



The Goa Regularisation of Unauthorised Construction Act, 2016

Act 20 of 2016

Keyword(s):

Authorised Officer, Competent Authority, Local Authority, Relevant Act

Amendments appended: 16 of 2018

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(b) until the expiration of two months after the notice in writing has been in the case of the Corporation or its committee, delivered or left at the Corporation's office and in the case of an officer or servant of the Corporation, delivered to him or left at his office or place of abode and all such notices shall state with reasonable particulars the cause of action and the name and place of abode of the intending plaintiff and of his advocate, pleader, or agent, if any, for the purpose of the suit.

(2) If the defendant in any such suit is an officer, or servant of the Corporation, payment of any sum or part thereof payable by him in or in consequence of the suit may with the sanction of the Corporation, be made from the Corporation funds.

52. *Directors, officers and staff of Corporation to be public servants.*— All directors, officers and servants of the Corporation shall, when acting or purporting to act in pursuance of any of the provisions of this Act, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (45 of 1860).

53. *Act to have overriding effect.*— The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other State law.

54. *Power to remove doubts and difficulties.*— (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act which appear to it to be necessary or expedient for the purpose of removing the difficulty:

Provided that no order shall be made under this section after the expiry of two years from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before the State Legislature.

Secretariat,
Porvorim-Goa.
Dated: 15-09-2016.

SUDHIR MAHAJAN,
Secretary to the
Government of Goa,
Law Department
(Legal Affairs).

—————
Notification

7/23/2016-LA

The Goa Regularisation of Unauthorised Construction Act, 2016 (Goa Act 20 of 2016), which has been passed by the Legislative Assembly of Goa on 11-8-2016 and assented to by the Governor of Goa on 12-9-2016, is hereby published for general information of the public.

Sharad G. Marathe, Joint Secretary (Law).
Porvorim, 15th September, 2016.

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The Goa Regularisation of Unauthorized Construction Act, 2016

(Goa Act 20 of 2016) [12-9-2016]

AN

ACT

to provide for regularisation of unauthorized constructions in the State of Goa and for matters connected and incidental thereto.

Be it enacted by the Legislative Assembly of Goa in the Sixty-seventh Year of the Republic of India, as follows:—

1. *Short title, extent and commencement.*— (1) This Act may be called the Goa Regularisation of Unauthorized Construction Act, 2016.

(2) It shall extend to the whole of the State of Goa.

(3) It shall be deemed to have come into force with effect from the 24th day of June, 2016.

2. *Definitions.*— In this Act, unless the context otherwise requires,—

(a) “authorised officer” means a officer as authorised under sub-section (1) of the section 3;

(b) “Competent Authority” means the authority competent to issue sanad, permission/licence, no objection certificate or any other document for carrying out construction under the relevant Act;

(c) “Government” means the Government of Goa;

(d) “Official Gazette” means the Official Gazette of the Government;

(e) “local authority” means the Corporation of the City of Panaji, Municipal Council, Village Panchayat and includes the Planning and Development Authority;

(f) “relevant Act” means,—

(i) the Goa Land Revenue Code, 1968 (Act No. 9 of 1969); or

(ii) the Goa, Daman and Diu Town and Country Planning Act, 1974 (Act No. 21 of 1975); or

(iii) the City of Panaji Corporation Act, 2002 (Goa Act 1 of 2003); or

(iv) the Goa Municipalities Act, 1968 (Act No. 7 of 1969); or

(v) the Goa Panchayat Raj Act, 1994 (Goa Act No. 14 of 1994); or

(vi) the Goa (Regulation of Land Development and Building Construction) Act, 2008 (Goa Act 6 of 2008); or

(vii) any other State law which regulates the construction in the State,

and the rules, regulations, bye-laws, notifications and orders issued thereunder;

(g) “State” means the State of Goa;

(h) “unauthorized construction” means any construction which has been carried out before the 28th day of February, 2014, in the State, without obtaining sanad, permission/licence, no objection certificate or any other document from the Competent Authorities under the relevant Acts.

