The Goa (Abolition of Proprietorships, Titles and Grants of Lands) Rules, 2015

GOVERNMENT OF GOA

Department of Home

Foreigners & Citizenship Division

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Notification

10/11/2012-HD(F&CD)/CEP

In exercise of the powers conferred by sub-section (*1*) of section 23 of the Goa (Abolition of Proprietorships, Titles and Grants of Lands) Act, 2014 (Goa Act 8 of 2014) (hereinafter referred to as the"said Act"), the Government of Goa hereby makes the following rules, namely:—

1.Short title and commencement.— (*1*) These rules may be called the Goa (Abolition of Proprietorships, Titles and Grants of Lands) Rules, 2015.

2.Definitions.— (*1*) In these rules, unless the context otherwise requires,—

(a)"Act" means the Goa (Abolition of Proprietorships, Titles and Grants of Lands) Act, 2014 (Goa Act 8 of 2014);

(b)"Form" means a form appended to these rules;

(c)"section" means a section of the Act;

(d)"State"means the State of Goa.

(*2*) Words and expressions used herein but not defined shall have the same meaning respectively assigned to them in the Act.

3.Form of application to be made by proprietor or title holder or grantee.— (*1*) The proprietor or title-holder or grantee desirous of holding the lands as an occupant class–II in terms of section 4(*a*) or village artisan or agriculture labourer desirous of holding the land in terms of section 8, shall submit an application in

Form I hereto to the Collector.

(*2*) The person making an application under sub-rule 1 shall submit alongwith application any two of the following documents as proof of occupation of the lands on which homestead, building or structure, exists to the satisfaction of the Collector. The document so submitted should contain a date prior to the appointed date so as to prove that such document originated prior to the appointed date.

(i)electricity bill issued by the Electricity Department.

(ii)water charges bill issued by the Public Works Department.

(iii)notice issued by the Custodian of Evacuee Property in connection with any construction in Evacuee Property.

(iv)house tax receipt with house number issued by local authority.

(v)any other document, which in the opinion of the Collector establishes occupation of

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such land/homestead, buildings or structure.

4.Procedure to be followed by the Mamlatdar and the Collector.— (*1*) The application and the documents received under rule 3 shall be first scrutinized by the Mamlatdar and he shall submit a report thereon to the Collector. Upon verification of the documents and the report obtained from the respective Mamlatdar, the Collector shall, if is fully satisfied about the genuineness of the case, publish the provisional declaration in terms of section 12 of the Act declaring such applicant as an "Occupant Class- II" after giving him hearing, if any and on payment of land revenue as provided under section 6 of the Act. While declaring the applicant as an Occupant Class-II, the Collector shall clearly delineate the area granted to the applicant in the survey plan attached to the order and also lay down boundaries on all sides of the plot for proper identification.

(2)Before issuing provisional declaration in respect of lands which were vested in the Custodian of Evacuee Property, as "Evacuee Property" under the Goa, Daman and Diu Administration of Evacuee Property Act, 1964 (Act No. 6 of 1964), the Collector shall consult Custodian of Evacuee Property also.

(3)The Collector shall before issuing provisional declaration, identify on survey plan areas which are traditionally used as open space, playground, recreational purposes or for any other public purpose and such land shall continue to vest with the Government.

(4)The Collector shall ensure that necessary and appropriate area is allowed to a public road or as access to a well or to other place of public utility service.

(5)If the applicant is unable to furnish the documents to prove his possession or the report of the Mamlatdar indicates that the applicant was not in possession of any land, homestead, building or structure, the Collector shall pass appropriate order in the matter after affording due opportunity of being heard to the applicant.

(6)Mamlatdar shall submit the report to the Collector as regards libraries, temples, churches, mosques or any other religious structure in the lands vested in the Government under the Act and the Collector shall, after receipt of proper documentary evidence, by order, transfer such area as may be required and deemed fit in the circumstances, as Occupant Class-II to such entity as may be recommended by the Mamlatdar.

5.Conduct of revenue survey.— The Collector shall cause to conduct revenue survey and settlement of land revenue as provided under section 6 of the Act through the Directorate of Settlement and Land Records.

6.Application for restoration of land under section 7.— Every person desirous of restoration of land under section 7 shall apply to the Collector in

7.Form of Application and procedure for granting land which is under personal cultivation or to cultivating tenant.— (*1*) The proprietor or title holder or grantee who personally cultivates land in terms of section 4(*b*) or the cultivating tenant as referred in sub-section (*1*) of section 8 shall apply to the Collector in

Form-III hereto.

