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GOVERNMENT OF GOA

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Notification

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The Goa Legislative Diploma No. 2070 dated 15-4-1961 (Amendment) Act, 2025 (Goa Act 16 of 2025), which has been passed by the Legislative Assembly of Goa on 07-08-2025 and assented to by the Governor of Goa on 26-08-2025, is hereby published for the general information of the public.

Dnyaneshwar Raut Dessai, Joint Secretary (Law).

**The Goa Legislative Diploma No. 2070 dated 15-4-1961
(Amendment) Act, 2025**

(Goa Act 16 of 2025)

[26-08-2025]

AN

ACT

further to amend the Legislative Diploma No. 2070 dated 15-4-1961, in its application to the State of Goa.

Be it enacted by the Legislative Assembly of the State of Goa in the Seventy-sixth Year of the Republic of India as follows:-

1. *Short title and commencement.*— (1) This Act may be called the Goa Legislative Diploma No. 2070 dated 15-4-1961 (Amendment) Act, 2025.

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

2. *Insertion of new article 372-B.*— In the Legislative Diploma No. 2070 dated 15-4-1961, after article 372-A, the following article shall be inserted, namely:—

“372-B. *Regularization of encroachment for unauthorized construction of dwelling house.*— (1) Notwithstanding anything contained in this Code, the Goa Land Revenue Code, 1968 (Act 9 of 1969), the Goa Town and Country Planning Act, 1974 (Act 21 of 1975), the Goa Land (Prohibition on Construction) Act, 1995 (Goa Act No. 20 of 1995), the Goa (Regulation of Land Development and Building Construction) Act, 2008 (Goa Act 6 of 2008), the Goa Land Development and Building Construction Regulations, 2010, the Goa Municipalities Act, 1968 (Act 7 of 1969), the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994), the City of Panaji Corporation Act, 2002 (Goa Act 1 of 2003) or any other State law for the time being in force, where any person has carried out unauthorized construction of a dwelling house, before the 28th day of February, 2014, on a land belonging to the Comunidade, without such land being lawfully granted to him as per the provisions of this Code, the grant/allotment of such encroached land may be regularised by such officer, not below the rank of Senior Scale Officer of the Goa Civil Service, as may be authorised by the Government by a notification in the Official Gazette, by passing an order of regularisation of grant/allotment of such land, subject to such conditions as may be specified by him, upon an application being made by the applicant and upon depositing by him with the authorised officer compensation amount, to be paid to the concerned Comunidade, at such rate as may be specified by the Government by an order published in the Official Gazette. For deciding such application the authorized officer shall follow the procedure as specified in clauses (5) and (13):

Provided that the authorised officer shall not entertain any application under clause (1), if the land upon which such dwelling house has been unauthorisedly constructed falls within the limits of the agricultural land held by a tenant under the Goa Agricultural Tenancy Act, 1964 (Act 7 of 1964), protected forest, area declared as a wild life sanctuary, area covered under the Coastal regulation zone where such construction has been carried out after the 19th day of February 1991, No Development Zone, open spaces, areas covered under Eco Sensitive Zone-I, Khazan land, 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 areas other than orchard land or cultivable land covered under Eco Sensitive Zone-II.

Explanation.— (i) “Eco Sensitive Zone-I” means Eco Sensitive Zone-I as classified in Regional Plan 2021.

(ii) “Eco Sensitive Zone-II” means Eco Sensitive Zone -II as classified in Regional Plan 2021:

Provided further that the authorised officer may entertain an application under clause (1), if the land upon which such dwelling house has been unauthorisedly constructed falls within the limits of the area covered under Settlement Zone, Institutional Zone, Industrial Zone, Cultivable Zone or Orchard.

