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IN THE HIGH COURT OF BOMBAY AT GOA**PUBLIC INTEREST LITIGATION WRIT PETITION NO.1 OF 2025**

Mr Dean De Cruz
aged 65 years, married,
Resident of House No. 7/54,
Villa Rosa Cruz, Salmona,
Saligao, Bardez Goa 403511.
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PAN Card No. ABTPD0878M
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...Petitioner

Versus

1) THE STATE OF GOA,
Through the Chief Secretary,
Secretariat, Alto Porvorim,
Bardez Goa.

2) TOWN & COUNTRY
PLANNING DEPARTMENT,
Through the Chief Town Planner,
Dempo Tower, 2nd floor, Patto Plaza,
Panaji Goa 403001.

3) DEPUTY TOWN PLANNER,
Mamlatdar building,
Mapusa, Bardez - Goa.

4) GOA FOREST DEPARTMENT
Through the Principal Chief
Conservator of Forests
Altinho, Panaji, Goa.

5) VILLAGE PANCHAYAT OF
SALVADOR DO MUNDO
Through its Secretary

Salvador Do Mundo, Goa.

6) MR. NOEL ATHAIDE
Major in Age, Married,
H. No. 51, Near Paitonha,
Mae De Deus Chapel, Paitonha,
Salvador de Mundo, 403101.

.... Respondents

Mr Rohit Bras De Sa, Advocate for the Petitioner.

Mr Siddharth Samant, Additional Government Advocate for
Respondent Nos.1 to 4.

Mr S. S. Kantak, Senior Counsel with Mr Abhijit Gosavi, Mr
Abhishek Sawant, Mr G. Kerkar, Ms K. Naik and Ms S. Desai,
Advocates for Respondent No.6.

**CORAM : BHARATI DANGRE &
ASHISH S. CHAVAN, JJ**

DATE : 9th SEPTEMBER 2025

ORAL JUDGMENT : (*Per Bharati Dangre, J.*)

1. The Public Interest Litigation petition raise a challenge to the development permissions granted by the TCP Department in connection with Survey No.155/5 of Salvador Do Mundo Village, Bardez Taluka, in respect of an area of 12,225 square meters, a challenge being raised on two counts, pressed into service by Mr De Sa relying upon the pleadings in the petition; first being that Survey No.155/5 is declared as a private forest and the second being the permissions granted by the TCP Department violate the Government Circular dated 06.09.2023 regarding guidelines issued under Section 17-A of the Town and Country Planning Act.

2. We have heard Mr De Sa, the counsel for the petitioner, Mr Samant, the Additional Government Advocate representing the Government Authorities and Mr Kantak, learned Senior Counsel representing respondent no.6.

By consent, we issue 'Rule' and make it returnable forthwith.

3. By referring to the reliefs sought in the petition, Mr De Sa fairly concede to the fact that no permission for development would have been granted in favour of the project proponent and it is a pleaded case in the petition that the permissions/licences granted by the TCP Department violate Section 17-A of the TCP Act as well as the order dated 06.09.2023 and, in fact, no permission could be granted to the project proponent as it will involve hill cutting and the TCP Department ought to have considered the natural topography as well as the environmental degradation to be caused if such permission is to be granted. However, on noticing and being confronted with the fact that Section 17-A permission has already been granted in favour of respondent no.6, Mr De Sa concede to the fact that there is no specific challenge raised to this permission and though he seek leave to amend the petition for raising a challenge to the same, we deem it appropriate to permit him to file a fresh petition, if at all he is desirous of raising a challenge to the said permission granted under Section 17-A and, therefore, we do not deal with the case of the petitioner, qua the permission under Section 17-A.

4. Coming to the very first aspect of calling in question the permissions on the ground that the Survey No.155/5 is declared as a private forest, our attention is invited by Mr De Sa to the communication from the Deputy Conservator of Forest to the Additional Collector in regards to the application for conversion sanad for Survey No.155/5 of Salvador Do Mundo, where the Deputy Conservator intimated as below:

“With reference to your letter No.4/132/CNV/AC-III/2020/867 dated 05/10/2020 AND Even No. dated 28/03/2022, it is to inform you that this office has inspected the area through Range Forest Officer Panaji & it is observed that area under Survey No.155/5 of Salvador-Do-Mundo Village Bardez Taluka admeasuring an area of 12,225 sq.mts.

(a) The area is not a Govt. forest and does not form part of any Compartment of North Goa Division Working Plan.

(b) The area also does not figure in the list of Survey numbers finally confirmed as Private Forest as per the report of the State Level Expert Committees headed by Sawant/Dr. Karapurkar/V.T. Thomas/Review Committee headed by DCF, Working Plan.

(c) Tree canopy density of the plot is less than 0.1.

(d) Forest (Conservation) Act, 1980 is not applicable to the above area.

This is for information.”

5. Our attention is also invited to the findings of the Review Committee after verification for the areas fulfilling 40% canopy density as per the forest cover map of Forest Survey of India and in this report, we find mention of Survey No.155/5 of Salvador Do Mundo Village,

Bardez Taluka, and the survey number identified by the North and South Goa State Level Committee is mentioned as 155/5(P).

The extent of area qualified as private forest (HA) is set out to be 0.3200 and in the column of decision of the Review Committee, after analysis, it is recorded as below:

“part area is identified as private forest”.