(2)The person applying under sub-rule (*1*) shall submit the following documents to prove that he is cultivating and continues to be in possession of the land, applied for.

(i)Form I and XIV prescribed under the Goa, Daman and Diu Land Revenue (Records of Rights and Register of cultivators) Rules, 1969, in which name of the applicant appears

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in the column of cultivators/tenants.

(ii)Lease agreement between landlord and tenant.

(iii)Paddy declaration issued by a competent authority.

(iv)Receipts of rent paid to the landlord by the applicant.

(v)Proof of cultivation of land.

(vi)Any other document for proving aforesaid to the satisfaction of the Collector.

8.Conditions governing permission.— (*1*) Subject to following conditions the Government may grant permission stated in sub-section (*1*) of section 10 to the occupant of land as specified in sections 4 and 8, on an application made in

Form IV hereto.

(a)The land shall be used only for the purpose for which it is granted.

(b)The terms and conditions imposed upon the grantee at the time of grant under sections 4 and 8, shall be applicable to the transferee.

(c)The land with all fixtures and structures thereon shall be liable to be reassumed by the Government, if not used for the purpose for which it is granted.

(d)The transfer of land may be made only in favour of individual and transfer in favour of any entity, other than individual, such as firm, company, association of persons shall not be permitted.

(e)Any other condition which the Collector deems fit to impose at the time of grant of permission under section 10.

(*2*) The Government may also reject any proposal regarding permission to transfer land under section 10 of the Act, without assigning any reasons, and the decision of the Government in this regard shall be final.

9.Conditions governing grant of land under section 4 and 8.— (*1*) The Collector shall impose following conditions while granting land under sections 4 or 8.

(a)The grantee shall not mortgage, sell, assign or otherwise transfer the land or any portion thereof, except with the prior written approval of the Government.

(b)The total area of land including the land on which the homestead, building or structure is standing as also the lands surrounding them shall not exceed five hundred square meters or the actual area of such homestead, building or structure whichever is less, subject however that a maximum limit of 5 meters from the outer walls of such structure or homestead or building may be allowed within said maximum area of five hundred square meters:

Provided that, where the distance between the outer walls of the homestead or building or structure of the grantee or more than one grantees, is inadequate to provide to such grantee such five meters from the outer walls, the land appurtenant to the homestead or building or structure, shall be apportioned in equal shares as far as practicable by the Collector.

(c)No grantee nor his/her spouse shall be entitled for land once any one of them is granted land for their one dwelling house, except where such individual has an established place of business at other place distinct from the place of his/her dwelling house:

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Provided that, the business aforesaid shall be the business which is other than the business of letting of premises on rent on such lands. Where there are such premises given on rent, the rent thereof shall be payable to the Collector and the lessee shall approach the Collector for entering into an agreement of leave and license or lease agreement, as may be decided by the Government.

(d)The grantee shall follow all the rules and regulations and pay all the dues, taxes, etc. from time to time.

(e)If the grantee commits breach of any of the terms and conditions of the grant, the Collector shall take possession of the land so granted to him.

10.Form of provisional declaration.— (*1*) (*a*) The provisional declaration as stated in section 12 shall be published in the Official Gazette in

Form VI hereto in respect of lands under personal cultivation and of cultivating Tenant and for others it shall be in Form V hereto.

(*b*) The Collector shall arrange to display the provisional declaration in the office of the respective Mamlatdar/Deputy Collector, Village Panchayats/Municipalities and at any other place as the Collector deems fit.

11.Application for payment of compensation.— The application for payment of compensation referred to in sub-section (*1*) of section 14 shall be in

Form VII hereto.

By order and in the name of the Governor of Goa.

Harish N. Adconkar, Under Secretary (Home-I).

Porvorim, 15th July, 2015.

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FORM–I

[*See* rule 3(*1*)]

Application for declaring the Proprietor or title holder or grantee as an Occupant Class-II under section 4 or 8 of the Goa (Abolition of Proprietorships, Titles and Grants of Lands) Act, 2014

To,
The District Collector
.....

.....

I, Shri/Smt. .....,resident of ..... , hereby applyfor grant of land as an Occupant Class-II as Proprietor/title holder/grantee. I say that, I am residing at House No....., village Ward,Village, Post Office ....., Taluka ....., District ....., Goa. PIN ..... since .....

