

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, regularisation, 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 of Goa, without obtaining sanad, permission/licence, no objection certificate or any other documents from the Competent Authority 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 ¹[210 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.

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

²[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.](Act 16 of 2018)

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

(3) The authorised officer shall scrutinize 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 scrap yard.

(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.

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.

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.

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.

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.

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.

FORM I
[See section 3(1)]

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.

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 here in below:—

(All details to be filled in capital letters only)

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:

(a) Category of the structure:

(b) Details of present usage:

	Personal dwelling		Leased on rent
	Store –room		Other (specify)

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

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

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

7. Details of amount paid:—

(a) Total amount paid:

(b) Challan/DD/PO No.:

(c) Whether entire or 50% paid:

8. Details of pending disputes, if any:—

- (a) Before which authority/court:
- (b) Case number:
- (c) Stage of hearing:
- (d) any injunction /prohibitory order are issued.

9. Structure Stability Certificate (if building has floors)

- (a) Enclosed / not enclosed:
- (b) issued by:
- (c) Dates of Inspection being carried out and report prepared on :

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 regularization 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 the sub-section (5) of Section 3.

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

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.

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

- (2) Receipt of amount paid.
- (3) Documents relied on viz.....
- (4) Any other enclosure.....

Signature of the Applicant/Deponent

Name of the Applicant

SCHEDULE-I

(See Section 3(1))

List of Documents in support of the Application for regularisation.

Sl. No	Document type	Issued by competent authority
1	2	3
1	Water/ Electricity/ other utility services consumption bills	Issued at any date pertaining to period prior to 28th February, 2014.
2	Aadhar 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
9	Postal Account passbook	Issued prior to 28th February, 2014
10	Any Tax receipts	Issued prior to 28th February, 2014
11	Land Index Form I & XIV	Issued prior to 28th February, 2014
12	Residence/Domicile or other certificate	Issued prior to 28th February, 2014
13	Notice issued by any Government Department/agency	Issued prior to 28th February, 2014

³[SCHEDULE-II]

[See section 3(3)]

Table for calculating penalty, fees, charges for regularization

Area of unauthorised Construction (in square meters) / Survey/ Number/ Village/Municipal area/Category of construction	(A) Conversion charges	(B) Infrastructure tax	(C) Occupancy fee	(D) Construction license fees	(E) House tax £	Total(A+B+C+D+E)	Regularisation fee@	Penalty*	Grand Total
1	2	3	4	5	6	7	8	9	10

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

(ii) \$ Infrastructure Tax shall be applicable as per the Goa Tax on Infrastructure Act, 2009 (Goa Act 20 of 2009).

(iii) £ Occupancy fee, Construction license fee, House tax shall be applicable as leviable/payable on date of making application, in the respective Municipal/Village Panchayat areas.

(iv) * 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%.

(v) @ Regularisation fee shall be collected for respective area as indicated in the Annexure below.

Annexure

I–Coastal and Developed Area

Category-A:				Category-B:		
Regularisation fees for areas under this category as mentioned below shall be calculated @ 40% of the Sum Total of the Column (A+B+C+D+E).				Regularisation fees for areas under this category as mentioned below shall be calculated @ 30% of the Sum Total of the Column (A+B+C+D+E).		
1) Bardez	2) Salcete	3) Mormugao	4) Tiswadi	1) Pernem	2) Quepem	3) Canacona
i) Anjuna ii) Candolim iii) Calangute iv) Nerul v) Penha-de-Franca vi) Salvador-do-Mundo vii) Pilerne	i) Benaullim ii) Colva iii) Betalbatim iv) Gonsua v) Carmona vi) Cavelossim vii) Majorda viii) Sernabatim ix) Varca	i) Arossim ii) Cansaulim iii) Velsao iv) Pale v) Chicolna vi) Issorcim vii) Sao Jorge viii) Chicalim ix) Dabolim	i) Taleigao ii) Bambolim iii) Ella	i) Morjim ii) Mandrem iii) Arambol v) Tiracol	i) Naquerim ii) Quitol iv) Querim	i) Agonda ii) Cola iii) Nagorcem - Palolem iv) Poinguinim

II–Municipal Areas

Category-A:	Category-B:
Regularisation fees for areas under this category as mentioned below shall be calculated @35% of the Sum Total of the Column (A+B+C+D+E).	Regularisation fees for areas under this category as mentioned below shall be calculated @ 25% of the Sum Total of the Column (A+B+C+D+E).
1) Panaji/City Corporation of Panaji: All Wards. 2) Mapusa: All Wards. 3) Ponda: All Wards. 4) Margao :All Wards. 5) Mormugao: All Wards.	1) Pernem: All Wards. 2) Bicholim: All Wards. 3) Sanquelim: All Wards. 4) Valpoi: All Wards. 5) Cuncolim: All Wards. 6) Quepem: All Wards. 7) Curchorem/Cacora Municipal Areas: All Wards. 8) Sanguem Municipal Areas: All Wards. 9) Cancona Municipal Areas: All Wards, excluding Nagorcem-Palolem.