6. From the aforesaid report, it is evident that part of Survey No.155/5 is declared as a private forest and when we proceed ahead and peruse the affidavit filed by the Deputy Conservator of Forest, it becomes evident to us that Survey No.155 was originally identified as private forest by V.T. Thomas Committee, however the Review Committee (RC-II) reviewed the said survey number and the 7th part final report of RC-II indicated that the area of 3200 sq. meter is finally confirmed as a private forest. In paragraphs 6 and 7 of the affidavit, the Deputy Conservator of Forest has stated as under:

“6. Out of the total area of 12,225 sq mtrs, an area of 3,200 sq mtrs was finally confirmed as Private Forest by the Review Committee (RC-II), whereas the applied area for conversion for non-agricultural purpose was only 9,020 sq mtrs, which stands outside the private forests area finalized in Sy. No.155/5 of Salvador do Mundo village as per the approved plan. [Annexed herewith and marked as Annexure B is the approved plan with area statement as finalized by the Review Committee (RC-II)].

7. In view of above submitted facts, it is evident that no any part of Sy No.155/5 of Salvador do Mundo, Bardez Taluka, finally confirmed as Private Forests (3,200 sq mtrs out of the total area

confirmed as Private Forests (3,200 sq mtrs out of the total area of 12,225 sq mtrs) was converted for non-agricultural purpose.”

It is thus evidently clear from the aforesaid that part of Survey No.155/5 is a private forest and out of the total area of 12,225 square meters, only 3200 square meters is confirmed as a private forest.

7. At this juncture, we turned our attention to the conversion sanad, granted by the Additional Collector, North Goa District, on 17.05.2023 pursuant to the application dated 01.09.2020 from one Oscar Orlando Do Rosario, resident of Bardez, Goa, under Section 32 of the Land Revenue Code, 1968.

The application seek permission under Section 32 in respect of part survey no.155/5 (part) of Village Salvador Do Mundo, admeasuring 9020 square meters for the purpose of residential with 50 FAR. Appendix 1 to the said application refer to the boundaries of the said plot and the area on which the conversion fee is charged by the Collector while the permission is granted.

It is thus evidently clear from the conversion sanad, that what is permitted to be converted is part of Survey No.155/5 (part) i.e. an area of 9020 square meters out of the total area of 12,225sq meters. Further, the conversion sanad is also accompanied with a plan of the land bearing sub-division no.5 (part of survey no.155) situated at Salvador Do Mundo and where area of conversion applied for is stated to be 9020 square meter and it is clearly demarcated on the plan.

8. The learned counsel Mr De Sa submit that the petitioner has filed a rejoinder and specifically disputed the said statement, by stating thus:

“11. I say that the allegation made by the Respondent No.6 that the 7 Part Final Report of the Review Committee on Private Forest, negates the allegations of hill cutting and overlapping a Private Forest Area is denied as false and baseless. I say that the 7 Part Final Report was published in the month of November 2023 by the Review Committee, however surprisingly the DCF had already prepared and submitted a Report of the collector declaring that the said parcel of land is not a Private Forest in June 2022 even before the Review Committee inspected the site.”

He would also invite our attention to the pleading in paragraph 12 wherein it is stated that the report of the Deputy Conservator of Forest and the conversion sanad deserve to be scrapped, as the report is patently false and as the DCF has clearly given a false report stating that Survey No.155/5 do not feature in the list of survey numbers confirmed by V.T. Thomas. He would also invite our attention to a pleading in paragraph 13, where, in the site inspection report, which has marked the checklist-nature of illegal deforestation, according to him on the column where there is deforestation activity is observed on the site it is reported ‘yes’.

9. We have perused the specific stand of the Deputy Conservator of Forest and carefully scrutinised the application which was made to the Collector for obtaining conversion sanad and consequently the conversion sanad which is granted in favour of respondent no.6. It is

evidently clear to us that Survey No.155/5 (part) was declared as private forest and this area being clearly set out to be 3,200 square meters leaving a balance area of 9025 out of the total area of 12,225 square meters and the application for conversion sanad is for 9020 square meters.

As far as the rejoinder filed by the petitioner making a reference to an illegal deforestation activity and some remarks in the checklist are of no concern to us, as to what is to be looked into at this stage is that the project proponent is already issued a conversion sanad restricting it to 9020 square meters. The reliance on the canopy of trees with the help of the google images is also not a relevant factor for our determination as we find that when the Deputy Conservator of Forest in his affidavit has specifically made a statement that the conversion of non-agricultural purpose was only restricted to 9020 square meters which stand outside the private forest area finalised in Survey No.155/5 of Salvador Do Mundo Village, we have no reason to disbelieve the said statement made on oath.

The submission of Mr De Sa that the information that is furnished by the Deputy Conservator to the Collector on 22.06.2022, which refers to the entire Survey No.155/5 of Salvador Do Mundo Village and admeasuring 12,225 square meters and a communication that it is not a Government forest and does not form part of any compartment of North working Division is an incorrect information do not deserve any consideration in the wake of the specific affidavit

affirmed before us by the Deputy Conservator of Forest and the statement therein is not rebutted as far as the area is concerned.

10. In the wake of the aforesaid, since we find that in the wake of the conversion sanad obtained by respondent no.6, the construction is being carried out on an area for which the conversion is permitted, leaving rest of the area, which is treated as a private forest out of the construction activity, we see no reason for interference at the instance of the petitioner, who was guided by public interest, to file the petition. However, when the position has now clearly emerged before us as regards Survey No.155/5 and we find that whatever construction is carried out by respondent no.6 is strictly in accordance with the conversion sanad granted in his favour, we refuse to entertain the petition on this ground.

However, as we have already indicated, if there is a 17-A permission and a challenge is raised to said permission by the petitioner by filing a fresh petition, the same will be duly considered.

Needless to state that the challenge, if any, shall be permitted to be resisted on all counts, including the ground of delay.

The Writ Petition is dismissed for the reasons recorded above.

ASHISH S. CHAVAN, J.

BHARATI DANGRE, J.