3. *Regularisation of unauthorized construction.*— (1) Any person who has carried out unauthorized construction in the property specified herein below before the 28th day of February, 2014, may make an application in Form I hereto together with application fee in the form of Court fee stamp of rupees five, documents specified in Schedule I hereto, sketch of the structure proposed to be regularised alongwith dimensions to the officer as may be authorised by the Government by Notification in the Official Gazette, not below the rank of Junior Scale Officer of Goa Civil Service, for regularisation of such unauthorized construction, within a period of 180 days from the date of coming into force of this Act:

(a) any residential, commercial or residential cum commercial unauthorised construction in applicants own property or by the applicant who is co-owner, with written consent of all other co-owners thereto, in a property jointly held by the applicant with such co-owners.

(b) any unauthorized construction of a dwelling house by the applicant who is declared/registered as mundkar under the provisions of the Goa, Daman and Diu Mundkars (Protection from Eviction) Act, 1975 (Act No. 1 of 1976) or a farm house constructed by the applicant who is tenant or owner of an agricultural land.

(c) any unauthorized construction by the applicant in undivided property jointly held

by a unit of family or families, with written consent of all other members of the family/ /families.

(d) any unauthorized construction carried out by an institution or a person other than an individual in its property.

(e) any unauthorized construction carried out by the applicant, in a property wholly owned by another person with the consent of such person.

(2) The authorised officer shall issue acknowledgment to the applicant of having received the application under sub-section (1).

(3) The authorised officer shall scrutinise the application received under sub-section (1) and after holding an enquiry, as he deems fit and conducting site inspection thereof and subject to payment by the applicant of charges, taxes, fees and penalty as determined by the authorised officer as per schedule II hereto, pass an order of regularisation of such unauthorized construction.

(4) The built up area of the unauthorized construction which is proposed to be regularised shall not exceed,—

(i) 200 square meters in case such construction is meant for personal residence of the applicant;

(ii) 100 square meters in case such construction is meant for commercial purpose of the applicant;

(iii) 250 square meters in case such construction is meant for residential cum commercial purpose of the applicant;

(iv) 400 square meters in case such construction is meant for institutional purpose.

(5) The authorised officer shall not entertain any application under sub-section (1), if the unauthorized construction falls within the

limits of the protected forest, area declared as a wild life sanctuary, area covered under the Coastal regulation zone, No Development Zone, open spaces, public land, areas covered under Eco Sensitive Zone, Khazan land, any construction prohibited under the Goa Land (Prohibition on Construction) Act, 1995, (Goa Act No. 20 of 1995), road set back or right of way or any construction which causes obstruction to any natural water channel or any structure which is constructed by filling water bodies or any construction in or for scrapyard.

(6) The authorised officer shall not entertain an application or proceed with regularisation process of unauthorized construction where any Court, Tribunal or any Statutory Authority has passed any injunction or granted status quo or any prohibitory order, or such unauthorized construction is a subject matter of a dispute before such Court, Tribunal or any Statutory Authority.

(7) Where any unauthorized construction is a subject matter of dispute before any Court, Tribunal or any Statutory Authority, and if authorised officer passes any order of regularization under this Act, such order shall be subject to the decision of such Court or Tribunal or Statutory Authority.

(8) Notwithstanding anything contained in the relevant Act, upon passing of the order of regularisation of any unauthorized construction under this Act, such unauthorized construction shall be deemed to have been regularised under the relevant Act.

4. *Amendment of the Schedules.*— The Government may, by notification in the Official Gazette, add to, or omit from, or otherwise amend any entry of, the Schedules hereto and thereupon the Schedules shall be deemed to have been amended accordingly.

5. *Grants to the Local authorities.*— The Government shall upon receipt of the payment as specified in Schedule-II hereto make grants to the concerned local authorities in respect

of charges, taxes and fees as per the said Schedule.

