



LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

**The Goa Regularisation of
Unauthorized Construction
(Amendment) Bill, 2023**

(Bill No. 16 of 2023)

(To be introduced in the Legislative Assembly of the State of Goa)

GOA LEGISLATURE SECRETARIAT,
ASSEMBLY HALL, PORVORIM, GOA
MARCH, 2023

The Goa Regularisation of Unauthorized Construction (Amendment) Bill, 2023

(Bill No. 16 of 2023)

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BILL

5 *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 Seventy-fourth Year of the Republic of India as follows:-

10 **1. Short title and commencement.**— (1) This Act may be called the Goa Regularisation of Unauthorized Construction (Amendment) Act, 2023.

15 (2) It shall be deemed to have come into force on the 6th day of March, 2023, except section 3 which shall be deemed to have come into force on the 24th day of June, 2016.

20 **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"),—

(i) in sub-section (1), before the existing provisos, the following proviso shall be inserted, namely:—

25 "Provided that no such written consent as referred to in clauses (a) and (c) is required where the property/land is divided/allotted between all co-owners or members of family/families by an order or decree of

the Court in any proceedings or by any registered Deed or instrument”;

(ii) for sub-sections (6), (7) and (8), the following sub-sections shall be substituted, namely:-

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“(6) The authorised officer shall not entertain an application or proceed with regularisation process of unauthorized construction where the title or ownership of any property/land upon which unauthorized construction has been carried out, is subject matter of a dispute before any Court, Tribunal or any Statutory Authority and such Court, Tribunal or Statutory Authority has passed an injunction or granted status quo or any prohibitory order against such property/land or construction.

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(7) Where the title or ownership of any property/land upon which unauthorized construction has been carried out, is subject matter of a dispute before any Court, Tribunal or any Statutory Authority but no such injunction or status quo or any prohibitory order is granted against such property/land or construction by such Court, Tribunal or Statutory Authority and the authorised officer passes any order of regularization of unauthorized construction 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 or in any contract,

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judgment, decree or order of any Court or any Statutory Authority or any instrument having the force of law, the authorized officer may, entertain an application under sub-section (1) and pass an order of regularisation of unauthorized construction under this Act and upon passing of such order of regularisation of unauthorized construction, such unauthorized construction shall be deemed to have been regularised under the relevant Act.”.

3. Substitution of section 7.— For section 7 of the principal Act, the following section shall be substituted, namely:-

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“7. Appeals.— (1) Any person aggrieved by an order passed by the authorised officer may prefer an appeal to the Government.

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(2) Every appeal under this Act shall be filed within a period of sixty days from the date of the order of the authorised officer and the provisions of sections 4, 5, 12 and 14 of the Limitation Act, 1963 (Central Act 36 of 1963), shall apply to the filing of such appeal”.

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4. Validation.— Notwithstanding anything contained in any judgment, decree or order of any Court, any appeal entertained by the Government after expiry of the period of sixty days by condoning the delay in filing of such appeal, before the 6th day of March, 2023, shall be deemed to have been validly entertained in accordance with the provisions of section 7 of the principal Act as amended by this Act.

5. Repeal and saving.— (1) the Goa Regularisation of Unauthorized Construction (Amendment) Ordinance, 2023 (Ordinance No. 1 of 2023) is here by 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, as amended by this Act. 5

STATEMENT OF OBJECTS AND REASONS

The Bill seeks to insert a proviso in Sub-section (1) of section 3 of the Goa Regularisation of Unauthorized Construction Act, 2016 (Goa Act 20 of 2016) (hereinafter referred to as the "said Act") so as to do away the requirement of written consent as referred to in clauses (a) and (c) of sub-section (1) of section 3 of the said Act where the property/land is divided/allotted between all co-owners or members of family/families by an order or decree of the court or by a registered Deed or instrument.

The Bill also seeks to substitute sub-sections (6), (7) and (8) of section 3 of the said Act so as to not allow Regularisation of Unauthorized Construction where the title or ownership of any property/land upon which Unauthorized Construction has been carried out, is subject matter of a dispute before any Court, Tribunal or any statutory Authority.

The Bill also seeks to substitute sections 7 of the said Act so as to make applicable certain provisions of the Limitation Act, 1963 (central act 36 of 1963) to the appeals made under the said Act.

The Bill also seeks to replace the Goa Regularisation of Unauthorized Construction (Amendment) Ordinance, 2023 (Ordinance No. 1 of 2023) promulgated by the Governor on 6th March, 2023.

This Bill seeks to achieve above objects.

FINANCIAL MEMORANDUM

No financial implications are involved in this Bill.

MEMORANDUM REGARDING DELEGATED LEGISLATION

No delegated Legislation is envisaged in this Bill.

Assembly Hall, (Atanasio Monserrate)
Porvorim-Goa Minister for Revenue.
____ March, 2023.

Assembly Hall, (Namrata Ulman)
Porvorim-Goa Secretary to the Legislative
____ March, 2023. Assembly of Goa.

Extract of sub-section (1) of Section 3 & 7 of The Goa Regularisation of Unauthorized Construction Act, 2016 (Goa Act 20 of 2016).

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.

Provided that the person who could not make application within above period may make such application within a period of 30 days (thirty days) from the date of coming into force of the Goa Regularisation of unauthorised Construction (amendment) Act, 2018.

“Provided for the that the person who could not make application within the period as specified in the first proviso may make such application within a period of 90 days (Ninety days) from the date of coming into force of the Goa Regularisation of unauthorised Construction (amendment) Act, 2023.

Section: 7. Appeals.— any person aggrieved by an order passed by the authorised officer may prefer an appeal to the Government within a period of 60 (sixty days) from the date of passing of such order.

Assembly Hall,
Porvorim - Goa

Namrata Ulman
Secretary, Legislature