



LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

**The Goa Town & Country Planning  
(Amendment) Bill, 2009**

(Bill No. 24 of 2009)

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BILL

~~To be~~ <sup>P.S</sup> introduced in the Legislative Assembly of the State of Goa)

GOA LEGISLATURE SECRETARIAT,  
ASSEMBLY HALL, PORVORIM, GOA  
JULY, 2009

# The Goa Town & Country Planning (Amendment) Bill, 2009

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*further to amend the Goa, Daman and Diu Town and Country Planning Act, 1974 (Act 21 of 1975).*

5 Be it enacted by the Legislative Assembly of Goa in the Sixtieth year of the Republic of India, as follows.-

1. **Short title and commencement.**— (1) This Act may be called the Goa Town and Country  
10 Planning (Amendment) Act, 2009.

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

2. **Amendment of section 49.**— In section 49 of  
15 the Goa, Daman and Diu Town and Country Planning Act, 1974 (Act 21 of 1975), for sub-section (6), the following sub-section shall be substituted, namely:-

20 “(6) Notwithstanding anything contained in any other law for the time being in force, where any document required to be registered under the provisions of sub-section (1) of section 29 of the

Registration Act, 1908, purports to transfer, assign, limit or extinguish the right, title or interest of any person, in respect of plots which are not as per Survey Plan issued by Survey Department or plots which have no development permissions for such sub-division from Planning and Development Authority within a planning area, no registering officer appointed under the Act, shall register any document, unless the owner of such plot produces a certificate of sanction or a certificate of "no objection" from the Planning and Development Authority exercising jurisdiction in respect of the Planning area;

Provided that no such Certificate of sanction or "no objection" shall be required to be produced if the sub-division of land or the making or layout of any property results from the right of inheritance within a family;

Provided further that no such certificate of sanction or no objection shall be required to be produced for the purpose of mortgaging immovable property in favour of any financial institution notified by the Government by a notification in the Official Gazette, for the purpose of this Act."

### STATEMENT OF OBJECTS AND REASONS

Section 49 of the Goa, Daman and Diu Town and Country Planning Act, 1974 provides for sanction for sub-division of plot or lay out of private street and restrictions of registration on purchase, sale or transfer of immovable property.

By virtue of sub-section(6) of section 49 of the act, 1974 notwithstanding anything contained in any law, for the time being in force, where any document is required to be registered under sub-section(1) of section 29 of the Registration Act, 1908, in respect of right, title, interest of any person or in any property of land within the planning area, the owner thereof is required to produce a certificate of sanction or a certificate of "no objection" from the Planning and Development Authority, exercising the jurisdiction over the area.

The aforesaid provision is cumbersome and create hurdles for effecting the registration of various types of documents which are required to be registered in terms of section 29(1) of the Act, 1908.

Hence, it is proposed that the aforesaid provision should be simplified to the effect of restricting to the extent of requirement of certificate of sanction or "no objection" from the Planning and Development Authority, only in respect of plots which are not as per the survey plans issued by the Survey Department or plots which have no

development permission for such sub-division from the Planning and Development Authority.

The above provision will ensure certain control over un-authorized sub-division of land.

This Bill seeks to achieve the above objects.

## FINANCIAL MEMORANDUM

The Planning and Development Authorities are presently collecting a nominal processing fee for the purpose of issuing NOC under Section 49 (6) of the Town and Country Planning Act, 1974. With this amendment, the number of application will be considerably reduced and thereby the income generated from processing fees will be reduced.

However, the Planning and Development Authority will be saving man hours spent on processing these application and thereby will be in a position to focus their work on Planning and Development works which include remuneration Scheme too. As such no financial implication will be involved.

### Memorandum Regarding Delegated Legislation

No delegated legislation is involved in this Bill.

Porvorim - Goa  
Dated:- 03/08/09

(DIGAMBAR KAMAT)  
Hon. Chief Minister

Assembly Hall,  
Porvorim - Goa  
Dated: 03/08/09

(J. N. BRAGANZA)  
Secretary to the Legislative  
Assembly of Goa

ANNEXURE

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**Extracts of section 49 (6) of Goa Town and Country  
Planning Act, 1974**  
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49. Sanction for sub-division of plot or layout of private street and restriction on registration of purchase, sale or transfer of immovable property.- (1) Any person intending to sub-divide his plot or make or layout a private street, on or after the date on which a public notice of the preparation of a Development Plan is published under sub-section (1) of section 35, shall submit the layout plan together with the prescribed particulars to the Planning and Development Authority for sanction.

(2) The Planning and Development may within the prescribed period, sanction such plan either with or without modifications and conditions, as it considers expedient or may refuse to give sanction if it is of the opinion that such sub-division, making or layout is not in conformity with the proposals contained in a Development Plan.

(3) When the sanction is granted subject to conditions or refused, the grounds for imposing such conditions or such refusal shall be recorded in writing in the order and such order shall be communicated to the applicant in the manner prescribed.

(4) If any person does any work in contravention of the provisions of sub-section (1) or in contravention of the modifications and conditions of the sanction granted under sub-section (2) or in spite of the refusal of sanction under sub-section (2), the Planning and Development Authority may direct such person by notice in writing to stop any work in progress and after making an inquiry in the prescribed manner, remove or pull down any work or restore the land to its original conditions.

(5) Any expenses incurred by the Planning and Development Authority under sub-section (4) shall be a sum due to the Planning and Development Authority under this Act from the person in default.

(6) Notwithstanding anything contained in any other law for the time being in force, where any document required to be registered under the provisions of sub-section (1) of section 29 of the Registration Act, 1908, purports to transfer, assign, limit or extinguish the right, title or interest of any person, to or in any property or land within a planning area, no registering officer appointed under that Act, shall register any such document, unless the owner of such property or land produces a certificate of sanction or a certificate of "no objection" from the Planning and Development Authority exercising jurisdiction in respect of the planning area:

Provided that no such certificate of sanction or "no objection" shall be required to be produced if the sub-division of land or the making or layout of any property results from the rights of inheritance within a family.

Provided further that no such certificate of sanction or no objection shall be required to be produced for the purpose of mortgaging immovable property in favour of any financial institutions notified by the Government by a notification in the Official Gazette, for the purpose of this Act".

Assembly Hall,  
Porvorim - Goa

**(J.N. BRAGANZA)**  
Secretary to the Legislative  
Assembly of Goa