



OFFICE OF THE CHIEF TOWN PLANNER (PLANNING)
TOWN AND COUNTRY PLANNING DEPARTMENT

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Ref No.: 21/1/TCP/2020/195

Date: 21/01/2021

- Ref:- 1) Order No. 21/1/TCP/2018/605 dtd. 28/03/2018.
2) Order No. 36/1/TCP/334/2019/393 dtd. 06/02/2019.

ORDER

Whereas, pursuant to amendment in Section 49(6) of Town and Country Planning Act in year 2018, to bring about control on registration of unauthorized plots, the instructions and guidelines were initially issued vide Order No. 21/1/TCP/2018/605 dated 28/03/2018.

And, whereas, further to above Order dated 28/03/2018, the additional instructions/guidelines were issued vide Order No. 36/1/TCP/334/2019/393 dated 06/02/2019 to give more clarity and flexibility while processing the applications seeking NOC under Section 49(6) of the Act.

And, whereas, it has come to the notice of the Government, that the requirement of NOC under Section 49(6) is still causing hardship to public and revenue loss to the Government. Accordingly, it has been decided to further issue relaxation for certain category of application/cases as under, which will form part of Section II category of orders referred above, whereby NOC's can be issued without insisting formal sub-division approval under the Regulations.

- 1) If the plot proposed for sale/transfer is out of a property falling under Settlement zone which is less than 4,000m² in area, then approval for sub-division of land need not be insisted and NOC for sale of plots can be considered by insisting road widening areas as proposed in the Regional Plan and Right of Way of internal roads as per standards, provided that the size of plot is as per the minimum size requirement stipulated in the Regulations. In case of narrow properties, where standard width of road is not feasible, NOC for sale could be granted relaxing the standard width of road as per its merit with the approval of Chief Town Planner (Planning).

12) In case of development of Cul-de-Sac of 12 mts. x 12 mts. is impractical and size of plots will be adversely affected, especially for narrow properties, having a total area of less than 2000m², the size of Cul-de-Sac may be relaxed upto 8 mts. x 8 mts. and grant of NOC for sale may be considered.

In the instances of 11) and 12) as aforesaid, a site plan showing the layout of plots endorsed by the applicant and signed by a professional authorized to function under the Regulations need to be submitted. The said layout is for the purpose of considering the application under Section 49(6) of the Act and it shall not be construed as sub-division approval or commitment for secondary development.

13) In case of plots for which agreement for sale, have been registered before 22/03/2018 and the land under reference falls in settlement zone as per Regional Plan - 2021, the same shall be considered for grant of NOC without insisting sub-division approval.

14) For registration of Gift Deed from parents to children on one occasion for each sons or daughters as the case may be, irrespective of whether this action would lead to reduction in requirement of open spaces or resulting in non-applicability of open spaces requirement. An undertaking to this effect should be sworn stating that, it is the first plot being gifted to the son or daughter as the case may be, and no further plots will be sought to be gifted without obtaining approval of sub-division layout or otherwise.

15) In case, the plot proposed for NOC for registration and remaining part of the property are more than 20,000m² each or the "minimum area of agricultural plot as decided by the Government" falling in agricultural zones, the application could be considered for grant of NOC, subject to observing accessibility conditions.

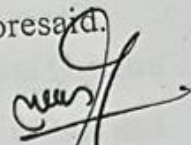
16) It was decided to consider cases/scenario wherein NOC can be issued by the TCP Department/PDAs under Section 49(6) without insisting for formal approval of sub-division of land for sale of land appurtenant to unauthorized constructions having been carried out prior to 22/03/2018 on ascertaining the following:

- (a) Property under which the unauthorized construction have come up should be in settlement zone/conforming land use zone as per the Plan in force.

(b) The area proposed to be purchased shall commensurate to the volume of construction carried out with respect to permissible Coverage, FAR and setbacks.

(c) The applicant shall produce documents to establish that, the construction was carried out prior to 22/03/2018.

17) In case the land in which the unauthorized construction for residential use have come up falls in non-settlement zones (non-conforming land use zone), issue of NOC for sale could be considered, only after the application for change of zone under Section 16B of the Act reached the stage of at least sub-section (2) of Section 13 of the TCP Act, subject to fulfillment of conditions at (b) and (c) at point No. 16 as aforesaid.



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

To,

- 1) The Chief Town Planner (Administration), TCP Dept., Panaji - Goa.
- 2) The Chief Town Planner (Land Use), TCP Dept., Panaji - Goa.
- 3) All District/Taluka level offices of the TCP Department.
- 4) The State Registrar and Head of Notary Services - along with Orders dated 28/03/2018 and 06/02/2019.
- 5) Dy. T.P. - Smt. Roseann Diniz.