

AGENDA FOR 174th MEETING OF THE TOWN & COUNTRY PLANNING BOARD SCHEDULED TO BE HELD ON 23/03/2021 AT 4.00 P.M. IN CONFERENCE HALL, MINISTER'S BLOCK, SECRETARIAT, PORVORIM - GOA.

Item No. 1: Confirmation of the minutes of the 173rd meeting of Town & Country Planning Board held on 03/02/2021.

The minutes of 173rd meeting of TCP Board held on 03/02/2021 are circulated to all the members. No comments have been received for the same from members.

The Board may like to confirm the minutes.

Item No. 2: Appeal under Section 45 of the TCP Act, 1974 filed by Dr. Shrikant T. Ajgaonkar against South Goa Planning & Development Authority (File No. TP/B/APL/197/2021).

The matter is regarding appeal under Section 45 of the Town & Country Planning Act, 1974 in respect of letter dated 25/02/2021 regarding rejection of construction of farm house and compound wall in the property bearing Chalta No. 6 of P.T. Sheet No. 302 of Aquem, Margao, filed by Dr. Shrikant T. Ajgaonkar against South Goa Planning & Development Authority for the property being low lying agriculture land and for being recorded as Rice in the survey records, as per the provisions under the Goa Land Development and Building Constructions Regulations, 2010.

The Appellant is aggrieved by Respondent SGPDA's Order dated 25/02/2021 addressed to him under reference No. SGPDA/P/6408/1377/20-21 and has preferred the appeal on following grounds:

1. Impugned Order is against principles of natural justice, which entails civil consequences and thus Respondent out to have given personal hearing to Appellants.
2. The impugned order is contrary to the Goa (Regulation of Land Development and Building Construction), Act, 2008 and the Goa Land Development and Building Construction Regulations, 2010.

3. The impugned order is in complete misconstruction of Annexure-XI to Regulation 27(2) of The Goa Land Development and Building Construction Regulations, 2010.
4. The SGPDA has failed to appreciate that under the applicable concerned regulations, a farm house in agriculture lands is a permissible activity and the said activity could not have been further curbed by any resolutions of the SGPDA or otherwise by not permitting the same, in low lying agricultural lands recorded as Rice in the survey records.
5. The SGPDA further failed to appreciate and note that, there were two distinct categories in so far as the rice cultivated in lands and the lands shown under cultivation of rice of paddy in the survey records viz low lying agricultural lands and agricultural lands, though recorded as rice or paddy in the survey records which was not lying , and without inquiry into whether such agricultural lands are in fact low lying, application could not have been rejected merely on the ground that the land, is recorded as rice or paddy in the survey records.
6. Respondent failed to consider that approved plans did not involve misrepresentation nor cause any damage from the planning point of view and hence arrived at an erroneous conclusion.

The Appellants has therefore prayed for following:

- a. The appeal be allowed.
- b. The records and proceedings under lying the order dated 25/02/2021 be called from the SGPDA, Margao and after examining the property, legality and correctness thereof, the impugned order be quashed and set aside.
- c. The development permission application dated 18/02/2021 and inwards in SGPDA on 23/02/2021 by the appellant, be allowed.
- d. For such other and further reliefs as deemed fit and proper.

Notices are accordingly issued to both the parties to remain present for meeting.

The Board may deliberate.

Item No. 3: Decision on proposal considered in 32nd meeting of the 16-A Committee, constituted under sub rule 4 of Rule 3 of the Goa Town & Country Planning (Public Projects/Schemes/Development work by the Government) Rules - 2008 held on 02/03/2021.

The proposals as given in Table placed at Annexure 'C' have been considered by the Committee constituted under sub rule 4 of Rule 3 of the Goa Town & Country Planning (Public Projects/Schemes/ Development work by the Government) Rules - 2008 in its 30th meeting held on 07/07/2020 and 32nd meeting held on 02/03/2021.

The same proposals are placed before the Town & Country Planning Board for consideration as per Annexure 'A'.

Item No. 4:- Proposals received under Section 16B of the TCP Act for consideration under Section 12 of TCP Act.

With notification of Section 16B of TCP Act, the Town & Country Planning Dept., has started receiving applications u/s 16B. The proposals as received under Section 16B are scrutinized in terms of site conditions and potentialities of the area under Section 10 of TCP Act and are placed before the Board for consideration as required under the provisions of Section 12 of the TCP Act. Refer Annexure 'B'.

Item No. 5: Proposals received under Section 16B of the TCP Act for consideration under Section 13(2) of TCP Act.

With notification of Section 16B of TCP Act, the Town & Country Planning Dept., has started receiving applications u/s 16B. The Board had earlier considered applications under the provision of Section 12 of the TCP Act. The proposals are now placed before the Board for consideration under the provisions of Section 13(2) of the TCP Act. Refer Annexure 'C'.

Item No. 6:- Any other item with the permission of chair.