



LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

**THE GOA LAND REVENUE
(AMENDMENT) BILL, 2009**

(Bill No. 21 of 2009)

 introduced in the Legislative Assembly of the State of Goa)

**GOA LEGISLATURE SECRETARIAT
ASSEMBLY HALL, PORVORIM, GOA
July, 2009.**

THE GOA LAND REVENUE (AMENDMENT)
BILL, 2009

(BILL No. 21 OF 2009)

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BILL

further to amend the Goa Land Revenue Code, 1968 (Act No.9 of 1969).

5 BE it enacted by the Legislative Assembly of the State of Goa in the Sixtieth Year of the Republic of India, as follows:-

1. Short title and commencement.-(1) This Act may be called the Goa Land Revenue (Amendment) Act, 2009.

10 (2) It shall come into force at once.

2. Insertion of new section.— After section 32 of the Goa Land Revenue Code, 1968 (Act No.9 of 1969) (hereinafter referred to as the "**principal Code**"), the following section shall be inserted,
15 namely:-

"32A. Grant of sanad in Settlement Zone.—
Notwithstanding anything contained in section 32 of this Code, any land demarcated as settlement zone in the Outline Development
20 **Plan and /or the Regional Plan as duly notified under the Goa, Daman and Diu Town and Country Planning Act, 1974 (Act No. 21 of 1975), the Collector shall grant permission to use the land for such purpose permissible under the Goa,**
25 **Daman and Diu Town and Country Planning Act,**

1974 (Act No. 21 of 1975) or the Regulation framed thereunder in respect of Settlement Zone and issue sanad to the applicant subject to payment of fees as specified under sub-section (6) of section 32 of the Code."

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3. Amendment of section 33.— In sub-section (1) of section 33 of the principal Code, after the words and figures "**section 32**", the words and figures "**or 32A**" shall be inserted.

4. Amendment of section 96.— In section 96 of the principal Code,-

(i) for the words "**Talathi**" wherever it occurs, the words "**Mamlatdar of Taluka**" shall be substituted;

(ii) the expression "within three months from the date of such acquisition" shall be omitted;

(iii) the Explanation III shall be omitted.

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5. Amendment of section 97.— In section 97 of the principal Code.-

(i) in sub-sections (1), (2) and (3), for the word "**Talathi**" the words "**the Mamlatdar of the Taluka**" shall be substituted;

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(ii) in sub-sections (4) and (6), for the words "**an Awal karkun**" the words "**a Deputy Collector**" shall be substituted.

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6. Amendment of section 99.— In section 99 of the principal Code, for the words "**or a Talathi**" wherever it occurs, the words "**or the Mamlatdar of the Taluka**" shall be substituted.

7. Amendment of section 101.— In section 101 of the principal Code, in clause (a), for the words "**a Talathi**", the words "**or the Mamlatdar of the Taluka**" shall be substituted.

8. Amendment of section 102.— In section 102 of the principal Code, for the expression "**Talathi of the Village**" the words "**Mamlatdar of the Taluka**" shall be substituted.

Statement of Objections and Reasons

Insertion of 32 A – This insertion is carried out in order to simplify the procedure of Land Revenue Code, 1968.

The Bill seeks to amend section 33, 96, 97, 99, 101 and 102 of the Goa Land Revenue Code, 1968 so as to facilitate development of housing in settlement areas and vest powers on the Mamlatdar of the Taluka instead of the Talathi and further seeks to enable the Mamlatdar do take up mutations without any application specially in cases where other authorities have already adjudicated on issues and which are entitled to deal with.

The amendments are aimed at facilitating housing in settlement areas and the system of mutation which has so far been cumbersome and time consuming to the public.

The Bill seeks to achieve the above objects.

Financial Memorandum

This Bill does not involve any financial implication.

Memorandum Regarding Delegated Legislation

No Delegated Legislation is involved in this Bill.