FORM I

[See section 3(1)]

6. *Duties of officers.*— It shall be the duty of the Collector of the district and the Mamlatdar of every taluka, upon expiry of a period of 180 days from the date of coming into force of this Act, to identify such constructions which are unauthorized or any part of it which is unauthorized and have not applied for regularisation within the said period and direct the competent authorities under the relevant Acts to take immediate action for demolition of such unauthorized constructions.

Application cum self declaration for regularisation of unauthorized construction

To,

The.....,
Having camp office at
.....,
Authorised Officer
For the taluka of
District, Goa.

Sub: Request for regularisation of unauthorized construction.

7. *Appeals.*— Any person aggrieved by an order passed by the authorised officer may prefer an appeal to the Government within a period of sixty days from the date of passing of such order.

Sir/Madam,

In pursuance to the Act, 2016, I, Shri son/daughter/wife of, major in age, (occupation),, residing at, Goa, do hereby request your good office to kindly consider my request to regularise the unauthorized construction done by me the details of which along with my declaration are given hereinbelow:-

8. *Protection of action taken in good faith.*— No suit, prosecution or any other legal proceedings shall lie against the authorised officer for anything which is done in good faith or intended to be done under this Act.

(all details to be filled in capital letters only)

9. *Power to remove difficulties.*— If any difficulty arises in giving effect to the provisions of this Act, the Government may, by general or special order published in the Official Gazette, make such provision consistent with the provisions of this Act as appear to it to be necessary or expedient for the purposes of removing difficulty.

1. Name of the applicant:

2. Postal address of the applicant:

3. Brief description of the unauthorized construction:
{ type of structure: Residential/
/Commercial/Residential cum }
commercial/institutional }

4. Survey No./Sub division No.:

5. Name of the Revenue Village and Taluka

6. Details of construction: (tick mark the appropriate option)

Independent structure

Expansion of existing structure:-

10. *Repeal and saving.*— (1) The Goa Regularisation of Unauthorized Construction Ordinance, 2016 (Ordinance No. 2 of 2016) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act.

(a) Category of the structure:

I further undertake that I am in no dues to Government or local bodies and that I have paid all my dues.

(b) Details of present usage:

Personal dwelling leased on rent

I further declare that I am fully responsible for any wrong declaration given hereinabove or in any other statement that may be required to be given by me for processing my request.

store-room other (specify)

(c) Whether in one's property or joint or other:

Enclosed:- (1) Sketch showing dimension of the structure.

(d) If not one's property, whether NOC of owner/co-owner is attached:

(2) Receipt of amount paid.

(e) Precise plinth area of the construction in square meters:

(3) Documents relied on viz:-

(4) Any other enclosure:-

7. Details of amount paid:

Signature of the Applicant/Declarant
Name of the Applicant

(a) Total amount paid:

(b) Challan/DD/PO No.:

(c) Whether entire or 50% paid:

SCHEDULE I

[See section 3 (I)]

8. Details of pending disputes, if any,:

**List of Documents in support of the
Application for regularisation**

(a) Before which authority/court:

(b) Case number:

(c) Stage of hearing:

(d) Any injunction/prohibitory orders are issued:

Sl. No.	Document	Issued by competent authority
1	2	3

9. Structural Stability Certificate: (if building has floors)

(a) Enclosed/not enclosed.

(b) Issued by:

(c) Dates of Inspection being carried out and report prepared on:

1.	Water/Electricity/ /other utility services con- sumption bills	issued at any date pertaining to period prior to 28th February, 2014
2.	Aadhaar Card	Issued prior to 28th February, 2014
3.	Election Photo Identity Card	Issued prior to 28th February, 2014
4.	Ration card	Issued prior to 28th February, 2014
5.	Passport	Issued prior to 28th February, 2014
6.	Telephone usage bills	issued at any date pertaining to period prior to 28th February, 2014
7.	House Tax receipts	issued at any date pertaining to period prior to 28th February, 2014
8.	Bank Account passbook of scheduled Banks	Issued prior to 28th February, 2014

I do hereby undertake and declare that all the information given hereinabove is true and correct and that nothing therein is concealed, misrepresented or wrongly mentioned.

