade Afonso and also PIL(WP) No.94/2013.

The issue was framed as to whether the constructions are prior to Notification of 1991 or have been subsequently raised only and carried out in NDZ area. The inquiry of the issue was ultimately framed against the present Applicant and the constructions were found to be illegal being in violation to CRZ Notification, 1991.

It is important to note that the applicants also had filed Writ Petition (Civil) No.814/2015 before the Hon^{ble} Supreme Court in context of stay of the order of Tribunal. The Hon^{ble} Supreme Court disposed off the said Writ Petition by following order dated November 27th, 2015:

%o The writ petition is disposed of as withdrawn with liberty to the petitioners to approach the High Court or the National Green Tribunal by filing appropriate application for appropriate

