

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

M. A. NO. 1098 OF 2013

IN

Appeal No. 106 of 2013

Mrs. Libertina Fernandes Vs. Goa CZMA

CORAM : HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER
HON'BLE DR. D.K. AGRAWAL, EXPERT MEMBER
HON'BLE PROF. (DR.) P.C. MISHRA, EXPERT MEMBER
HON'BLE MR. RANJAN CHATTERJEE, EXPERT

Present: **Applicant:** **Appearance not given**
 Respondents: **None appeared**

Date and Remarks	Orders of the Tribunal
Item No. 2 December 19, 2013	<p>Heard. Perused.</p> <p>Order dated 15th November, 2013 passed by the Goa Coastal Zone Management Authority, Respondent No. 1 herein the copy of which is annexed as Annexure- A to the Application, is subject matter of the challenge of the Application. Our attention is drawn to para 3 of the said Order to contend that the structure in question was constructed prior to February, 1991 - the date from which the CRZ came into force, and no proper opportunity was given to the Appellant to place her case before the Authority. Our attention is also invited to the permission for reconstruction of the house granted by the Village Panchyat Morjim, on 30th September, 1986 at Page no. 126 of the compilation of documents to reveal to us the existence of the structure in question and its reconstruction in the year 1986.</p> <p>Para 3(e) of the Order dated 15th November, 2013 passed by the Respondent No. 1, which records the submission of the Appellant made before the Authority, reads as under:-</p> <p style="text-align: center;"><i>“3(e) That her father was running the restaurant before 1986 and she has constructed structure in 1986-1987 in the name of original owner of land and that structure was completed and occupancy was obtained in the year 1986 that some portion of the structure was in dilapidate condition</i></p>

and to prevent any accident they have demolished them self a part of the structure, four days back and further no construction has taken place”.

It appears that the Appellant had not produced any approved plan of the said structure before the Authority. If one reads the permission granted by the Village Panchayat Morjim there is a reference to a plan sanctity of which was to be maintained by the Appellant while undertaking such reconstruction.

Considering the facts and circumstances of the present case, we are inclined to protect the Appellant so far as structure is concerned. However, we find it necessary that we are enlightened on the matter in issue in relation to the plan of the house referred to in the permission granted by the Village Panchayat Morjim and for that purpose the said plan is placed before us by the Appellant by the next date of hearing. We also feel it that Village Panchayat Morjim is a proper party and for that purpose the Appellant would make Village Panchayat Morjim as party Respondent to the present Appeal.

Liberty is granted to the Appellant to make village Panchayat Morjim as party Respondent No. 2 Necessary amendment be carried out promptly.

Notice be issued to the Respondents as well as newly added Respondent by registered post/acknowledgement due and Dasti as well.

Requisites to be filed within three days from today.

Notice returnable on 21st January, 2014.

Notice on M.A. No. 1098 of 2013 be issued as well.

In the meanwhile, the Appellant shall produce the approved Plan referred to in the permission granted by Village Panchayat Morjim, dated 30th September, 1986.

Parties are directed to the maintain status quo till next date hearing.

Liberty is granted to the Appellant to file documents whichever they feel necessary and relevant to the matter in issue.

.....,JM
(U.D. Salvi)

.....,JM
(M.S. Nambiar)

.....,EM
(Dr. D.K. Agrawal)

.....,EM
(Prof. (Dr.) P.C. Mishra)

.....,EM
(Ranjan Chatterjee)