I further declare and undertake that I am aware that any of the above mentioned information provided by me if found to be incorrect, false or misrepresented, then the regularisation of the construction, if ordered by the authorised officer shall stand automatically revoked and I shall be under bounden duty to remove the said construction immediately at my own cost.

I also declare that the said construction is not within any of the prohibited areas/sites as mentioned in sub-section (5) of section 3.

1	2	3	1	2	3
9. Postal Account passbook	Issued prior to 28th February, 2014		12. Residence/ /Domicile or other certificate	Issued prior to 28th February, 2014	
10. Any tax receipts	Issued prior to 28th February, 2014		13. Notice issued by any Government Department/ /agency	Issued prior to 28th February, 2014	
11. Land Index Form I & XIV	Issued prior to 28th February, 2014				

SCHEDULE II

[See section 3 (3)]

Table for calculating penalty, fees, charges for regularisation

Area of Unauthorised Construction (in square meters)/ /Survey Number/ /Village/ /Municipal Area/ /Category of construction	Conversion charges #	Infrastructure tax §	Occupancy fees £	Construction license fees £	House tax £	Total (A+ B+ C + D+ E)	Penalty*	Grand Total
	A	B	C	D	E			

Conversion charges will be applicable as per the Goa Land Revenue Code, 1968 (Act 9 of 1969).

§ Infrastructure Tax will be applicable as per the Goa Tax on Infrastructure Act, 2009 (Goa Act 20 of 2009).

£ Occupancy fees, Construction license fees, House tax will be applicable as existing as on date of application, in the respective Municipal/Village Panchayat areas.

* Penalty shall be over and above the total payable amount in columns (A) to (E) as follows:

(a) residential: 5% (b) commercial: 15% (c) residential cum commercial: 10% (d) institutional: 5%

Secretariat,
Porvorim-Goa.
Dated: 09-09-2016.

SUDHIR MAHAJAN,
Secretary to the Government of Goa,
Law Department (Legal Affairs).

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Panaji, 18th September, 2018 (Bhadra 27, 1940)

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GOVERNMENT OF GOA

Department of Law & Judiciary

Legal Affairs Division

Notification

7/9/2018-LA

The Goa Regularisation of Unauthorized Construction (Amendment) Act, 2018 (Goa Act 16 of 2018), which has been passed by the Legislative Assembly of Goa on 2-8-2018 and assented to by the Governor of Goa on 8-9-2018, is hereby published for the general information of the public.

Sharad G. Marathe, Addl. Secretary (Law).
Porvorim, 18th September, 2018.

The Goa Regularisation of Unauthorized Construction (Amendment) Act, 2018

(Goa Act 16 of 2018) [8-9-2018]

AN

ACT

further to amend the Goa Regularisation of Unauthorized Construction Act, 2016 (Goa Act 20 of 2016).

Be it enacted by the Legislative Assembly of Goa in the Sixty-ninth Year of the Republic of India, as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Regularisation of Unauthorized Construction (Amendment) Act, 2018.

(2) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 3.*— In section 3 of the Goa Regularisation of Unauthorized Construction Act, 2016 (Goa Act 20 of 2016) (hereinafter referred to as the “principal Act”), in sub-section (1), the following proviso shall be inserted, namely:—

“Provided that the person who could not make application within above period may make such application within a period of thirty days from the date of coming into force of the Goa Regularisation of Unauthorized Construction (Amendment) Act, 2018.”.

3. *Repeal and Saving.*— (1) The Goa Regularisation of Unauthorized Construction (Amendment) Ordinance, 2018 (Ordinance No. 1 of 2018) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act at that relevant time.

Secretariat,
Porvorim-Goa.

Dated: 18-9-2018.

DHARMENDRA SHARMA,
Secretary to the

Government of Goa,
Law Department (Legal Affairs).