III–Developing Villages

Regularisation fees for areas under this category as mentioned below shall be calculated @ 20% of the Sum
Total of the Column (A+B+C+D+E).

District-North Goa

1) Tiswadi Taluka:	2) Bardez Taluka	3) Pernem Taluka:	4) Bicholim Taluka:	5) Satari Taluka:
i) Durgawado ii) Bainguinim iii) Corlim iv) Calapur v) Chimbél vi) Cujira vii) Carambolim viii) Morombi-o-Pequeno ix) Morombi- -o-Grande x) Murda xi) Panelim xii) Renovadi	i) Guirim ii) Colvale iii) Tivim iv) Bastora v) Reis Magos vi) Verla vii) Parra viii) Canca	i) Dhargal ii) Tuem	i) Carapur ii) Maem iii) Sarvona iv) Mulgao v) Maulinguem-South vi) Arvalem vii) Amone	i) Onda ii) Nanus

District-South Goa

1) Ponda Taluka:	2) Salcete Taluka	3) Mormugao Taluka:	4) Quepem Taluka:	5) Sanguem Taluka:	6) Dharbandora Taluka:	7) Canacona Taluka:
i) Siroda ii) Borim iii) Queula iv) Betora v) Curti vi) Cundaim vii) Marcaim viii) Usago ix) Bandora	i) Navelim ii) Aquem iii) Nuvem iv) Davorlim	i) Cortalim ii) Sancoale	i) Sirvoi ii) Amona iii) Deao iv) Xeldem v) Chaifi vi) Cusmane vii) Fatorpa	i) Cotarli ii) Sanvordem	i) Dharbandora ii) Pilliem iii) Collem iv) Mollem	NIL

IV-Rural Villages

Regularisation fees for areas under this category as mentioned below shall be calculated @ 10% of the Sum Total of the Column (A+B+C+D+E).

District-North Goa

1) Tiswadi Taluka:	2) Bardez Taluka	3) Pernem Taluka:	4) Bicholim Taluka:	5) Satari Taluka:
i) Capao ii) Ambarim iii) Batim iv) Caraim v) Gancim vi) Gandaulim vii) Goalim-Moula viii) Goltim ix) Jua x) Malar xi) Naroa xii) Navelim xiii) Talaulim xiv) Chora xv) Cumbarjua xvi) Curca xvii) Neural-o-Grande xviii) Neura-o-Pequene xix) Azossim xx) Goa-Velha xxi) Mandur xxii) Mercurim xxiii) Siridao	i) Sangolda ii) Moira iii) Assagao iv) Siolim v) Aldona vi) Arpora vii) Socorro viii) Camurlim ix) Sircaim x) Nagoa xi) Nachinola xii) Ucassaim xiii) Marra xiv) Nadora xv) Moitem xvi) Assonora xvii) Oxel xviii) Pirna xix) Revora xx) Paliem xxi) Saligao xxii) Marna xxiii) Calvim xxiv) Corjuvem xxv) Punola xxvi) Pomburpa xxvii) Olaulim xxviii) Ponolem	i) Torxem ii) Tamboxem iii) Mopa iv) Ugve v) Khajne/Cansnem vi) Amberem vii) Poroscodem viii) Varconda ix) Ozari x) Casarvornem xi) Chandel xii) Hasapur xiii) Alorna xiv) Ibrampur xv) Virnoda xvi) Agarwada xvii) Chopdem xviii) Paliem xix) Corgao xx) Parcem	i) Adwalpale ii) Aturli iii) Cotmbi iv) Cudnem v) Curchirem vi) Dumacem vii) Latambarcem viii) Maulinguem-North ix) Mencurem x) Naroa xi) Navelim xii) Ona xiii) Pale xiv) Piligao xv) Salem xvi) Sirgao xvii) Surla xviii) Vainguinim xix) Velguem xx) Viridi	i) Ambeli ii) Ambedem iii) Ansoleim iv) Advoi v) Assordem vi) Bombedem vii) Buimpal viii) Bironдем ix) Karambolim-Brama x) Choraundem xi) Codal xii) Caranzol xiii) Cumarconda xiv) Cudcem xv) Compordem xvi) Codiem xvii) Cocqui xviii) Codvol xix) Carambolim-Burzuco xx) Cotorem xxi) Conquirem xxii) Dongurli xxiii) Derodem xxiv) Davem xxv) Dabem xxvi) Damocem xxvii) Edorem

			xxviii) Gonteli xxix) Golauli xxx) Govanem xxxi) Guleli xxxii) Ivrem- Buzruco xxxiii) Ivrem-Curdo xxxiv) Morlem xxxv) Massordem xxxvi) Mauzi xxxvii) Maloli xxxviii) Melauli xxxix) Malpona xl) Naguem xli) Nagargao xlii) Naneli xliii) Nanorem xliv) Poriem xlv) Podocem xlvi) Pissurlem xlvii) Pendrai xlviii) Pale xlix) Ponocem l) Padeli li) Querim lii) Ravona liii) Rivem liv) Sirolo lv) Surla lvi) Satrem lvii) Sigonem lviii) Saleli lix) Satozem lx) Sonal lxi) Sonus Vonvoliem lxii) Sanvordem lxiii) Sanvordem lxiv) Siranguli lxv) Sisidem lxvi) Ustem lxvii) Velus lxviii) Vainguinim lxix) Vaguriem lxx) Velguem lxxi) Vantem lxxii) Xelopo Curdo lxxiii) Xelopo Buzruco lxxiv) Zarani lxxv) Zormen
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District-South Goa

