

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

APPLICATIN NO. 166/2013

Edith D'Sa & Arshibai V/s Department of Forest Govt of Goa & Ors.

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

**Applicant/ Appellant : Ms Norma Alvares Adv
Supriya Dangare Adv**

Respondent Nos. 1 to 4 : Mrs F.M.Mesquita Adv

Respondent Nos. 5,7 : Ashish Dhakne Adv

Respondent No.6 : Bismark Facho,

Date and Remarks	Orders of the Tribunal
Item No.10 March 21, 2014 Order No.11	<p>We have heard learned Counsel.</p> <p>The affidavit of Pradeep Verekar, Sub-divisional Forest Officer, is filed on behalf of the Respondent No.2. He is Member Secretary of the State Level Expert Committee (SLEC), North Goa division. His affidavit shows that the survey work is conducted to certain extent. Part of work is, however, yet unaccomplished. It is stated that when the Committee visits for inspection, assistance of police personnel is needed in view of resistance and obstruction by the members of locality. His affidavit shows that in view of Lok Sabha elections which are in offing, help of police personnel and other Government Agencies like DSLR may not be available to conduct the survey on account of imposition of Code of Conduct. Hence, extension of time for twenty (20) weeks is sought.</p> <p>The Applicant has filed affidavit which shows that the Residents of Salvador, are causing obstruction in the work of survey at the behest of the Respondent No.5. The affidavit is supported by photocopies of the newspaper reports. At present, we do not think it proper to go into the merits of such averments. For, learned counsel appearing for the Respondent No.5, states that the Respondent No.5, has not, according to the information, indulged in such activities, but if there is such apprehension, then he will instruct her to dissuade herself from doing so in future.</p> <p>We deem it proper to direct the Member Secretary of SLEC that in case of any obstruction by public members or office bearers of village Panchayat, immediately FIR may be lodged with the police and information may be given to this Tribunal about such resistance/obstruction along with copy of FIR.</p>

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We further deem it proper to direct the Expert Committee, to carry out the work and analyse all data with the help of remote sensing and Google imaginary mapping, as may be made available through an authentic Govt. Agency. This work may be carried out during intervening period. The work of actual survey and ground trothing at the site shall be carried out immediately after one (1) week on declaration of results of LS Elections in the area.

So far as identification of private forest areas, which are denoted by natural cover due to cutting of forest trees, or due to any kind of development is concerned, the Committee may segregate such identified area on the maps to be prepared, as per the information available on basis of Google mapping and by using remote sensing devices and on basis of scientific data available, irrespective of the fact that physical evidence of cutting of trees on the spot may not be available on the spot/site. The issue pertaining to declaration of such forest areas will be thereafter considered, when the Application Nos.14/(THC)2013 and 16/(THC)2013, will be taken up for hearing.

The interim directions given to disallow developments in the area under survey, is modified. We direct that the order passed on November 21, 2013, to the extent of such direction, prohibiting the Collector to deal with the Application for conversion of agricultural lands into NA use and keeping them in abeyance, is modified by putting the rider as below:

“Such Applications for conversion of lands to NA use, may be processed by the Collector and may be allowed if the same is legally permissible, as per the norms and if the Thomas Committee gives NOC for the same”

Thomas Committee may grant NOC when it is of the opinion that such lands cannot, in any case, be classified as private forest/s by applying relevant parameters. The request for extension of time is allowed, in view of imposition of Code of Conduct in the area, due to ensuing Lok Sabha elections.

Stand over to 29th May, 2014.

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

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

