



LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

**The Goa Town and Country
Planning (Second Amendment)
Bill, 2023**

(Bill No. 20 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 Town and Country Planning
(Second Amendment) Bill, 2023**

(Bill No. 20 of 2023)

A

Bill

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

5 BE it enacted by the Legislative Assembly of
Goa in the Seventy-fourth 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 (second Amendment) Act, 2023.

(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
15 of the Goa Town and Country Planning Act, 1974
(Act No. 21 of 1975), for the first proviso, the
following proviso shall be substituted, namely:—

20 “Provided that no such certificate of
sanction or “no objection” shall be required to
be produced to transfer, assign, limit or
extinguish the right, title or interest in respect
of plot to be acquired through inheritance in
an ancestral property or in family property by
the legal heirs pursuant to Succession Deed,
25 Inventory proceeding, Will, family partition/
settlement, gift, governed by the provisions of
the Goa Succession, Special Notaries and

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Inventory Proceedings Act, 2012 (Goa Act 23 of 2016) and the law in force: Provided further that such development permission shall be required where sub-division results in plots in excess of number of legal heirs.”.

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Statement of Objects and Reasons

The Bill seeks to amend sub-section (6) of section 49 of the Goa Town and Country Planning Act, 1974 (Act 21 of 1975), so as to prevent the misuse of exemption from obtaining certificate of sanction or no objection for sub-division in case of inheritance within family resulting in sub-division of land into multiple plots without following sub-division standards and provisions of statutory Plan.

This Bill seeks to control such sub-division of property by amending sub-section (6) of section 49 of the said Act, suitably.

Financial Memorandum

No financial implications are involved in this Bill.

**Memorandum Regarding Delegated
Legislation**

Clause 1 (2) of the Bill empowers the Government to issue Notification for appointing a date for bringing into force the Act.

This delegation is of normal character.

Porvorim-Goa (Vishwajit Rane)
28th March, 2023 Hon'ble Minister for (TCP)

Assembly Hall, (Namrata Ulman)
Porvorim-Goa Secretary to the Legislative
28th March, 2023 Assembly of Goa

**Extracts of Section 49 of the Goa
Town and Country Planning Act, 1974
(Act 21 of 1975**

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 Authority 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 condition.

(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, 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 or from the Town and Country Planning Department within a area other than 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 or from Chief Town Planner (Planning) or such officer as may be authorized.

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.

Assembly Hall,
Porvorim-Goa.
28th March, 2023

NAMRATA ULMAN
Secretary to the Legislative

