

No.BDO-DMNV.P/DP/2015/ 379  
UT Administration of Daman & Diu,  
Office of the Development Commissioner,  
Secretariat,  
Moti Daman – 396220.

Dated :- 08/10/2015

## ORDER

**Sub :- Prohibition of works on /in Government Land / Property without permission and on/in Private Land/ Property – regarding.**

It has been brought to the notice of the undersigned that the officers implementing Civil Works in Gram Panchayat and District Panchayat are carrying out the works in Government land / property and Private land / property.

2. Attention of CEO (District Panchayat), Block Development Officer and all Panchayat Secretaries, of Daman / Diu, is drawn in this regard to the provision of Section-14 of the Goa, Daman and Diu Land Revenue Code, 1968 and Section-37 and Section-82 of the Daman & Diu Panchayat Regulation, 2012.

3. **Section-14 of Goa, Daman and Diu Land Revenue Code, 1968 inter-alia provides that all lands, public roads, lanes and paths and bridges, ditches, dikes and fences on or beside the same, the bed of the sea and of harbours and creeks below the high water mark, and of rivers, streams, nallas, lakes and tanks, and all canals and water courses, and all standing and flowing water and all rights in or over the same or appertaining thereto, which are not the property of any person, are and declared to be the property of the Central Government subject to right of way, and all other rights, public and individual, legally subsisting.**

4. **Section-37 and Section-82 of the Daman & Diu Panchayat Regulation, 2012** further respectively provides that the Administrator **may**, if he deems fit, place all or any of the properties, of the nature specified below, and situated within the jurisdiction of the Gram Panchayat / District Panchayat under the direction, management and control of the Gram Panchayat / District Panchayat, ( as the case may be) namely:

- a) *Open sites, waste, vacant and grazing lands, not being private property and river beds;*
- b) *Public Roads and Streets;*
- c) *Public channels, water courses, wells, ponds, tanks (except irrigation tanks under the control of the Government), public reservoirs (except water treatment plants under the control of the Government), cisterns, fountains, aqueducts and any adjacent land*



*(not being private property) appearing to any public tanks or ponds, and appertaining thereto;*

- d) Public sewers, drains, drainage works, tunnels and culverts and things appertaining thereto and other conservancy works;*
- e) Sewage, rubbish and offensive matter, deposited on streets or collected by the Gram Panchayat from streets, latrines, urinals, sewers, cesspools and other places;*
- f) Street lights, public lamps, lamp posts and apparatus connected therewith or appertaining thereto;*
- g) Public library, reading rooms, slaughter houses, fish farms, cremation grounds, primary schools, anganwadi centers; and*
- h) Road side trees, fuel wood plantation, non conventional energy equipments.*

5) In view of the above provisions of Section-14 of Goa, Daman and Diu Land Revenue Code, 1968, all lands, public roads, lanes and paths and bridges, etc. which are not the property of any person, are property of the Government. As provided under Section-37 and Section-82 of the Daman & Diu Panchayat Regulation, 2012. Panchayat may have control over all the Roads, Streets, Bridges, culverts and other properties, provided **the Administrator has placed the same as per provision of Section-37 or Section-82 of the Regulation, as the case may be, under the direction, management and control of the Gram Panchayat and District Panchayat respectively.** The Panchayat may do all things necessary for the maintenance and repair thereof including widening, opening, enlarging or otherwise improve any such roads, bridges or culvert and plant and preserve trees on both sides of such roads, deepen or otherwise improve any water course, cut any hedge or branch of any tree projecting any such public road or street building.

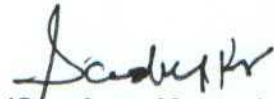
6. **Gram Panchayat or District Panchayat thus cannot carry out any works on Government land / property unless the land / property is placed under the concerned Gram Panchayat or District Panchayat.**

7. Attention of CEO (District Panchayat), Executive Engineer (District Panchayat), Block Development Officer, Sarpanches, Panchayat Secretaries, Jr. Engineer in Gram Panchayats is further invited to Order No. SE/PWD/DMN/TB/F-16/126 dated 03.05.2014 whereby they were to ensure that no work is undertaken on private land / property, and that in case any work in public interest is to be taken up on any private land / property, it should be ensured that either the land / property is acquired in favour of Government under the relevant statutory provisions or the owner of land / property transfers the property unconditionally for the said public work through a properly registered deed and necessary mutation is carried out in favour of Government in the land records being maintained by Mamlatdar or in the property register being maintained by concerned local body.



