

**AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR,
LAW AND PARLIAMENTARY AFFAIRS DEPARTMENT
MUZAFFARBAD.**

Dated the 9th March, 1986.

No. 391-95/LD/Leg (A)/86. The following Act of the Assembly received the assent of the President on 5th day of March, 1986 is hereby published for general information.

(ACT XV OF 1986)

**AN
ACT**

to provide for law relating to the Hill Station Housing Schemes

WHEREAS it is expedient to provide for law relating to the Hill Station Housing of Schemes, Chhota gala, Chikar and Dhirkote in the manner hereinafter appearing

It is hereby enacted as follows: -

1. **Short title and Commencement.** - (1) This Act may be called Hill Station Housing Schemes Act, 1986.
(2) It shall come into force at once.
2. **Definitions.** In this Act, unless there is anything repugnant in the subject or context,--
 - (a) "Committee" means a Committee set up under Section 3 of this Act;
 - (b) "Government" means the Azad Government of the State of Jammu and Kashmir;
 - (c) "Hill Station Housing Schemes" means hill station housing schemes Chhota Gala, Chikar and Dhirkote;
 - (d) "Member" means a member of the Committee and shall include an ex-officio member.
3. **Setting up of Committee.**- (1) The Government may set up a Committee carrying out the purposes of this Act.
(2) The Committee shall consist of a Chairman and such other members not exceeding four in number as may be appointed by the Government.
4. **Appointment of officers and servants.**- The Committee may, with the previous sanction of the Government, appoint such officers and servants as it considers necessary for the efficient performance of its functions.
5. **Meeting of the Committee.**- (1) The Committee shall Ordinarily meet for the transaction of business at such place as may be determined by the Chairman.

(2) The quorum necessary for the transaction of business shall be three member including Chairman.

(3) Every meeting shall be presided over by the Chairman or in his absence by the person chosen by the members present from amongst themselves.

(4) All questions which come before any meeting shall be decided by a majority of votes of the members present and in case of equality of votes, the presiding officer shall have a casting vote.

(5) Minutes of the proceedings of every meeting shall be recorded in a book to be kept for the purpose which shall be signed by the person presiding at the meeting and also by other members present at that meeting.

(6) The Chairman shall forward to the Government a copy of the minutes of the proceeding of each meeting of the Committee within ten days from the date of such meeting.

6. **Delegation of power by the Committee.-** The Committee may from time to time, by general or special order, delegate to the Chairman or to any member or to any officer for the government, any of its powers, duties or functions under the Act subject to such conditions as it may think fit to impose.

7. **Appointment of Appellate Authority.-** (1) The Government may appoint a person as the Appellate Authority for the purposes of this Act.

(2) Any person aggrieved by any order of the Committee or of any person to whom the powers of the Committee are delegated under Section 6 of this Act may within 15 days of the order, appeal to the Appellate Authority.

(3) The Appellate Authority may either summarily reject the appeal or proceed to hear it in each manner as it thinks fit.

(4) Subject to the Order of the Appellate Authority the decision of the Committee shall be final.

8. **Bar of Jurisdiction.-** The order or proceedings of the Appellate Authority or the Committee or of any person to whom powers of the Committee are delegated under this Act, shall not be questioned in any Court.

9. **Power and duties of the Committee.-** (a) The Committee shall prepare schemes for the allotment of plots in the Hill Station Housing Schemes at Chhota Gala, Chikar and Dhirkote and take such measures as may be necessary for carrying out the purposes of this Act;

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- (a) Have the power to scrutinize and fix the price of the plots developed or prepared by any agency of the Government:
- (b) Provided that the price shall not be less than the acquisition charges as award and by the Collector including 15% compulsory acquisition charges, if any, and the development charges which may be determined by such agency;
- (c) determine, by rules, the manner of conducting the sale of plots, the order of priority amongst the intending purchasers and the method of realization of the price of plots sold or any part thereof or other dues;
- (d) cause the removal of any construction which obstructs the execution of its scheme and may issue interim Orders for stay of any construction or for removal of any building or part thereof which infringes any part of any of its schemes and may, by general or special order, prohibit any change in the use of land and alternation to building or structures;

Provide that this clause shall not apply to works executed by an agency of the Government;

- (e) have the power to sell, lease, or rent the plots and realize their price, rent or other dues in lumpsum or in installments according to the regulations issued by the Government from time to time.
- (f) Prepare, implement and enforce schemes for development of housing, water supply, drainage and promotion of tourism.

10. **Cancellation of allotment.**- The Committee may, in case of default in the payment of installments of dues, cancel the allotment and the amount paid shall stand forfeited to the Government. Provided that a due notice has been given.
11. **Recovery of arrears.**- All dues recoverable by the Committee from any person in pursuance of the provisions of this Act or any order made thereunder shall be recoverable as arrears of land revenue.
12. **Committee to control private construction.**- The Committee shall have the power to control the construction of private building in accordance with the rules.
13. **Punishment.** Whoever contravenes any provision of this Act or of any rule, regulation or order made thereunder shall be punishable with imprisonment which may extend to six months or fine or with both.

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14. **Cognizance of offence.**- No court shall take cognizance of an offence under this Act except upon a complaint in writing made by an Officer authorized for the purpose by the Committee.
15. **Power to make rules.**- The Committee, with the previous sanction of the Government, may make rules for carrying out the purposes of this Act.
16. **Power to make Regulations.**- The Committee may, with the previous sanction of the government, make regulations to provide for all matters, not provided for in the rules for which provision its necessary or expedient for carrying out the purposes of this Act, and the said rules.
17. **Savings.** Notwithstanding any judgment, decree or order of any including High Court, every thing done, all actions taken, notification issued appointments made, proceedings initiated, jurisdiction or power exercised under the provisions of the Hill Station Housing Scheme Ordinance (Ordinance LIV of 1979) or its succeeding Ordinance issued five time shall be deemed to have been validly done, taken, issued, made or exercised under this Act.
18. **Repeal.** The Hill Station Housing Schemes Ordinance 1983 (CCLXI of 1985) is hereby repealed.

Sd/-

(Syed Atta Mohy-ud-Din Qadri)
Deputy Secretary Law.