I say that, I/my parents had constructed a house at the above address prior to the appointed date i.e. 15-08-2014 and have been continuously residing therein since.....

I say that the said house is having water connection and electricity connection, and has been allotted house number by the Village Panchayat/Municipality, before the appointed date.

I say that, in pursuance to section 4 of the Goa (Abolition of Proprietorships, Titles and Grants of Lands) Act, 2014, I am entitled to hold the land together with the dwelling house stated above, as Occupant Class-II under the Code, for which I agree to pay the land revenue from time to time, to the Government as provided under section 6, thereof.

I pray that my name be entered in Government record as Occupant Class-II, of the above said land.

I also undertake to abide by the following conditions, in terms of the Goa (Abolition of Proprietorships, Titles and Grants of Lands) Act, 2014 and rules made thereunder.

(1)I, my heirs, assigns and legal representatives shall not mortgage, sell, assign or otherwise transfer the land or any portion thereof except with the previous sanction of the Government.

(2)If I commit a breach of any of the terms and conditions of grant or any provisions of the Goa (Abolition of Proprietorships, Titles and Grants of Lands) Act, 2014 and rules made thereunder, the Collector may resume and take possession of the land granted to me, and I shall be liable to be evicted from the said land.

(3)I also agree to unconditionally abide by any other terms and conditions, which the Collector/Government may like to impose at the time of grant of land.

I am attaching the following documents in accordance with the Goa (Abolition of Proprietorships, Titles and Grants of Lands) Rules, 2015.

.....

.....

I ..... state that, whatever stated above is true to the best of my knowledge
and nothing material has been concealed by me.

Date: …….

Place: (Signature of the Applicant)

_____

FORM–II

[*See* rule 6]

Application for Restoration of Land under section 7 of the Goa (Abolition of Proprietorships, Titles and Grants of Lands) Act, 2014.

To,

The District Collector

.....

.....

I, Shri/Smt. ....., resident of ..... , hereby apply for restoration of the land specified below, which is currently in possession of.....

The Description of Land:–

Taluka:.....

.....

Village:.....

.....

Survey description

Area: .....

Name of the Occupant: .....

I state that I was evicted from the land on ground other than the grounds specified under sub-section (*4*) of section 7 of the Goa (Abolition of Proprietorships, Titles and Grants of Lands) Act, 2014 and the same was personally cultivated by me.

The said property is in possession of ..... resident of H. No. ..... since .....

I state that I am entitled for restoration of possession of the land under section 7 of the Goa (Abolition of Proprietorships, Titles and Grants of Lands) Act, 2014.

Place: .....

Date:…….

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(Signature of the Applicant)

Encl:

FORM–III

[*See* rule 7]

Application for allotment of land under section 4(b) and 8 of the Goa (Abolition of Proprietorships, Titles and Grants of Lands) Act, 2014.

To,

The District Collector

.....

.....

I, Shri/Smt. ....., resident of hereby apply forgrant of land under section 4(*b*)/8 of the Goa Abolition of Proprietorships, Titles and Grants of Lands) Act, 2014.

I say that I have been personally cultivating the land and is in possession of the land described herebelow prior to the appointed date:

Taluka: .....

Village: .....

Survey description

Area: .....

Name of the Occupant: .....

I agree to pay the land revenue from time to time to the Government as provided under section 6 of the Goa (Abolition of Proprietorships, Titles and Grants of Lands) Act, 2014. I pray that my name be entered in survey record as Occupant of the above said land.

I undertake to abide by the following conditions in terms of the Goa (Abolition of Proprietorships, Titles and Grants of lands) Act, 2014 and rules made thereunder.

(1)I, my heirs, assigns and legal representatives shall not mortgage, sell, assign or otherwise transfer the land or any portion thereof except with the previous sanction of the Government.

(2)If I commit a breach of any of the terms and conditions of the grant or any provisions of the Goa (Abolition of Proprietorships, Titles and Grants of Lands) Act, 2014 and rules made thereunder, the Collector may resume and take possession of the land granted to me, and I shall be liable to be evicted from the said land.

(3)I also agree to unconditionally abide by any other terms and conditions, which the Collector/Government may like to impose at the time of grant of land.

I am attaching the following documents in accordance with the Goa (Abolition of Proprietorships, Titles and Grants of Lands) Rules, 2015.

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.....

.....

I .....State that, whatever stated above is true to the best of my knowledgeand nothing material has been concealed by me.