(2) The total extent of land to be regularized under this article shall comprise of only plinth area of dwelling house and area adjoining to such dwelling house upto two meters on all sides from its outer walls, if available. In no case the authorised officer shall regularize land exceeding 300 square meters:

Provided that where the encroached area exceeds the above permissible limit, the authorised officer shall not pass an order of regularization of land unless the applicant surrenders the excess encroached area to the Administrator and the Administrator takes possession of the same for handing it over to the concerned Comunidade:

Provided further that where more than one dwelling house exists in close proximity and it is not feasible to allocate two meters of surrounding land from the outer walls to each such dwelling house, the available land shall be apportioned proportionately amongst them.

(3) The Application referred in clause (1) shall be made to the authorised officer within a period of six months from the date of coming into force of the Goa Legislative Diploma No. 2070 dated 15-4-1961 (Amendment) Act, 2025 in such form, accompanied by such documents and such fees as prescribed.

(4) The authorised officer shall dispose of such application within a period of six months from the date of its receipt:

Provided that for calculating the said period of six months, the period from the date of filing of appeal under clause (10) and/or revision under clause (12), if any, upto disposal of such appeal and/or revision shall not be taken into consideration.

(5) The authorised officer shall not decide on such application for regularisation unless applicant furnishes,—

(i) the explicit consent for regularization of land of the concerned Comunidade given through its Attorney, or

(ii) the deemed consent for regularization of land as,—

(a) certified by the Administrator under clause (9), or

(b) confirmed by the Administrator in appeal under clause (10), or

(c) decided by the Government in revision under clause (12).

(6) For the purpose of obtaining consent of the Comunidade for regularisation of grant of land upon which the applicant has carried out unauthorised construction of a dwelling house, he shall make an application to the concerned Comunidade in such form as prescribed immediately upon making application under clause (1). The Comunidade shall not unreasonably or arbitrarily withhold or refuse its consent.

(7) The Comunidade shall take a decision on the request made in the application under clause (6) within a period of thirty days from the date of receipt of such application.

(8) Where the Comunidade refuses to give its consent, it shall within a period of fifteen days from the date of decision of such refusal, communicate its decision in writing to the applicant and also to the Administrator, clearly stating the reasons for such refusal.

(9) If the Comunidade fails to,—

(i) take a decision on the application within the time limit specified in clause (7); or

(ii) communicate its decision in writing to the applicant about refusal of consent or otherwise within the time limit specified in clause (8),

after expiry of forty-five days from the date of receipt of such application by the Comunidade, the consent shall be deemed to have been given and the applicant shall make an application to the Administrator, who shall, within a period of thirty days from the date of receipt of such application, issue a certificate in such form as prescribed confirming that the consent of the concerned Comunidade as deemed to have been given.

(10) Where the Comunidade refuses to give its consent, the applicant may prefer an appeal to the Administrator within a period of thirty days from the date of receipt of the communication of refusal from

the Comunidade. The Administrator shall dispose of such appeal within a period of thirty days from the date of its receipt after hearing the applicant and the Comunidade.

(11) The Administrator may, while disposing of such appeal or otherwise, treat the consent of the concerned Comunidade as deemed to have been given in cases including but not limited to any of the following circumstances, and may accordingly pass an order confirming that the consent of the Comunidade is deemed to have been given,—

(i) where the applicant has been in continuous and peaceful possession of the dwelling house unauthorisedly constructed on a land belonging to the Comunidade before the 28th day of February, 2014, without such land being lawfully granted to him as per the provisions of this Code, at least for a period of twelve years and no legal proceedings have been initiated by the Comunidade in respect of such encroachment during the said twelve year period since such encroachment; or

(ii) where, without following the procedure as laid down in this Code, the Comunidade or any of the member of its Managing Committee has,—

(a) issued a no objection certificate or any other document conveying consent to the applicant for occupation and/or use of the said land before construction of such dwelling house; or

(b) accepted any payment from the applicant as compensation in respect of the land encroached by the applicant and deposited the said amount in the coffers of the concerned Comunidade.

(12) Any person aggrieved by the decision of the Administrator may file a revision application before the Government. The Government shall dispose of such revision application within a period of sixty days from the date of its filing.