1) Ponda Taluka:	2) Salcete Taluka	3) Mormugao Taluka:	4) Quepem Taluka:
i) Adcolna ii) Betqui iii) Boma iv) Candepar v) Codar vi) Conxem vii) Cuncolem viii) Durbhat ix) Nircancal x) Orgao xi) Panchawadi xii) Priol xiii) Querim xiv) Savoi-Verem xv) Gangem xvi) Talaulim xvii) Tivrem xviii) Vadi xix) Vagurbem xx) Velinga xxi) Volvoi xxii) Candola	i) Ambelim ii) Adsulim iii) Assolna iv) Chandor v) Chinchinim vi) Calata vii) Camurlim viii) Cana ix) Cavorim x) Curtorim xi) Cuncolim xii) Deussua xiii) Dicarpale xiv) Dramapur xv) Duncolim xvi) Gaundalim xvii) Guirdolim xviii) Loutolim xix) Macasana xx) Mulem xxi) Nagoa xxii) Orlim xxiii) Paroda xxiv) Raia xxv) Rachol xxvi) Sarzora xxvii) Sao Jose de areal xxviii) Seraulim xxix) Sirlim xxx) Talvorda xxxi) Talaulim xxxii) Utorda xxxiii) Vanelim xxxiv) Velim xxxv) Verna xxxvi) Veroda	i) Quelossim ii) Cuelim iii) Sao Jacinto Island	i) Zanodem ii) Undorna iii) Quisconda iv) Quedem v) Sulcorna vi) Pirla vii) Padi viii) Odar ix) Nagvem x) Mangal xi) Maina xii) Molcornem xiii) Molcopona xiv) Morpiria xv) Gocoldem xvi) Corla xvii) Cazur xviii) Cordem xix) Cavorem xx) Cotombi xxi) Barcem xxii) Bendurdem xxiii) Ambaulim xxiv) Avedem xxv) Assolda xxvi) Admen xxvii) Xelvona xxviii) Xic Xelvolna xxix) Balli xxx) Tiloi

5) Sanguem Taluka:	6) Dharbandora Taluka:	7) Canacona Taluka:
i) Antoriem ii) Boma iii) Bati iv) Calem v) Comproi vi) Coranginim vii) Costi viii) Curpem ix) Colomba x) Curdi xi) Cumbari xii) Dudal xiii) Dongurli xiv) Dongor xv) Maulinguem xvi) Muguli xvii) Naiquinim xviii) Netroli xix) Nundem xx) Oxel xxi) Patiem xxii) Potrem xxiii) Portem xxiv) Rumbrem xxv) Rivona xxvi) Salauli xxvii) Santona xxviii) Sigonem xxix) Tudou xxx) Uguem xxxi) Viliena xxxii) Verlem xxxiii) Vichundrem xxxiv) Xelpem	i) Aglote ii) Bandoli iii) Codli iv) Caranzol v) Camarconda vi) Cormonem vii) Sancordem viii) Sangod ix) Sigao x) Sonaulim xi) Maissal xii) Surala	i) Canacona ii) Cotigao iii) Gaodongrem iv) Loliem

Secretariat,
Porvorim-Goa
Dated 09-09-2016

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

¹Substituted vide the Goa (Regularisation of Unauthorized Construction) (Amendment) Ordinance, 2016 (Ordinance No.4 of 2016) published in the Official Gazette, Series I No. 38 (Extraordinary No. 5) dated 27-12-2016.

²By the Goa Regularisation of Unauthorized Construction (Amendment) Ordinance, 2018 (Ordinance No. 1 of 2018), published in the Official Gazette Series I No. 11 (Extraordinary-2) dated 18-6-2018, the proviso inserted and 30 day's time was given (i.e. from 18-6-2018 to 17-7-2018) to submit the applications.

Thereafter by the Amendment Act 16 of 2018 period granted by the Ordinance was saved and regularized and further 30 days' more time granted from the date of coming into force of the Act 16 of 2018 i.e. from 4th October, 2018 as notified vide Notification No. 16/55/2015-RD dated 4-10-2018.

³Entry of Schedule-II substituted by the Notification No. 16/55/2015-RD (Part-II) dated 11-11-2016 published in the Official Gazette Series-I No. 33 dated 17-11-2016.