



Government of Goa
Revenue Department
Secretariat, Porvorim-Goa. 403 521

No: 16/29/2016-RD(PF)/8623

Dated: 09/09/2021

CIRCULAR

The competent Revenue Authorities, while deciding partition applications issues "Public Notice" as per Order V Rule 20 of the Civil Procedure Code in the cases where the notices could not be served through the normal mode of service as prescribed in Rule 3 of the Goa Daman and Diu Land Revenue (Partition of Holding) Rules, 1969. In such cases, the current practice of issuing "Public Notice" as per the Civil Procedure Code while deciding partition cases is not in consonance with the laid down Rules and procedures, especially the practice of asking affidavits from public to issue such public notices.

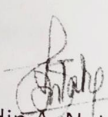
As per the Rule 3 of the Goa Daman and Diu Land Revenue (Partition of Holding) Rules, 1969, the notice in Form "A", appended to the said Rule, shall be served in accordance with the provision of Section 173 of the Goa Land Revenue Code, 1968. The provisions of Rule 3(1) the Goa Daman and Diu Land Revenue (Partition of Holding) Rules, 1969 are reproduced below:

Rule 3(1) On receipt of the application, the Collector shall hear the applicant in person on any day of which due notice shall be given to the applicant or on any day to which hearing may be adjourned; and if after hearing the applicant, it appears to him that the case does not fall under rule 10, he shall cause to be served in accordance with the provisions of section 173, a notice in Form A appended to these rules on all the other co-holders requiring them to appear before him and state their objections, if any, on a day to be specified in the notice which shall not be less than thirty or more than sixty days from the date of the issue of the notice on each such co-holder.

Further the provisions of Section 173 of Land Revenue Code, as amended, provides for the mode of serving notice even for the cases where direct services of notices could not be made. The relevant provision of Section 173 is reproduced below:

Section 173 (1) Subject to the provisions of this Code, and the rules made thereunder every notice under this code may be served either by tendering or delivering a copy thereof, or sending such copy by post or electronically or in the manner as prescribed, to the person on whom it is to be served, or his authorised agent or, if service in the manner aforesaid cannot be made, by affixing or displaying a copy thereof at his last known place of residence or at some place of public resort in the village in which the land to which the notice relates is situated, or on such website as may be specified by the Government by a notification in the Official Gazette.

The Goa Daman and Diu Land Revenue (Partition of Holding) Rules, 1969, provides for the Form for Notice and Form for Proclamation. The notice and proclamation should be issued in the forms and manner as prescribed as per the Land Revenue Code and the said Rules. All the concerned Revenue Officers are hereby directed to strictly abide by the laid down procedure detailed as above.


(Sudin A. Natu)

Under Secretary (Revenue-I)

Encl.:

- (1) Form A
- (2) Form B

To,

1. The Collector, North Goa District, Panaji, Goa.
2. The Collector, South Goa District, Margao-Goa.
3. The Director of Settlement & Land Records, Panaji-Goa.
4. All Dy. Collectors, North Goa (Through Collector North).
5. All Dy. Collectors, South Goa (Through Collector South).
6. All Inspectors of Survey & Land Records (Through DSLR).
7. Guard file.
8. O/c.

FORM 'A'

(See rule 3)

Notice

To

..... son of resident of village Taluka..... District.

Whereas....., son of co-holder of the holding specified below in village.....
Taluka..... district..... has applied for partition of his share in the said holding;

And whereas it is proposed to partition the said holding, and the date of hearing has been fixed
for..... 19, at..... O'clock at.....

You are hereby informed that you should appear either personally or through a legal practitioner or
recognized agent on the date fixed and state your objections, if any;

In the event of your failure so to appear and state your objections, it will be assumed that you have no
objection to the said partition.

Particulars of the holding

Survey No./Hissa No.	Area	Land Revenue

Seal

Collector

Dated:.....19

FORM 'B'

Proclamation

(See rule 3)

Whereas son of..... co-holder of the holding specified below in village..... taluka..... district has applied for partition of his share in the said holding;

And whereas it is proposed to partition the said holding, and the date of hearing the application has been fixed for.....19..... atO'clock at.....

All persons who are interested in the said holding are hereby informed that they should appear either personally or through legal practitioner or recognised agent on the date fixed and state their objections, if any;

In the event of failure so to appear and state the objections on the date and at the place mentioned above, no objection will be considered.

Particulars of the holding

Survey No.	Hissa No.	Area	Land Revenue
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Seal

Collector

Dated: 19

By order and in the name of the Administrator of Goa, Daman and Diu.

Dr. J. C. Almeida, Secretary (Revenue).

Panaji, 16th February, 1971.