(13) Upon receipt of,—

(i) the explicit consent of the concerned Comunidade given through its Attorney, or

(ii) the deemed consent as,—

(a) certified by the Administrator under clause (9), or

(b) confirmed by the Administrator in appeal under clause (10), or

(c) decided by the Government in revision under clause (12),

the authorized officer shall issue a notice to the Attorney of the concerned Comunidade directing him to submit his reply within a period of fifteen days from the date of receipt of such notice. If no reply is received within the said period, it shall be presumed that the Comunidade has no objection for regularisation of grant of such land to the applicant. After submission of reply by the Attorney within the said period of fifteen days or on failure to submit reply within the said period of fifteen days, whichever is earlier, the authorised officer shall scrutinize the application received under clause (1) and after holding such enquiry as he deems fit, decide such application by passing an appropriate order.

(14) No such land the grant of which is regularized by the authorized officer by passing an order under clause (13) shall be sold, assigned or otherwise transferred to any person till the expiry of a period of twenty years from the date of such order except by way of gift in favour of a family member of the applicant.

(15) Once the land on which the dwelling house exists is regularized under the provisions of this article, the applicant may make an application under the Goa Regularisation of Unauthorized Construction Act, 2016 (Goa Act 20 of 2016) for the purpose of regularization of such dwelling house in accordance with the provisions contained therein.

(16) Notwithstanding anything contained in this Code or any other law for the time being in force or any Judgment/Decree/Order of any court, no such dwelling house which has been unauthorisedly constructed on a land belonging to the Comunidade, before the 28th day of February, 2014, without such land being lawfully granted as per the provisions of this Code, shall be demolished till the expiry of six months from the date of coming into force of the Goa Legislative Diploma No. 2070 dated 15-4-1961 (Amendment) Act, 2025 and in case any application is filed under clause (1) within the time limit specified in clause (3), then such dwelling house shall not be demolished till disposal of such application.

(17) If no application is filed within the time limit specified in clause (3) or if such application so filed is rejected, the Administrator shall initiate action against such dwelling house in accordance with law.

(18) No suit, prosecution or other legal proceeding shall lie against the Authorized Officer, Administrator or any officer authorised by the Authorized Officer, in respect of anything which is in good faith done or intended to be done in pursuance of this article or of any rules or orders made thereunder.

(19) In case it is found that the applicant has obtained an order of regularisation on the basis of a false declaration or document,—

(a) the Authorized Officer shall revoke the order passed under clause (1) and upon such revocation the land regularised, if any, shall stand reverted to the concerned Comunidade; and

(b) the applicant shall be punishable with imprisonment for a term which may extend to two years and with fine which may extend to rupees one lakh.

(20) An offence punishable under this article shall be cognizable.

(21) No Court other than the Court of a Judicial Magistrate First Class shall take cognizance of, and try an offence under this article.

Explanation: For the purpose of this article,—

(a) “applicant” means a landless person, who has constructed a dwelling house, before the 28th day of February, 2014, on a land belonging to the Comunidade, without such land being lawfully granted to him as per the provisions of this Code, and who has been a resident of Goa for a period of not less than fifteen years immediately preceding the said date and includes his family members in case of his death but does not include a person or his family member who owns a plot of land, house, flat or apartment or an undivided share in ancestral property which on the date of making an application has been separately allotted to him;

(b) “authorised officer” means the officer as authorised by the Government under clause (1);

(c) “dwelling house” means a house where the applicant or his family members reside with a fixed habitation and is exclusively used by him or his family members for the purpose of their dwelling and is allotted a number by the local authority;

(d) “family member” means the applicant’s spouse, son and unmarried daughter and includes grandson, widowed daughter and widowed granddaughter.

Secretariat,
Porvorim-Goa.
Dated: 01-09-2025.

SANDIP JACQUES
Secretary to the Government of Goa,
Law Department (Legal Affairs).