



Government of Goa
Revenue Department
Secretariat, Porvorim- Goa 403 521

No: 16/55/2015-RD

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CIRCULAR

Sub: - Guidelines & Procedure for submission of applications and hearing of applications under the Goa Regularisation of Unauthorised Construction Act, 2016 and matter incidental thereto.

Honourable Governor of Goa was pleased to promulgate the Goa Regularisation of Unauthorized Construction Ordinance, 2016 on 24th June 2016 which is published in the Official Gazette, Extraordinary, Series I no. 12 dated 24th June 2016. The said Ordinance is replaced by the Goa Regularisation of Unauthorized Construction Act, 2016, published in Official Gazette, Extra Ordinary, Series I no. 24, dated 15th September, 2016.

In this regards the Government of Goa desires to clarify certain aspects for information of Authorised Officers in specific and the Public in general. These aspects are made known to all as follows:

1. The Legislation is for genuine cases of unauthorised structures where the necessary permissions and clearances could not be obtained.
2. The residential category is only for personal dwelling and not for the rooms given on rents. The commercial category or residential cum commercial category should not include the rooms or any structure given on rent.
3. The mention about Form I & XIV in the schedule I of the Act is for ensuring genuine cases are considered. There is possibility that on acquiring occupancy right on purchase of land the applicant may get his name included in form I & XIV but may not have constructed the structure which could have now come up to get benefit under this Act. Form I & XIV is only to verify land details and should not be considered as substantial document for deciding the matter.
4. A technical team comprising of officials from Town & Country Planning Department, Public Works Department (Building Division), Forest Department, Goa Coastal Zone Management Authority, Directorate of Settlement and Land Records and Revenue (Collectorate) shall be formed by the authorised officer for assisting him in the enquiry. The team members should be the officers appointed and performing duties in the respective talukas. The officials from Forest and Coastal Zone Management Authority should be included in the team wherever required only.
5. With regards to structures existing on right of way, road set back area, it is clarified that the portion of structures that is within such limits if removed, then the remaining portion of the structure can be considered for regularisation.

6. Stability certificate should be accepted only if it is issued by Authorised Architect or Authorised Engineer. However the stability certificate is necessary only if the structure is having any floors above the ground level.
7. The Collector of the respective districts should take monthly review of the disposal of applications by authorised officers under the Act.
8. A dedicated counter with modest official should be posted in each offices of the Deputy Collector & Sub Divisional officer for guiding the applicants to fill in the forms as well as to accept the form on verification.
9. A check list should be given by the Authorised Officer to the inspection team comprising of PWD manual, infrastructural tax, conversion charges, house tax, occupancy fees, construction licence fees etc.
10. The nature of land as claimed by the applicant should be decided by Authorised officer only after getting the inspection report from the team.
11. The authorised officer may entertain any complaint however the same should be heard and disposed off summarily by giving not more than two hearings.
12. The ceiling limits should be strictly complied with and in any case the structure should not exceed the maximum limit mentioned in the Act.

Further, certain guidelines are desired to be laid down for dealing with and processing of the application to be received by the Authorised Officers, which are as under:-

1. An application as prescribed under the Goa Regularisation of Unauthorised Construction Act, 2016 only should be accepted.
2. The application which is numbered and available across the counter in Office of Mamlatdar or concerned Member of Legislative Assembly (MLA) should be accepted and processed.
3. A dedicated personnel preferably the Gram Rojgar Sahayak posted in the Village Panchayat situated within the jurisdiction of the concerned Revenue Sub Division should be available in the respective Officer of the Deputy Collector & SDO to assist and help the applicant to fill in the application form.
4. The said Sahayaks in the jurisdiction can be posted in the office of Deputy Collector & SDO on rotation basis for one full day. The said personnel should calculate the Conversion fees and infrastructural tax based on the information given by the application in his application and further calculate the House Tax, Occupancy fee and Construction license fee as is applicable in the respective Village Panchayat based on the location of the structure sought to be regularised.
5. Thereafter the said calculations based on the chart in Schedule II to the Goa Regularisation of Unauthorised construction Act, 2016, should be verified and approved by the Awam Karakun attached to be Office of the Deputy Collector & SDO.
6. The final amount so calculated in the Schedule II as may be amended from time to time should be intimated to the applicant and issue a challan as prescribed in Treasury Rules (**Form 5**) for making payment of atleast the 50% of the said amount as calculated.
7. The applicant can make the payment as indicated in the Challan and may thereafter submit the application duly filled in all respect, alongwith court fee stamp of Rs. 5/- and annexing all the relevant document in the Office of the Deputy Collector & SDO.

8. The Awal Karkun in the Office of the Deputy Collector & SDO shall scrutinise the application and give an acknowledgement to the applicant at once. Thereafter the said application should be placed before the Authorised Officer.
9. The Authorised officer may on examining the application refer the same to the Technical Team for inspection and report.
10. The Technical Team should be headed by the Mamlatdar of the concerned Taluka within whose jurisdiction the said unauthorised construction exists. The team should conduct inspection as expeditiously as possible, but in any case within a period of eight days from the receipt of the application from Authorised Officer.
11. The team should verify as to whether the said structure comes within any of the prohibited area. It should also verify the dimensions given by the applicant in the sketch to be correct, age of the building and in general whether the structure can be considered for regularisation based on parameters envisaged in the Goa Regularisation of Unauthorised construction Act, 2016.
12. The team incharge should submit its report to the Authorised officer within 5 days from the date of inspection.
13. The Authorised Officer shall thereafter hold a summary inquiry to hear the applicant and objections, if any.
14. Thereafter the Authorised officer shall pass the necessary orders either for regularisation or rejecting the application for regularisation of the said unauthorised structure.
15. In case of acceptance of the application the applicant will be directed to deposit the entire amount as calculated based on Schedule II of the Act, and pass an Order for regularisation of structure.
16. On 1st of every month the Authorised Officer shall reconcile the amount so received under this Act and transfer the amount which is received pertaining to House Tax, Occupancy Fees and Construction licence fees to concerned Village Panchayat on acknowledgement from the respective Village Panchayat.

This circular is issued on approval of the Government for strict compliance thereof.

(Ashutosh Apte)
Under Secretary (Rev-I)