

*sha***IN THE HIGH COURT OF BOMBAY AT GOA****WRIT PETITION NO. 1088 OF 2026**

1. **YOGESH THAKUR**, son of late Vithal Thakur, age 51 years, businessman, 342/2, Dayanand Bandodkar Marg, Opp. Kala Academy, Campal, Panaji, Goa 403 001.
2. **RANJANA VITHAL THAKUR**, wife of late Vithal Thakur, aged 75 years, 342/2, Dayanand Bandodkar Marg, Opp. Kala Academy, Campal, Panaji, Goa 403 001.
3. **YOGESH THAKUR**, son of late Vithal Thakur, age 51 years, businessman, 342/2, Dayanand Bandodkar Marg, Opp. Kala Academy, Campal, Panaji, Goa 403 001.

... PETITIONER**~ VERSUS ~**

1. **THE STATE OF GOA**, through the Chief Secretary, Secretariat, Porvorim, Goa.
2. **THE PRINCIPAL CHIEF CONSERVATOR OF FOREST**, Government of Goa, office of Van-Bhavan, Altinho, Panaji, Goa.
3. **THE DEPUTY CONSERVATOR OF FOREST-NORTH GOA DIVISION**, Government of Goa, Ponda, Goa.
4. **THE CHIEF TOWN PLANNER**, Town and Country Planning Department, Government of Goa, Panaji, Goa.
5. **DY. TOWN PLANNER**, Town and Country Planning Department, Government of Goa, Panaji, Goa.

... RESPONDENTS

APPEARANCES:

for the Petitioner

*Senior Advocate Mr. S.D. Lotlikar with Mr.
Shivan Desai, Ms. Maria Viegas*

for the Respondents

*Advocate General, Mr. Devidas J. Pangam
with Mr. Shubham Priolkar*

**CORAM : VALMIKI MENEZES &
AMIT S. JAMSANDEKAR, JJ.**

DATED : 14th OCTOBER 2026

ORAL JUDGMENT: (per VALMIKI MENEZES, J.)

1. Heard Mr. Lotlikar, the learned Senior Counsel appearing with Mr. Shivan Desai for the Petitioners and Mr. Pangam, learned Advocate General appearing with Mr. Shubham Priolkar for the Respondents.
2. **Rule.** Mr. Priolkar waives service of notice on behalf of the Respondents. Rule is made returnable forthwith by consent of parties.
3. This Petition is filed under Article 226 of the Constitution of India, which is opposed by the State, challenging the zoning

communication dated 23.01.2026 under Reference No. TPBZ/ZON/21040/PDF/ TCP-2026/793.

4. According to the Petitioners, in the zoning information given, the Deputy Town Planner, Mapusa, Bardez, Goa has erroneously listed the Petitioners' property under Survey No. 90/1-A of village Penha De Franca, Bardez Taluka as private forest overlapped partly with 'No Development Slope'. The challenge in the Petition is restricted to the information in the Zoning Certificate given by the Town Planner to the extent that it certifies that part of the land in question falls in a private forest.
5. We have heard the learned Counsel for the respective parties and perused the Petition. We make reference to certain background facts, which are not in dispute.
6. The Petitioner's land under Survey No. 90/1-A of village Penha de Franca comprising of an area of 8,276 sqm. [out of which, an area of 7,917 sqm.] was not designated as private forest under the

Karapur Committee and Sawant Committee Report (two Committees appointed to identify private forest lands in Goa).

7. The Petitioners had applied for conversion of 7,917 sqm. of land, under Section 32 of the Goa Land Revenue Code, which came to be refused on the premise that 7,917 sqm. of land was now designated as private forest. However, the same was not being considered by the office of the Collector on the ground that the said land did not meet the parameters for being designated as private forest, it was contiguous to the other lands adjoining the said lands which met the requirement of being designated as private forest. On 04.04.2008, the following information was furnished by the Deputy Conservator of Forests:

“The area under Survey No. 90/1A of Penha de France village of Bardez Taluka is not identified as private forest by State Level Expert Committee on private forests (Sawant Committee/Karapurkar Committee). However Survey No.90/1A which is a sub division of Sy. No. 90 of Penha-de-France village of Bardez taluka is surveyed and demarcated as private forests, as it forms contiguous patch of forest with the

adjacently located identified private forests.”

8. Besides, further in reply to the specific question as to whether there was any other State Level Expert Committee besides Sawant and Karapurkar Committee under the direction of the Court/ Government, the categorical information was that there was no such committee. This information given vide communication dated 04.04.2008 was confirmed by the office of the Deputy Conservator of Forests vide letter dated 22.02.2011 sent to the predecessor of the Petitioners. Aggrieved by the inaction on the part of the authorities to consider the Application for conversion, the Petitioners' father was constrained to file Writ Petition No. 534 of 2013 before this Court challenging the non-grant of Conversion Sanad by the Collector.

9. During the pendency of the said Petition, vide order dated 19.11.2013, this Court directed an inspection to be carried out by a responsible officer of the Forest Department of the land to decide the question as to whether the subject land is a part of the

forest area or not. Accordingly, an inspection was carried out and his inspection report along with photographs was placed on record. After considering the said inspection report, this Court held that an area of 7,917 of the property was not a forest area as its TCD was less than 0.4. The relevant portion of the judgment reads as follows:

“6. It can thus be clearly seen from the inspection report that the eastern strip and the middle strip having total area of 7917 square metres is not a part of the forest area as its TCD is less than 0.4. It has been further stated that survey no.90/ 1-A is not identified by Sawant Committee or Karapur Committee. In the light of the report submitted by Dy. Conservator of Forests, we find that there should not be any impediment for respondent nos.2 and 3 in granting no objection for an area of 7917 square metres. We, therefore, find it appropriate by directing respondent nos. 2 and 3 to grant N.O.C., for an area of 7917 square metres in accordance with law.