Failure to adhere to the aforesaid instruction, would amount to misuse of public money leading to strict disciplinary action and legal proceedings against the concerned erring public functionary / officer.

9. This is issued with the approval of Hon'ble Administrator, UT of Daman and Diu and Dadra and Nagar Haveli vide diary No. 7099 dated 30-09-2018.



(Sandeep Kumar)

Development Commissioner  
Daman & Diu and DNH

To

- |                                                                                         |   |
|-----------------------------------------------------------------------------------------|---|
| 1. Chief Executive Officer (District Panchayat), Daman/Diu                              | ) |
| 2. The Chief Engineer, PWD, Daman & Diu                                                 | ) |
| 3. Block Development Officer, Daman / Diu, for circulation to all Panchayat Secretaries | ) |
- )For information and necessary action and to circulate to all officers/office bearers of District Panchayat and Gram Panchayat.

Copy for information to:

1. Collector, Daman/Diu.
2. President, District Panchayat, Daman/Diu.
3. All Sarpanches, Daman/Diu (through BDO, Daman/Diu).
4. PS to Hon'ble Administrator Daman & Diu.
5. SIO, NIC, Daman for uploading of website.



NO:SE/PWD/DMN/TB/1-16/126  
UT Administration of Daman & Diu & DNH,  
Public Works Department,  
Daman.  
Dated: 03/05/14

**ORDER**


Sub: Prohibition of works on /in private land/property-regarding

Rule 21 of General Financial Rules, 2005, provides that every officer incurring or authorizing expenditure from public moneys should be guided by high standards of financial propriety. Every officer should also enforce financial order and strict economy and see that all relevant financial rules and regulations are observed, by his own office and by subordinate disbursing officer. Every officer is expected to exercise the same vigilance in respect of expenditure incurred from public moneys as a person of ordinary prudence would exercise in respect of expenditure of his own money. Expenditure from public moneys should not be incurred for the benefit of a particular person or a section of the people unless inter-alia the expenditure is in pursuance of a recognized policy or custom.

2. All agencies/officers implementing civil works are therefore directed to ensure that no work is undertaken on private land/property. In case any work in public interest is to be taken up on any private land/property, it should be ensured that either the land/property is acquired in favour of Government under the relevant statutory provisions or the owner of land/property transfers the property unconditionally for the said public work through a properly registered deed and necessary mutation is carried out in favour of Government in the land records being maintained by Mamlatdar or in the property register being maintained by concerned local body.

3. Failure to adhere to the aforesaid instruction, would amount to misuse of public money leading to strict disciplinary action against the concerned erring public functionary/officer.

These issues with the approval of Hon'ble Administrator, UT of Daman and Diu and Dadra and Nagar Haveli vide diary No.798 dated 01.05.2014.

  
(Sandeep Kumar)  
Secretary (PWD),  
Daman & Diu & DNH

To,

1. Chief Executive Officer (District Panchayat), Daman/Diu/Dadra and Nagar Haveli.
2. Chief Officer (Municipal Council), Daman/Diu/Silvassa.
3. Managing Director, OI DC.
4. Member Secretary, (PDA).
5. Managing Director (DNHPDCL)

Copy for information and strict compliance to:

1. Collector, Daman/Diu/DNH.
2. President, District Panchayat, Daman/Diu/DNH.
3. President, Municipal Council, Daman/Diu/Silvassa.
4. Chief Engineer, PWD, Daman.

Copy for information to:

1. Staff Officer to Hon'ble Administrator, DD & DNH.
2. PS to Development Commissioner/Finance Secretary.
3. The S.I.C., N.C., Daman for uploading in the website.

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