Date: .....

Place: (Signature of the

Applicant)

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FORM–IV

[*See* rule 8(*1*)]

Application for transfer of land under section 10 of the Goa (Abolition of Proprietorships, Titles and Grants of Lands) Act, 2014.

To,

The District Collector

.....

.....

I, Shri/Smt. ....., resident of ....., hereby state that, in pursuance of have been declared as an Occupant Class-II under section 4/8 of the Goa (Abolition of Proprietorships, Titles and Grants of Lands) Act, 2014 in respect of following land.

Taluka:

Village:

Survey description:

Area:

I hereby state that I intend to transfer the possession/ownership in favour of Shri/Smt. .....through sale/exchange/gift/mortgage/lease ..... and therefore seeks the permission of the Government to transfer the land described above.

The reasons for transfer of the ownership/possession of the lands are as under:

I also state that, the transferee shall not use the said land for any purpose other than for which it was granted.

I ..... state that, whatever stated above is true to the best of my knowledge and nothing material has been concealed by me.

Date: . .....

Place: (Signature of the Applicant)

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FORM–V

[*See* rule 10(*1*)]

Proforma for conferment of occupancy rights as Occupant Class-II under section 4(a) and 8(2) of the Goa (Abolition of Proprietorships, Titles and Grants of Lands) Act, 2014.

Provisional Declaration:

Whereas, the appliants specified in column No. (*2*) have applied for grant of land in pursuance of sections 4(*a*) and 8(*2*) of the said Act vide their applications received in this office as per dates indicated in column No. (*3*).

Sl. No.	Name of Applicants	Date of application
(1)	(2)	(3)

Taluka	Village:	Survey description	Area	Boundaries on all four sides
(4)	(5)	(6)	(7)	(8)

And whereas, the request of the applicants have been examined as per documentary evidence adduced by them in accordance with the Goa (Abolition of Proprietorships, Titles and Grants of Lands) Rules, 2015, and have also been examined independently based on the report received from the concerned Mamlatdar and Custodian of Evacuee Property in respect of the lands which were vested in the Custodian of Evacuee Property as "Evacuee Property" under the Goa, Daman and Diu (Administration of Evacuee Property) Act, 1964.

And whereas, the applicants mentioned below have paid the land revenue as assessed in terms of section 6 of the Goa (Abolition of Proprietorships, Titles and Grants of Lands) Act, 2014 and have duly submitted the payment receipt thereof.

And whereas, the undersigned being satisfied that the following applicant fulfil all the essential conditions/criteria laid down under the Goa (Abolition of Proprietorships, Titles and Grants of Lands) Act, 2014 and rules framed thereunder, hereby provisionally declare the applicants as "Occupants Class-II" under the Goa Land Revenue Code, 1968 subject to the following conditions.

Sl. No.	Name of the Applicants	Taluka	Village:	Survey description	Area	Boundaries on all four sides

The grant of land is subject to following terms and conditions:—

(1)The land granted shall be used only for the purpose of dwelling house within the area as mentioned herein above.

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(2)The grantee, or his/her heirs, assigns and legal representatives shall not mortgage, sell, assign or otherwise transfer the land or any portion thereof except with the previous sanction of the Government.

(3)If the grantee commits breach of any of the conditions or any provisions of the Goa (Abolition of Proprietorships, Titles and Grants of Lands) Act, 2014 and rules made

thereunder, the Collector may resume and take possession of the land granted to him/her, and that, he/she shall be liable to be evicted from the said land.

(4)The grantee also agrees to unconditionally abide by any other terms and conditions which the Collector/Government may like to impose from time to time.

In case, any interested person in the lands specified above, has any objection to the said provisional declaration he/she may file objection/say in writing, within two months from the date of publication of this provisional declaration in Official Gazette and notice is hereby given that the objections received under sub-section (*1*) ofsection 12, shall be disposed off individually and appeals against such decision/order of the Collector shall lie with the Tribunal.

The said declaration, as modified by any orders, if any, passed by the Collector, or where an appeal has been filed with the Tribunal, as modified by the decision of the Tribunal, shall be final and shall be conclusive evidence of the conferment of the occupancy rights under section 4(*a*) and 8(*2*).

Place:

Date: (Collector)

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FORM–VI

[*See* rule 10(*1*)]

Proforma for conferment of occupancy rights as Occupant to cultivating tenant under section 4(b) and 8(1) of the Goa (Abolition of Proprietorships, Titles and Grants of Lands) Act, 2014.

