

**Goa Land Revenue (Modification And Regularisation Of
Grants Under Decree No. 3602 Dated 24-11-1917) Act,
2007**

6 of 2007

[20 April 2007]

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**Goa Land Revenue (Modification And Regularisation Of
Grants Under Decree No. 3602 Dated 24-11-1917) Act,
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AN ACT to provide for the modification and regularisation of Grants under Decree No. 3602 dated 24-11-1917 and bring such Grants within the purview of the Goa Land Revenue Code, 1968. Be it enacted by the Legislative Assembly of Goa in the Fifty-eighth Year of the Republic of India as follows:-

CHAPTER 1 CHAPTER I

1. Short Title And Commencement :-

(1) This Act may be called the Goa Land Revenue (Modification and Regularisation of Grants under Decree No. 3602 dated 24-11-1917) Act, 2007.

(2) It shall come into force at once.

2. Definitions :-

In this Act, unless the context otherwise requires,-

(a) "Alvara" means an Alvara granted under the Decree No. 3602 dated 24-11-1917;

(b) "Alvara holder" means a person who has been granted an Alvara;

(c) "appointed day" means the 1st day of March, 1971;

(d) "Code" means the Goa Land Revenue Code, 1968 (Act 9 of 1969);

(e) words and expressions used and not defined but defined under the Code, shall have the meaning respectively assigned to them under the Decree No. 3602 dated 24-11-1917 and the Code.

3. Act To Override All Other Enactments :-

The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or any judgement, decree or order of any Court, Tribunal or other authority and any instrument or title having effect by virtue of any enactment other than this Act.

4. Modification Of Contract Of Emphyteusis :-

Notwithstanding anything contained in any other law, all contracts of emphyteusis under the Decree No. 3602 dated 24-11-1917, shall, on and from the appointed day, be deemed to have been modified and shall, with effect from that day, be deemed to be Class II occupancy granted under the Code, and the provisions of that Code shall, save as otherwise provided under this Act, apply to such grant under the said Decree No. 3602 dated 24-11-1917.

5. General Effect Of Modification Of Emphyteusis As Class II Occupancy :-

Where a contract of emphyteusis has been deemed to be Class II occupancy under section 4, the holder of contract of emphyteusis shall, on and from the day mentioned in that section, be deemed to have become occupant Class II under the Code, in relation to land covered therein subject to the conditions as laid down under the Code.

6. Occupancy Right In Respect Of Land Covered Under Alvara Or Otherwise :-

Notwithstanding anything to the contrary contained in any usage, settlement, contract, grant, sanad, order or instrument having the force of law and notwithstanding any decree or order of any Civil or Revenue Court or Tribunal, an Alvara holder or any other person occupying Government land under the provisions of the Decree No. 3602 dated 24-11-1917 who has failed to comply with conditions laid down therein, and the provisions of the said Decree No. 3602 dated 24-11-1917, before the enforcement of the Code, may, apply for regularisation of the grant in terms of the provisions of the Code, and the rules made thereunder, and on payment of market value as prevailing on the appointed day such grant may be regularised.

CHAPTER 2 Miscellaneous

7. Amendment Of Act 9 Of 1969 :-

In the Goa Land Revenue Code, 1968 (Act 9 of 1969) (hereinafter referred to as the "said Code"), in section 2,-

(i) after clause (I), the following clauses shall be inserted, namely:-

"(1A) "Alvara" means an Alvara granted under the Decree No. 3602 dated 24-11-1917;

(1B) "Alvara holder" means a person who has been granted an Alvara;

(1C) "appointed day" means the 1st day of March, 1971;"

(ii) after clause (9), the following clauses shall be inserted, namely:

"(9A) "contract of emphyteusis" means contract of emphyteusis granted under the Decree No. 3602 dated 24-11-1917;

(9B) "Decree" means the erstwhile Portuguese Decree No. 3602 dated 24-11-1917:"

8. Amendment Of Section 38 :-

In section 38 of the said Code, for the expression "if the person making the encroachment so desires", the expression "if the Alvara holder or a person in occupation of land before the appointed day or if the person making encroachment so desires, to charge the Alvara holder or the occupant of such land, a market value as prevailing on the appointed day which shall be payable within a period of two years from the date of regularisation of the Alvara or occupation of land, as the case may be, and the other person who so desires" shall be substituted.

9. Amendment Of Section 39 :-

In section 39 of the said Code, for the words and figures "sections 37 and 38", the expression "sections 37 and 38 (except Alvara holder and person in occupation of land before the appointed day)" shall be substituted.

10. Insertion Of New Section :-

After section 201 of the said Code, the following shall be inserted, namely:-

"202. Protection of action taken in good faith.- No suit, prosecution or any other legal proceedings shall lie against the Government or any officer or employee of the Government or any person authorized by the Government for anything which is in good faith done or intended to be done under this Act."