Office of the State Registrar
-cum-Head of Notary Services
Inward No.: 12734
Dated: 24/12/2024

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

No: 16/58/04/2017-RD 1371 **Dated: 17/12/2024.**

CIRCULAR

The Hon'ble Supreme Court has, on various occasions, issued directions and guidelines concerning the demolition of unauthorized constructions, emphasizing adherence to due procedures and principles of natural justice. District Magistrates, as part of the district administration, play a critical role in implementing these directions and ensuring compliance with the Court's instructions.

Recently, in its order in Writ Petition (Civil) No. 295 of 2022 with Writ Petition (Criminal) No. 162 of 2022 and Writ Petition (Civil) No. 328 of 2022, dated 13/11/2024, the Hon'ble Supreme Court has directed all State Governments to issue circulars to District Magistrates and local authorities, informing them of the Court's directions. These guidelines specifically outline the procedures and safeguards to be followed when dealing with unauthorized or illegal constructions, ensuring that any demolition actions ought to be carried out as per procedure prescribed by law and with due adherence to the principles of natural justice including the right to a personal hearing and the issuance of a reasoned order.

In view of these directions which are issued by the Hon'ble Supreme Court, in exercise of powers bestowed in it under Article 142 of the Constitution, all District Magistrates and local authorities are hereby directed to meticulously follow the following guidelines.

A. NOTICE FOR DEMOLITION

1. No demolition should be carried out without a prior show cause notice returnable either in accordance with the time provided by the local municipal/ panchayat laws or within 15 days' time from the date of service of such notice, whichever is later.
2. The notice shall be served upon the owner/occupier by a registered post A.D. Additionally, the notice shall also be affixed conspicuously on the outer portion of the structure in question.
3. The time of 15 days, stated herein above, shall start from the date of receipt of the said notice.

show cause notice is duly served, intimation thereof shall be sent to the office of Collector/District Magistrate of the district digitally by email and an auto generated reply acknowledging receipt of the mail should also be issued from the office of the Collector/District Magistrate. The Collector/DM shall designate a nodal officer and also assign an email address and communicate the same to all the Panchayat/Municipal and other authorities in charge of building regulations and demolition within one month from the date of the judgment.

5. The notice shall contain the details regarding:
   a. the nature of the unauthorized construction.
   b. the details of the specific violation and the grounds of demolition.
   c. a list of documents that the notice is required to furnish along with his reply.
   d. The notice should also specify the date on which the personal hearing is fixed and the designated authority before whom the hearing will take place;
6. Every Panchayat/Municipal/local authority shall assign a designated digital portal, within 3 months from the date of judgment, wherein details regarding service/pasting of the notice, the reply, the show cause notice and the order passed thereon would be available.

B. PERSONAL HEARING

1. The designated authority shall give an opportunity of personal hearing to the person concerned.
2. The minutes of such a hearing shall also be recorded.

C. FINAL ORDER

1. Upon hearing, the designated authority shall pass a final order.
2. The final order shall contain:
   a. the contentions of the notice, and if the designated authority disagrees with the same, the reasons thereof;
   b. as to whether the unauthorized construction is compoundable, if it is not so, the reasons thereof;
   c. if the designated authority finds that only part of the construction is unauthorized/non compoundable, then the details thereof.

d. as to why the extreme step of demolition is the only option available and other options like compounding and demolishing only part of the property are not available.

D. AN OPPORTUNITY OF APPELLATE AND JUDICIAL SCRUTINY OF THE FINAL ORDER.

1. It is further directed that if the statute provides for an appellate opportunity and time for filing the same, or even if it does not so, the order will not be implemented for a period of 15 days from the date of receipt thereof. The order shall also be displayed on the digital portal as stated above.
2. An opportunity should be given to the owner/occupier to remove the unauthorized construction or demolish the same within a period of 15 days. Only after the period of 15 days from the date of receipt of the notice has expired and the owner/occupier has not removed/demolished the unauthorized construction, and if the same is not stayed by any appellate authority or a court, the concerned authority shall take steps to demolish the same. It is only such construction which is found to be unauthorized and not compoundable shall be demolished.
3. Before demolition, a detailed inspection report shall be prepared by the concerned authority signed by two Panchas.

E. PROCEEDINGS OF DEMOLITION

1. The proceedings of demolition shall be video-graphed, and the concerned authority shall prepare a demolition report giving the list of police officials and civil personnel that participated in the demolition process. Video recording to be duly preserved.
2. The said demolition report should be forwarded to the Director of Panchayat/ Chief Officer/Municipal Commissioner by email and shall also be displayed on the digital portal.

The authorities shall strictly comply with the aforesaid directions issued by the Hon'ble Supreme Court. Any violation of any of the directions would lead to initiation of contempt proceedings in addition to the prosecution.

the orders of the Hon'ble Supreme Court, the officer/officers concerned will be held responsible for restitution of the demolished property at his/their personal cost in addition to payment of damages.

The above directions will not be applicable if there is an unauthorized structure in any public place such as road, street, footpath, abutting railway line or any river body or water bodies and also to cases where there is an order for demolition made by a Court of law.

17/12/2024

(Dr V. Candavelou, IAS)
Chief Secretary

To:

1. The Director of Printing and Stationery via portal for publication in the Official Gazette.
2. The Collector (North), North Goa District, Panaji, Goa.
3. The Collector (South), South Goa District, Margao, Goa.
4. The Director of Panchayat, Panaji, Goa.
5. The Director, Directorate of Municipal Administration, Panaji, Goa.
6. The Chief Town Planner, Panaji, Goa
7. The Commissioner, CCP, Panaji, Goa.
8. The Deputy Collector (Tiswadi) & Incharge of Demolition Squad, North Goa, Panaji.
9. The Deputy Collector (Salcete) & Incharge of Demolition Squad, South Goa, Margao.
10. All the HODs/Departments

Copy to:

1. OSD to Ld AG, Porvorim, Goa for favour of information
2. OSD to Hon'ble CM/Hon'ble Ministers, Ministerial Block, Secretariat, Porvorim

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