



**LEGISLATIVE ASSEMBLY OF THE STATE OF GOA**

**The Goa Town and Country  
Planning (Amendment)  
Bill, 2007**

(Bill No. 16 of 2007)

(By Shri Churchill Alemao)  
M.L.A.

*As* \_\_\_\_\_  
(~~To be~~ introduced in the Legislative Assembly of the State of Goa)  
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**GOA LEGISLATURE SECRETARIAT  
ASSEMBLY HALL, PORVORIM, GOA  
JULY, 2007**

**The Goa Town and Country Planning  
(Amendment) Bill, 2007**

( Bill No. 16 of 2007 )

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BILL

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

5 BE it enacted by the Legislative Assembly of Goa in the Fifty-eighth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Town and Country Planning (Amendment) Act, 2007.

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

15 2. *Amendment of Section 44.*— In Section 44 of the Goa, Daman and Diu Town and Country Planning Act, 1974 (Act 21 of 1975), in sub-section (4), in clause (ii), for the words "the proposals or provisions", the words "the Government infrastructure proposals or provisions" shall be substituted.

## Statement of Objects and Reasons

The purpose of sub-section (4) of section 44 of the Goa, Daman and Diu Town and Country Planning Act, 1974 (Act 21 of 1975), is primarily meant to ensure that Government infrastructure like development of roads, parks, open spaces are not jeopardized by haphazard planning. Keeping in mind the future development, this clause seeks to incorporate the proposed provision. However, it is noticed that this clause is not implemented in letter and spirit as a result it is being misused by the developers in particular to put up projects in areas which have not been finalized in Outline Development Plans and Government plans. It is essential to make this provision free from loopholes. Clause (ii) of sub-section (4) of section 44 of the said Act is, therefore, proposed to be amended suitably.

The Bill seeks to achieve the above object.

### Financial Memorandum

No financial implications are involved in this Bill.

### Memorandum Regarding Delegated Legislation

No delegated Legislation is involved in this Bill.

Porvorim-Goa  
4th July, 2007.

CHURCHILL ALEMAO  
M. L. A.

Assembly Hall,  
Porvorim-Goa.  
18th July, 2007.

T. N. Dhruvakumar  
Secretary, Legislature.

## Annexure

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### Extract of Section 44 of the Goa, Daman and Diu Town and Country Planning Act, 1975.

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44. *Grant of permission.*— (1) Any person intending to carry out any development in respect of or change of use of, any land shall make an application in writing to the Planning and Development Authority for permission in such form and containing such particulars and accompanied by such documents and plans as may be prescribed.

(2) (a) In the case of a Department of the Central or Union Territory Government or local authority intending to carry out any development in respect of, or change of use of land, the Department or authority concerned shall notify in writing to the Planning and Development Authority of its intention to do so, giving full particulars thereof accompanied by such documents and plans as may be prescribed, at least two months prior to the undertaking of such development or change, as the case may be, and shall obtain permission in respect thereof.

(b) Where the Planning and Development Authority has raised any objection in respect of the conformity of the proposed development or change of use either to any Development Plan under preparation or to any of the regulations in force at the time, or due to any other material consideration, the Department or authority concerned, as the case may be, shall, either make the necessary modifications in the proposals for such development or change of use to meet the objections raised by the Planning and Development Authority or submit the proposal for such development or change of use together with the objections raised by the Planning and Development Authority to the decision of the Government.

(c) The Government on receipt of such proposals together with the objections of the Planning and Development Authority shall, in consultation with the Chief Town Planner, either approve the proposals with or without modifications or direct the Department or authority concerned, as the case may be, to make such modifications in the proposals as they consider necessary in the circumstances.

(3) On an application having been duly made under sub-section (1), and on payment of the development charges, if any, as may be assessed under Chapter IX, the Planning and Development Authority may:

(a) pass an order—

- (i) granting permission unconditionally; or
- (ii) granting permission subject to such conditions as it may think fit to impose; or
- (iii) refusing permission; or

(b) Without prejudice to the generality of clause (a), impose conditions—

(i) to the effect that the permission granted is only for a limited period and that after the expiry of that period, the land shall be restored to its previous condition or the use of the land so permitted shall be discontinued; or

(ii) for regulating the development or use of any land under the control of the applicant or for the carrying out of works on any such land as may appear to the Planning and Development Authority expedient for the purpose of the permitted development.

(4) The Planning and Development Authority in dealing with the applications for permission under this section shall have regard to—

(i) the provisions of any Development Plan which has come into operation;

(ii) the proposals or provisions which it thinks are likely to be made in any Development Plan under preparation, or to be prepared;

(iii) to the relevant bye-laws or regulations of the local authority concerned; and

(iv) any other material consideration.

(5) When permission is granted subject to conditions or is 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.

Assembly Hall,  
Porvorim-Goa.  
18th July, 2007.

T. N. Dhruvakumar  
Secretary, Legislature.