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Town & Country Planning Department
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Ref. No.: 36/TCP/334/2019/393

Date: 06/02/2019

ORDER

Ref:- Order No. 21/1/TCP/2018/605 dated 28/3/2018

Further to Order dated 28/3/2018, the following additional instructions/ guidelines are issued for processing the applications for NOC under Section 49(6) of the Town and Country Planning Act.

1) Guidelines issued vide Order dated 28/3/2018 for registration of deeds shall include registration of sale deeds, gift deeds, mortgage deeds, lease deeds of land, agreement for sale of land.

It is reiterated that any of the above means of registrations involves transfer, assign, limit or extinguish the right of title or interest of any person in respect of full property as per survey plan or for plots having approval for sub-division, there will not be any requirement of NOC as envisaged under Section 49(6) of the Act.

Further the following additional guidelines are issued to be incorporated in Section I, II and III of the Order dated 28/3/2018.

Section I

Registration of sale deeds of undivided share of land in respect of plots which are as per survey plan and plots approved by the Town and Country Planning Department and Planning and Development Authorities.

Section II

8) If the registration or NOC sought is in respect of legitimate mundcars, NOC could be granted upto their entitlement as per Mundcarial (Protection from Eviction) Act or for larger area upto 600m² per house, provided additional area more than the entitlement, shall not cause the total balance area to be rendered less than 4000m². In case the plots being purchased by legitimate mundcar, cannot get the required set backs due to practical difficulties, NOC for registration of deeds could be granted with set backs less than requirement.

Similarly, in case of land having group of old houses including mundcarial houses shown in the survey plan, relaxation in the guidelines could be considered on the merit of each case by Chief Town Planner (Planning) in respect of granting NOC for sale of remaining

area after reserving sufficient parcel of land for mundcars and after ensuring the regulation on open space requirement is not violated.

9) If the NOC sought is for the part of the property naturally divided by plots sold earlier (prior to 22/3/2018) NOC could be granted for registration of remaining parts of plots on either sides. Similarly if NOC is sought for the remaining part of the property leaving the plot area sold earlier (prior to 22/3/2018) grant of NOC could be considered whether the area sold is partitioned or not.

10) If plots are formed by way of approved layout by PWD and Village Panchayat/Municipal Council.

Section III

While considering the sub-division approval under Goa Land Development and Building Construction Regulations-2010, area sold/reserved for mundcars could be excluded for calculation of open spaces subject to approval of Chief Town Planner (Planning) subject to limitation of area and criteria as per point No. 8 of Section II.

Similarly, if a property is divided by roads other than public roads but being used by public and certified by the local body to be treated as roads required for public, the area affected by the road including its proposed widening areas could be exempted from area calculation and the land can be considered to have two or more parcels as naturally divided for area calculation for the purpose of open space requirement.

In case of part development of properties are involved, Department need to insist for Conversion Sanad only in respect of area proposed for development. However, recreational open space as per requirement shall be reserved with the guidance of Section 12.4 (g) of Goa Land Development and Building Construction Regulations, 2010. For development or sale of one residential plot upto 500m² area from an original property having area upto 4000m² and two residential plots having area not more than 500m² each in case of part development of property bigger than 4000m², provisional approval for sub-division need not be insisted and approval for sub-division of land could be issued at one stage by insisting access conditions and open space requirements as per standards.

(Rajesh J. Nail)
Chief Town Planner
(Planning)

To,

- 1) The Chief Town Planner (Land Use), TCP Dept., Panaji - Goa.
- 2) The Chief Town Planner (Administration), TCP Dept., Panaji - Goa.
- 3) All District/Taluka level offices of the TCP Department.