

**THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.**

Dated the 29th July, 1979.

No. 3659/SL/79. The following Ordinance made by the President on the 29th day of July, 1979, is hereby published for general information:-

(ORDINANCE XCV OF 1979)

AN

ORDINANCE

to provide for law relating to cancellation of irregular and unauthorized allotments and matters connected therewith

WHEREAS it is expedient to provide for law relating to cancellation of irregular and unauthorized allotments and matters connected therewith in the manner hereinafter appearing ;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action ;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance :-

1. **Short title and commencement.**- (1) This Ordinance may be called the Irregular and Unauthorized Allotments (Cancellation) Ordinance, 1979.
 - (2) It extends to the whole of Azad Jammu and Kashmir and shall apply to all State Subjects wherever they may be.
 - (3) It shall come into force at once and shall be deemed to have taken effect on and from the 14th day of March, 1978.
2. **Definitions.**- In this Ordinance unless there is anything repugnant in the subject or context .-
 - (a) 'Allotment' includes any grant, lease, exchange, sale, mutation or any other transaction so declared by the Government; and
 - (b) 'Government' means the Azad Government of the State of Jammu and Kashmir.
3. **Cancellation of allotments.**- (I) Any allotment of Evacuee property, Demarcated Forests, Crown Land (Khalsa-Sarkar) or common Land (Shamlat Deh/Khalsa Maqbuza Assamian Deh)

made at any time before the 11th day of August, 1977, which is not covered by any regular scheme or which has been obtained by using official position or political influence or by means of fraud or misrepresentation of facts in violation or relaxation of law, rules, conditions, policy instructions or orders, may, notwithstanding anything contained to the contrary in any law for the time being in force, or any order or decree of a Court, Tribunal or Authority, be cancelled by an Inspection Team appointed by the Government in this behalf or its Chairman, by notification in the official Gazette:

Provided that no order of cancellation shall be passed without giving the allottee a reasonable opportunity of being heard.

(2) On cancellation of allotment, the authority in which the land or building, as the case may be, initially vested shall resume the land or building forthwith.

4. All allotments of the plots or open spaces which were reserved for roads, hospitals, schools, colleges, libraries, play-grounds, gardens, parks, community centers, mosques, graveyards or for such other amenity or community purposes but were subsequently unauthorisedly or by political manoeuvres converted into residential or commercial plots and on which no construction has been made are hereby cancelled and the plots or open spaces so cancelled shall be resumed by the authority in which the plot or open spaces initially vested and the amounts, if any paid by the allottees shall be refunded under the normal rules.
5. An inspection team appointed under sub-section (1) of Section 3, shall also enquire into the allegations of illegal possession of land as hereinbefore specified and inform the authority concerned in writing. The authority concerned after receiving such information shall take immediate necessary action for dispossession of such illegal occupant.
6. All allotments made under clauses (ii) to (vi) of Section 3, Section 5 or 6 of the Azad Jammu and Kashmir Regularization of Nautors and Grant of Khalsa Land Ordinance, 1974, before making rules for carrying out the purposes of the said Ordinance are hereby cancelled and on cancellation of allotments, the authority in which the land initially vested shall resume the land forthwith.

7. **Compensation.**- No compensation or claim for improvement other than compensation of any standing crops shall be payable by Government to the outgoing allottee.
8. **Un-authorized cutting of trees.**- Notwithstanding anything contained in any other law for the time being in force, an inspection Team or its Chairman, appointed under Section 3, may enquire into the allegations of unauthorized sanction or cutting of trees from private forests and submit report to the Government which may take such action as it deem appropriate.
9. **Procedure.**- Notwithstanding anything contained in any other law for the time being in force, an Inspection Team shall have the power to conduct its proceedings and regulate its procedure in all respects in any manner it deems fit.
10. **Revision.**- Where the allottee is aggrieved by the decision of an Inspection Team or its Chairman, such allottee may submit a petition to the Government or to an officer authorised by it in this behalf, for revision within fifteen days of such decision.
11. **Bar of jurisdiction.**- No Court shall have any jurisdiction of any kind in respect of any order, finding or proceeding under the provisions of this Ordinance.
12. **Indemnity.**- No suit, prosecution or other legal proceedings shall lie against any person in respect of anything which is in good faith done or intended to be done under this Ordinance.
13. **Instructions.**- The Government may issue such instructions as it deems necessary for carrying out the purposes of this Ordinance and such instructions shall be deemed to form part of this Ordinance and shall have effect accordingly.
14. **Validation.**- Notwithstanding any judgment, decree or order of any Court including the High court, everything done, all actions taken, notifications issued, orders or appointments made, proceedings initiated, jurisdiction or powers exercised under the provisions of the Irregular and Unauthorized Allotments (Cancellation) Ordinance, 1978 (Ordinance XV of 1978) or its succeeding Ordinances issued from time to time, shall be deemed to have been validly done, taken, issued, made, initiated or exercised under this Ordinance.

(Brigadier Mohammad Hayat Khan)
President,
Azad Jammu and Kashmir

Sd/- (Khalil Ahmed Qureshi)
Secretary Law