Porvorim, Goa
31st July, 2009

(JOSE PHILIP D'SOUZA)
Minister for Revenue

Assembly Hall,
Porvorim, Goa
31st July, 2009

J. N. BRAGANZA
Secretary to the Legislative
Assembly of Goa

ANNEXURE

**Extract of Section 32, 33, 96, 97, 99, 101, 102, the Goa
Land Revenue Code, 1968 (Act No. 9 of 1969)**

32 (\$). Procedure for conversion of use of land from one purpose to another.-

- (1) If an occupant of land or a tenant of such land-
 - (a) which is assessed or held for the purpose of agriculture wishes to use it for a non-agricultural purpose, or
 - (b) where land is assessed or held for a particular non-agricultural purpose, wishes to use it for another agricultural purpose, or
 - (c) desire to use it for the same non-agricultural purpose for which it is assessed but in relaxation of any of the conditions imposed at the time of grant of land or permission for such non-agricultural purpose, such occupant or tenant shall, with consent of the tenant or, as the case may be, of the occupant apply (\$) to the Collector for permission in accordance with the form prescribed.
- (2) The Collector on receipt of an application,-
 - (a) shall acknowledge the application within seven days;
 - (b) may, unless the Collector directs otherwise, return the application if it is not made by the occupant or, as the case may be, the tenant or if the consent of the tenant, or as the case may be, of the occupant has not been obtained, or if it is not in accordance with the form prescribed;
 - (c) may, after the inquiry, either grant the permission on such terms and condition as he may specify subject to any rules made in this behalf by the Government; or refuse the permission applied

for, if it is necessary so to do to secure public health, the safety and convenience or planned development of a village, town or city in force under any law for the time being in force and in the case of land which is to be used as building sites in order to secure in addition that the dimension, arrangement and accessibility of the sites are adequate for the health and convenience of the occupiers or are suitable to the localities; wherein an application is rejected, the Collector shall state the reasons in writing of such rejection.

(3) If the Collector fails to inform the applicant of his decision within Ninety days from the date of acknowledgement of the applicant, or from the date of receipt of the application if the application is not acknowledge, or within fifteen days from the date of receipt of application for a temporary change of user or wherein application has been duly returned for the purpose mentioned in the clause (b) of sub section (2), then within ninety days from the date on which it is again presented duly complied with, the permission applied for shall be deemed to have been granted, but subject to any conditions prescribed in the rules made by the Government in respect of such users.

(4) the person to whom permission is granted or deemed to have been granted under this section shall inform the Mamlatdar in writing through the village accountant of the date on which the change of user of land commenced, within thirty days from such date.

(5) If the person fails to inform the Mamlatdar within the period specified in sub-section (4), he shall be liable to pay in addition to the non-agricultural assessment such fine as the Collector may, subject to rules made in this behalf, direct but not exceeding five hundred rupees.

(6) when the land is permitted to be used for a non-agricultural purpose, a sanad shall be granted to the holder thereof in the form prescribed under the rules.

(7) It shall be lawful for the Collector, either on his own motion or on the application of a person affected by the error to direct at any time the correction of any clerical or arithmetical error in the sanad arising from any accidental slip or omission.

33. Penalty for so using the land without permission.

(*) (1) If any land held or assessed for one purpose is used for another purpose without obtaining permission of the Collector under section 32 or before the expiry of the period after which the change of user is deemed to have been granted under that section, or in contravention of any of the terms and conditions subject to which such permission is granted, the holder thereof or other person claiming through or under him, as the case may be, shall be liable to the one or more of the following penalties, that is to say,-

i) to pay non-agricultural assessment on the land with reference to the altered use;

ii) to pay such fine not exceeding the market value of the land as the Collector may, subject to rules made by the Government in this behalf, direct;

iii) to restore the land to its original use or to observe the conditions on which the permission is granted within such reasonable period as the Collector may by notice in writing direct; and such notice may require such person to remove any structure, to fill up any excavation or to take such other steps as may be required in order that the land may be used for its original purpose or that the conditions may be satisfied.

(2) If any person fails within the period specified in the notice aforesaid to take steps required by the Collector, the Collector may also imposed on such person a penalty not exceeding three hundred rupees for such contravention, and a further penalty not exceeding thirty rupees for each day during which the contravention

continues. The Collector may himself takes those steps or cause them to be taken; and any cost incurred in so doing shall be recoverable from such person as if it were an arrears of land revenue.

Explanation:— Using the land for the purpose of agricultural where it is assessed with reference to any other purpose shall not be deemed to be changed of user.

