

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

The following attended the meeting:

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| 1. Shri. Chandrakant Kavlekar,
Hon. Minister for TCP | ... | Chairman |
| 2. Shri Glenn Souza Ticlo,
Chairman, GIDC | ... | Member |
| 3. Shri Manoj M. Caculo,
President, GCCI | ... | Member |
| 4. Assumption Luis,
Asst. Surveyor of Works
(Representative) | ... | Member |
| 5. Shri S. R. Prabhu
Asst. Conservator of Forest
(Representative) | ... | Member |
| 6. Shri Dhiraj R. Vagle,
Asst. Director of Tourism,
(Representative) | ... | Member |
| 7. Dr. Surekha Parulekar,
CMO (NURCV)
(Representative) | ... | Member |
| 8. Capt. V. P. Vinayagam,
HQ GNA (Indian Navy) | ... | Member |
| 9. Megha S. Kerkar,
Supdt. of Fisheries
(Representative) | ... | Member |
| 10. Shri Ivo Rodrigues,
Dy. Director of Transpo | ... | Member |
| 11. Shri Satyawan K. Dessai,
Agriculture Officer,
Agriculture Department.
(Representative) | ... | Member |
| 12. Shri Tolentino Furtado,
Dy. Director, DPSE
Porvorim – Goa.
(Representative) | ... | Member |

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| 13. Aniket Naik Gaonkar,
Member Secretary, TCP Committee
Goa Forest Dept. | ... | Member |
| 14. Shri. Antonio P. Diniz | ... | Member |
| 15. Arch. Rajeev M. Sukhthanker | ... | Member |
| 16. Shri. Rajesh J. Naik,
Chief Town Planner (Planning) | ... | Member Secretary |

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

Member Secretary informed that the minutes of 173rd meeting of TCP Board held on 03/02/2021 were circulated to all the members and it was further informed that no comments on the same are received from any of the member. The Board therefore confirmed the said 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).

Member Secretary informed that the matter is regarding appeal under Section 45 of the Town & Country Planning Act, 1974 filed by Dr. Shrikant T. Ajgaonkar against South Goa Planning & Development Authority, in respect of letter dated 25/02/2021 regarding rejection of proposal for construction of farm house and compound wall in the property bearing Chalta No. 6 of P.T. Sheet No. 302 of Aquem, Margao vide Order No. SGPDA/P/6408/1377/20-21 dated 25/02/2021. The reason cited by the Authority is that the property is low lying agriculture land and is recorded as Rice in survey records and that the same observation is as per the provisions of the Goa Land Development and Building Construction Regulations, 2010.

It was informed that the Appellant 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 or 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.

Advocate Sandesh Padiyar appeared on behalf of the Appellant whereas the Respondent PDA was represented by the Member Secretary Ms. Vertika Dagur. While arguing on behalf of the Appellant, Adv. Padiyar argued that PDA has not gone into the details of proposal and merely seeing the records has refused him the permission, although the site condition is totally different. It was the say of the Appellant that the survey records are not updated and still mentions the property as rice although the same is not put to any use of paddy cultivation for more than 30 years and this fact is totally ignored by the Authority.

He also brought to the notice of the Board that the PDA has rejected his proposal without undertaking any site inspection thereby not making its scrutiny complete. The Appellant therefore prayed that his appeal be allowed and the PDA be asked to examine the property to verify the correctness of its Order dated 25/02/2021.

While arguing on behalf of the PDA, the Member Secretary admitted that it has decided on the application purely on the documents placed in the file and that no site inspection has been carried out while deciding on the matter.

The Board deliberated and was of the opinion that the PDA has rejected the application without conducting any site inspection which was required to ascertain actual nature of land and has merely relied on records. The Board therefore decided that the Respondent PDA should first conduct a site inspection to find out the nature of land on site.

The Board therefore allowed the appeal with the decision that the matter be remanded back to the Respondent SGPDA to decide the matter afresh in accordance with law and after conducting site inspection. Member Secretary was accordingly asked to communicate the decision as above to the parties.

Due to paucity of time and to shorten the meeting duration in view of COVID pandemic, no further items were taken for discussion and the meeting was adjourned.

Meeting ended with thanks to the Chair.