

GOA COASTAL ZONE MANAGEMENT AUTHORITY

C/o Department of Science, Technology and Environment (Govt. of Goa)
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Ref. No. GCZMA/N/ILLE-COMPL/20-21/31/1448

Date 29/12/2020

DISCHARGE ORDER

Sub: Order to discharge the show cause notice cum Stop Work Order bearing no. GCZMA/N/ILLE-Compl/20-21/31/214 dated 17/06/2020 issued to Mr Ramakant Subrao Shetye.

Ref: (1) Complaint letter dated 04/10/2019 and forwarded in the office of the GCZMA on the 21/11/2019; from Shri Chandru Naik, r/o Oxel, Siolim, Bardez Goa.

(2) Show Cause Notice bearing no. GCZMA/N/ILLE-Compl/20-21/31/214 dated 17/06/2020 issued to Mr Ramakant Subrao Shetye.

WHEREAS, the Office of the Goa Coastal Zone Management Authority (hereinafter referred as 'the GCZMA' in short) is in receipt of a complaint letter dated 04/10/2019 and forwarded in the office of the GCZMA on the 21/11/2019; from Shri Chandru Naik, r/o Oxel, Siolim, Bardez Goa with regards to CRZ violations by Mr Ramakant Subrao Shetye in survey no 120/1-E of Chapora, Siolim Village with regards to the illegal construction within the 2 mts from river Chapora.

AND WHEREAS, upon receipt of the Complaint, the following alleged illegal construction of a structure, resulting in blatant and serious violation of CRZ Notification 2011 is noticed. The details of the violations are indicated here below:-

Sr No.	Name of the Party/alleged violator	Survey No. / Village	Type of Construction	Distance from HTL
1.	Mr Ramakant Subrao Shetye	Survey No. 120/1-E of Chapora, Siolim Bardez Goa	Illegal construction of a structure	In the NDZ area about 20 mts from HTL.

AND WHEREAS, upon receipt of the Complaint the GCZMA issued a Show Cause Notice bearing No. GCZMA/N/ILLE-COMPL/20-21/31/214 dated 17/06/2020.

AND WHEREAS, the Respondent did file his reply dated, 07/07/2020; 15/07/2020; 19/08/2020 and 10/09/2020, along with the relevant documents, to the Show Cause Notice dated 17/06/2020.

AND WHEREAS, The said matter was placed for the 240th GCZMA Meeting held on 17/12/2020; The proceeding of the 240th Meeting is as follows, "The Complainant remained absent even though served, the report from the Department of Post shows that the Complainant was served on 14/12/2020 with an endorsement "*Item delivered confirmed*". Adv Sanjay K Mageshkar present on behalf of the Respondent. The Adv for the Respondent argued the matter and further submitted that his reply may be considered as his arguments".

AND WHEREAS, The said matter was placed during 240th GCZMA Meeting held on 17/12/2020; The Authority in its 240th Meeting decided that, "the Authority noted that since the Complainant was served and failed to remain present for the hearing, he had nothing to say in the matter. The Authority noted that the alleged violator Mr Ramakant Subrao Shetye, is the owner of the Property bearing Survey no. 120/1-E at Oxel in Siolim, Bardéz Goa. The alleged violator has supported his statement by producing the ownership document of Deed of Rectification dated 26th November 2009. He has also produced the Form I & XIV of the property bearing Survey no. 120/1-E at Oxel in Siolim wherein his name figures in the occupants column.

It was also noted that the alleged violator stated that his property in dispute lies towards the South of the Chapora River at Oxel and is falling much beyond the CRZ Line i.e it is falling outside the NDZ area of Chapora river. In support of his contention he has produced a letter along with the plan from the DSLR bearing no. 19/DSLRL/Resurvey Cell/CRZ-River/42/15/DS016-407 dated 31/05/2016 wherein it is clearly stated that the property bearing Survey no. 120/1-E at Oxel in Siolim falls beyond 100 mts.

Further, the alleged violator stated that the demarcation of NDZ line was done by the DSLR Panaji based on the recommendation of the than Expert Member of GCZMA Mr. Raghunath Dhume, vide letter no. GCZMA/DMN/N/16-17/01/265 dated 09/05/2016. The Authority had noted that the than Expert Member of GCZMA had noted that, "*...infront of property under survey no 120/1-E there exists water body having Survey no.5; water logged area due to failure of bund. DSLR may consider CRZ line of 100 mts from the dilapidated bund*". The Authority noted that the DSLR letter dated 31/05/2016 clearly stated that the property bearing survey no 120/1-E falls beyond 100 mts from the HTL.

The Authority also noted that the alleged violator has stated that the property which falls in the NDZ bearing Survey No.5 which starts from the southern bank of Chapora river and it extends upto the northern boundary of the property bearing Sy No 120/1-E.

The Authority decided that based on the Letter from the DSLR dated 31/05/2016 stating that the property falls beyond 100 mts from HTL i.e the NDZ of Chapora river, and that since the Alleged violator sought all approvals from the TCP and concerned Village Panchayat of Oxel, the Stop Work Order issued stands revoked and the Show Cause Notice stands discharged."

NOW THEREFORE, the GCZMA in exercise of the powers conferred under Section 5 of the Environment (Protection) Act, 1986 (Central Act 29 of 1986) read with sub-rule (3) (a) of Rule 4 of the Environment (Protection) Rules 1986, and read with power vested with the GCZMA vide Order S.O. 3975 (E) dated 31/10/2019 issued by the Ministry of Environment & Forests, Government of India, the GCZMA hereby revoke the issued Stop Work Order and discharges the Show Cause Notice bearing no. **GCZMA/N/ILLE-Comp/20-21/31/214** dated **17/06/2020** issued to **MR RAMAKANT SUBRAO SHETYE**, r/o House No. 9, Sriram Smruti, Sastiwada, Bordem, Bicholim -Goa; as decided and concluded by the authority in its 240th GCZMA meeting held on 17/12/2020 and case is disposed off accordingly.

For and on behalf of the
Goa Coastal Zone Management Authority



(Dasharath M. Redkar)
Member Secretary (GCZMA)

To,

1. ~~MR RAMAKANT SUBRAO SHETYE~~, r/o House No. 9, Sriram Smruti,
Sastiwada, Bordem, Bicholim -Goa.

2. **MR CHANDRU NAIK**, r/o Oxel Siolim, Bardez Goa 403517.

Copy to:

1. **The Sarpanch, Village Panchayat of Oxel**, Bardez Goa..... for information and necessary action.