96. Acquisition of rights to be reported. - Any person acquiring by succession, survivorship, inheritance, partition, purchase, mortgage, gift, lease or otherwise, any right as holder, occupant, mortgagee, land lord, tenant or Government lessee of any land, shall report orally or in writing his acquisition of such right to the Talathi within three months from the date of such acquisition, and the said Talathi shall at once give a written acknowledge of the receipt of such report to the person making it:

Provided that, where the persons acquiring the right is a minor or otherwise disqualified, his guardian or other person having charge of his property shall make the report to the Talathi:

Provided further that any person acquiring a right with the permission of the Collector or by virtue of a registered document shall be exempted from the obligation to report to the Talathi:

Provided also that, where a person claims to have acquired a right with the permission of the Collector where such permission is required under the provisions of this code or any law for the time being in force, such person shall on being required by the Talathi so to do produce evidence of the order by which such permission is given.

Explanation I — the rights mentioned above include a mortgage without possession, but do not include as easement or a charge not amounting to a mortgage of

the kind specified in section 100 of the Transfer of Property Act, 1882.

Explanation II— A person in whose favour a mortgage is discharged or extinguished, or lease determine, acquires a right within the meaning of this section.

Explanation III— For the purpose of this Chapter, the term "Talathi" includes any person appointed by the Collector to perform the duties of Talathi under this Chapter.

97. Register of mutations and register of disputed cases.—

(1) The Talathi shall enter in a register of mutations in such form as may be prescribed every report made to him under section 96 or any intimation of acquisition or transfer under section 102 or from any Collector.

(2) Whenever a Talathi makes an entry in the register of mutation, he shall at the same time post up a complete copy of the entry in a conspicuous place in the village or where there is a village Panchayat, on the notice board of such Panchayat, and shall give written intimation to all persons appearing from the record of rights or register of mutations, to be interested in the mutation, and to any other person whom he has reason to believe to be interested therein.

(3) When any objection to any entry made under sub-section (1) in the register of mutation, is made either orally or in writing to the Talathi, it shall be the duty of the Talathi to enter the particulars of the objections in a register of disputed cases. The Talathi shall at once give a written acknowledgement for the objection to the person making it in the prescribed form.

(4) Disputes entered in the register of disputed cases shall as far as possible be disposed of within

one year by a revenue or survey officer not below the rank of an Awalkarkun and orders disposing of objections entered in such register shall be recorded in the register of mutations by such officer in such manner as may be prescribed by rules made by the Government in this behalf.

(5) the transfer of entries from the register of mutations to the record of rights shall be effected subject to such rules as may be made by the Government in this behalf.

Provided that an entry in the register of mutations shall not be transferred to the record of rights until such entry has been duly certified.

(6) Entries in the Register of mutations shall be tested and if found correct, or after correction, as the case may be, shall be certified by any revenue or survey officer not below the rank of an Awalkarkun in such manner as may be prescribed:

Provided that no such entries shall be certified unless notice in that behalf is served on the parties concerned.

99. Obligation to furnish information.— (1) Any person whose rights, interest or liabilities are required to be, or have been entered in any record or register, under this Chapter shall be bound, on the requisition of any revenue officer or Talathi engaged in compiling or revising the record or register, to furnish or produce for his inspection, **within one month from the date of such requisition**, all such information or documents needed for the correct compilation or revision thereof as may be within his knowledge or in his possession or power.

(2) A revenue officer or a Talathi to whom any information is furnished or before whom any document is produced in accordance with the requisition under sub section (1), shall at once give a written acknowledgment thereof to the person furnishing or

producing the same and shall endorse on any such document a note under his signature stating the fact of its production and the date thereof and may return the same immediately after keeping a copy of it, if necessary.

101. Requisition of assistance in preparation of maps.- Subject to rules made in this behalf by the Government-

(a) any revenue officer or a Talathi may, for the purpose of preparing or revising any map or plan required for, or in connection with any record or register under this Chapter, exercise any of the powers of assessing the cost of hired labour under section 58, and

(b) any revenue officer of a rank not lower than that of an Assistant or Deputy Collector or of a survey officer may assess the cost of the preparation or revision of such map or plan and all contingent expenses, including the cost of clerical labour and supervision, on the lands to which such maps or plan relate and such costs shall be recoverable as the revenue demand.

102. Intimation of Transfer by registering officers.- when any document purporting to create, assign or extinguish any title to, or only charge on, land used for agricultural purposes, or in respect of which a record of rights has been prepared is registered under the Indian Registration Act, 1908, the officer registering the document shall send intimation to the Talathi of the Village in which the land is situated and to the Mamlatdar of the Taluka, in such form and at such times as may be prescribed by rules made under this Code.

Assembly Hall,
Porvorim - Goa

31st July, 2009

J. N. BRAGANZA
SECRETARY LEGISLATURE