7. Upon N.O.C., granted by respondent nos. 2 and 3, respondent-no.5 should consider the application of the petitioner in accordance with law. Rule is made absolute in above terms. The petition stands disposed of with no order as to costs.”

10. Since the area of 7,917 sqm. was held not to be a reserved private forest, the Town Planning Department was directed by the aforementioned judgment to grant NOC for conversion of the land and based on the NOC granted by the Town Planning Department, the Additional Collector, North Goa granted the Conversion Sanad under Section 32 of the Land Revenue Code. On a private complaint, the NGT has held in its order dated 07.10.2020 passed in OA No. OA No. 479/2018 that the said land was not a private forest. For easy reference, the findings of the NGT are quoted below:

“6. Accordingly, in light of the order passed by Hon'ble High Court of Bombay the litigation and contest with regard to the Plot Survey No. 90/1-A measuring area 7917 sq. meter has become final. It is admitted fact that no appeal has been filed against the order passed by the Hon'ble High Court of Bombay dated 04.12.2013. The applicant appearing personally has argued that the parameter has been laid down by Hon'ble Supreme Court and if that parameter is examined, the land as mentioned in Plot Survey No. 90/1-A may be covered into the private forest. We are confined to Plot Survey No. 90/1-A and it was examined and are not found to by the forest committee or the committee

constituted by the Tribunal or committee constituted by the State Government as forest and no appeal has been filed against the order dated 04.12.2013 passed by Hon'ble High Court of Bombay, thus, the order passed by, the Court is final and the matter is barred by the order passed by, the Court is final and the matter is barred by the principal of res judicata. Accordingly, this Tribunal cannot intervene in the matter.

7. *So far as cutting of the trees are concerned, the State authorities can proceed in accordance with law and this Tribunal cannot pass any order directing the respondent to do their duty in a particular manner. The matter regarding Plot Survey No. 90/1-A has been finalized by the Hon'ble High Court of Bombay and thus, there is no need to intervene in the matter."*

11. Despite the judgment dated 04.12.2013 of this Court and the order dated 07.10.2020 passed by the NGT, the Conservator of Forests vide impugned communication dated 23.12.2025 addressed to the Deputy Town Planner, while admitting that the Deputy Conservator had issued a NOC for the Conversion Sanad in pursuance to the directions of this Court in Writ Petition No. 543 of 2013 in respect of the subject property proceeded to state

that Survey No. 90 (including Survey No. 90/1-A) had already been demarcated by the demarcation team of the Forest Department and that the said demarcation had been accepted by the NGT vide its order dated 18.08.2020 passed in OA No. 479/2018 and later notified by Government of Goa vide Gazette Notification dated 22.09.2022. Based on the said communication of the Deputy Conservator of Forests, the Town Planning Department issued zoning information to the Petitioners vide communication dated 23.01.2026 stating that the subject property falls in Private forest, overlapped partly with no development slope.

12. Considering the specific findings given by this Court in its judgment dated 04.12.2013 to the effect that 7,917 sqm. out of total area of 8,276 sqm. in Survey No. 90/1-A could not be designated as private forest, consequent to which the Conversion Sanad was granted to the Petitioners, the impugned communication of the Deputy Conservator of Forests dated 23.12.2025 and the Zoning Certificate issued by the Deputy Town

Planner on the basis of the communication dated 23.01.2026 to the extent it designates the entire land to be partly a private forest, obviously, is erroneous and based on incorrect information.

13. We, therefore, quash and set aside the impugned communication dated 23.12.2025 of the Deputy Conservator of Forests and the zoning information of the Deputy Town Planner vide communication dated 23.01.2026 to the extent it states that the land under Survey No. 90/1-A of village Penha De Franca to be a private forest, overlapped partly with no development slope.

14. Consequently, the Conservator of Forests shall issue a corrigendum to the Gazette Notification stating that the Gazette Notification dated 13.09.2022 stands corrected to the extent that the Petitioners' property under Survey No. 90/1-A of village Penha de Franca admeasuring 8,276 sqm. out of which 7,917 sqm. was designated as private forest shall stand deleted from the notification and shall no more be designated as private forest; the Conservator of Forests shall issue a corrigendum on or before 30th

October 2026 and the notification correcting the Gazette Notification dated 13.09.2022 referred above shall be duly published in the official Gazette and a copy of the same shall be sent to the Chief Town Planner and the Deputy Town Planner, Mapusa.

15. Thereafter, within a period of two weeks from the receipt of the communication, the Chief Town Planner and the Deputy Town Planner, Mapusa shall issue a fresh Zoning Certificate to the Petitioners stating that the land of the Petitioners admeasuring 7,917 sqm. under Survey No. 90/1-A of village Penha de Franca is not a private forest.

16. Rule is made absolute in the aforesaid terms. The Petition stands disposed of.

[AMIT S. JAMSANDEKAR, J.]

[VALMIKI MENEZES, J.]