Provisional Declaration:

Whereas, the below mentioned applicants as per column No. (*2*) have applied for grant of land in pursuance to section 4(*b*) and 8(*1*), as cultivating tenants, vide their applications received in this office as per dates indicated in column No. (*3*).

Sl. No.	Name of Applicants	Date of application	Taluka	Village:	Survey description	Area	Boundaries on all four sides
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

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And whereas, the request of the applicants have been examined as per documentary evidence adduced by them and have also been examined independently based on the report received from the concerned Mamlatdar and Custodian of Evacuee Property in respect of the lands which were vested in the Custodian of Evacuee Property as"Evacuee Property" under the Goa, Daman and Diu (Administration of Evacuee Property) Act, 1964, before the appointed date.

And whereas, the applicants mentioned below have paid the land revenue as assessed in terms of section 6 of the Goa (Abolition of Proprietorships, Titles and Grants of Lands) Act, 2014 and have duly submitted the payment receipt thereof.

And whereas, the undersigned being satisfied that the following applicants fulfil all the essential conditions/criteria laid down under the Goa (Abolition of Proprietorships, Titles and Grants of Lands) Act, 2014 and rules thereunder, hereby provisionally declare the applicants as "Occupants" in the category of "Cultivating tenants" under the Code, subject to conditions agreed by the applicants as per their applications, which are also reproduced below the list.

Sl. No.	Name of Grantee	Taluka	Village	Survey description	Area	Boundaries on all four sides

The conditions underlying the grant shall be as under:—

(1)The land granted shall be used only for the purpose of cultivation within the area as mentioned herein above.

(2)The grantee, or his/her heirs, assigns and legal representatives shall not mortgage, sell, assign or otherwise transfer the land or any portion thereof except with the previous sanction of the Government.

(3)The grantee undertakes that in case if he commit a breach of any of the provisions of the Goa (Abolition of Proprietorships, Titles and Grants of Lands) Act, 2014 and rules made there under, the Collector may resume and take possession of the land granted to him/her, and that, he/she shall be liable to be evicted from the said land.

(4)The grantee also agrees to unconditionally abide by any other Condition/s, which the Collector/Government may like to impose.

In case, any interested person in the lands specified above, has any objection to the said provisional declaration he/she may file objection/say in writing, within two months from the date of publication of this provisional declaration in Official Gazette and notice is hereby given that the objections received under sub-section (*1*) ofsection 12, shall be

disposed off individually and appeals against such decision/order of the Collector shall lie with the Tribunal.

The said declaration, as modified by any orders, if any passed by the Collector, or where an appeal has been filed with the Tribunal, as modified by the decision of the Tribunal, shall be final and shall be conclusive evidence of the conferment of the occupancy rights under section 4(*b*) and 8(*1*).

Place: (Collector)

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Date:

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FORM–VII

[*See* rule 11]

Application Form for compensation under section 13 of the Goa (Abolition of Proprietorships, Titles and Grants of Lands) Act, 2014.

From:

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To,

The District Collector

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.....

Madam/Sir,

Kindly arrange to pay the compensation in accordance with section 13 of the Act. In this regard, the following information may please be considered for deciding my case:

(1)I say that, the undersigned is the proprietor/grantee/legal heir of proprietor/grantee. (2)I say that land admeasuring ..... sq mtrs ..... surveyed under survey No. ..... (3)of Village Panchayat/chalta No…..of Municipality, has been vested in the Government in accordance with section3 of the said Act.

(4)I say that, the aforesaid land has not been re-granted to me in terms of section 4 of the Act.

(5)I say that, in terms of sub-section (*1*) of section 13 of the said Act, I am entitled for compensation in respect of the aforesaid land.

(6)I say that, I am the sole legal heir/I am entitled for ..... share in the aforesaid property as adjudicated by Civil Court/as per inventory proceedings finalised and the documentary evidence in support of the claim is adduced here to.

In view of the facts of the case and the documents adduced by me, I may be paid compensation in terms of section 13 of the Act.

The details of the Bank Account number and IFCS code are as under:

Account No: .....

Name and title of the Bank Account: .....

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.....

..... Type of Bank Account:

.....

Bank Name, with Branch: .....

IFCS Code: .....

form is correct to the best of myknowledge and nothing material has been concealed or omitted.

Date: .....

Place: (Signature of the Applicant)

Encl: