

The Land Acquisition (Goa, Daman and Diu Amendment) Act, 1980

GOA

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Act 2 of 1981

- Published on 1 January 1981
- Commenced on 1 January 1981
- [This is the version of this document from 1 January 1981.]
- [Note: The original publication document is not available and this content could not be verified.]

The Land Acquisition (Goa, Daman and Diu Amendment) Act, 1980(Act No. 2 of 1981)LD/6/27/80-LGL. - An Act to amend the provisions of the Land Acquisition Act, 1894 in its applicability to the Union territory of Goa, Daman and Diu.Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Thirty-first Year of the Republic of India as follows:-

1. Short title and commencement.

(1)This Act may be called the Land Acquisition (Goa, Daman and Diu Amendment) Act, 1980.(2)It shall come into force at once.

2. [Insertion of new sections. [Inserted Section 3A & 3B by Act No. 12 of 1998.]

- After section 3 of the Land Acquisition Act, 1894 (Central Act 1 of 1894), the following sections shall be added, namely :-"3A Preliminary survey of lands and powers of officers to carry out survey.

- For the purpose of enabling the State Government to determine whether land in any locality is needed or is likely to be needed for any public purpose, it shall be lawful for any officer of the State Government in the Public Works Department, or any other officer either generally or specially authorized by the State Government in this behalf, as the case may be,-(i)to enter upon and survey and take levels of any land in such locality;(ii)to mark such levels;(iii)to do all other acts necessary to ascertain whether the land is adapted for such purpose; and(iv)where otherwise the survey cannot be completed and the levels cannot be taken, to cut down and clear away any part of any standing crop, fence or jungle:Provided that no person shall enter into any building or upon any enclosed court or garden attached to a dwelling house (unless with the consent of the occupier thereof), without previously giving such occupier at least seven days' notice in writing of his

intention to do so."3B. Payment for damage. - The officer of the State Government in the Public Works Department, and any other officer so authorised shall, at the time of such entry, pay or tender payment of all necessary damage to be done as aforesaid, and, in case of dispute as to the sufficiency of the amount so paid or tendered; shall at once refer the dispute to the decision of the Collector or other Chief Revenue Officer of the district, and such decision shall be final."Amendment of section 17. - In section 17 of the Land Acquisition Act, 1894 (Central Act 1 of 1894),-(a)in sub-section (1), omit the words "waste or arable";(b)in sub-section (4), for the words "In the case of any land to which" substitute the words "In case where".[Amendment of section 41. [Clauses inserted in section 41 by Act No. 7 of 2009.] - In section 41 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) , as in force in the State of Goa , after clause(5) , the following shall be inserted, namely :-(6) Notwithstanding anything contained in any judgement, decree or an order of any Court Tribunal or any other authority, any development done or construction undertaken in pursuance of the agreement entered under this section between the Government and the Company on the basis of the statutory approvals like permissions granted by the Planning and Development Authority, Eco-Development Council, Goa Coastal Zone Management Authority, Municipal Council, Panchayat, including renewals and deviations thereof approved and regularized, and all permissions obtained by the company and all the buildings constructed by the Company and all the proceedings taken by the competent authorities to issue the license or permission for undertaking construction, shall be deemed to have been validly done and have always been undertaken in accordance with the said agreement.(7)Notwithstanding anything contained in any judgement, decree, or order of any Court Tribunal or any other authority the appropriate Government shall be at liberty to modify agreement executed under this section between the Government and the Company on mutually agreed terms in furtherance of the purpose for which the land was acquired, by publication of the modified agreement in the Official Gazette, and any such modifications made in the agreement, shall come into force from the date on which the original agreement with the Company was executed under this section and any action taken or things done under the modified agreement, shall, for all purposes, be deemed and to have always been done or taken in accordance with the original agreement.(8)Notwithstanding anything contained in any judgement, decree or order of any Court Tribunal or any other authority, if, in any agreement entered into between the Government and the Company, there be any clause prohibiting the Company to construct any building or structure in the acquired land, such clause shall deemed to have been deleted with retrospective effect from 15-10-1964.(9)No suit or other proceeding shall be instituted, maintained or continued in any Court or before any Tribunal or other authority for cancellation of such permission or for demolition of buildings which were constructed after obtaining the permissions from the Statutory Authorities and have been validated under this section, or for questioning the validity of any action taken or things done or permission granted in pursuance of the original agreement as modified and no Court shall enforce or recognize any decree, judgement or order declaring any such action taken or things done under the original agreement as modified, as invalid or unlawful."]

3. Repeal and saving.

(1)The Land Acquisition (Goa Amendment) Ordinance, 2009 (Ordinance No. 2 of 2009) is hereby repealed.(2)Notwithstanding such repeal anything done or any action taken under the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as the "Principal Act") as

amendment by the Ordinance, namely, Land Acquisition (Goa Amendment) Ordinance, 2009 (Ordinance No. 2 of 2009), shall be deemed to have been done or taken under the principal Act as amended by this Act.