

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

Dated the 9<sup>th</sup> April, 1984

No. 634/LD/84. The following Ordinance made by the President on the 9<sup>th</sup> day of the April, 1984, is hereby published for general information:-

**(ORDINANCE LXXX of 1984)**

**AN  
ORDINANCE**

to amend the Azad Jammu and Kashmir Local Government Ordinance, 1984.

WHEREAS it is expedient to amend the Azad Jammu and Kashmir Local Government Ordinance, 1983 (Ordinance XLVII of 1984) 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 Azad Jammu and Kashmir Local Government (Amendment) Ordinance, 1984.

(2) It shall come into force at once.

2. **Addition of Section 53-A, Ordinance XLVII of 1984.**- In the Azad Jammu and Kashmir Local Government Ordinance 1984, (Ordinance XLVII of 1984), hereinafter referred to as the said Ordinance, after Section 53, the following new Section 53-A shall be added, namely:-

**“53-A. Power to Bold dispense of plots/land.**- (1) A municipal Committee may retain or may lease, sell, exchange, cancel the allotment issued by it, rent out or otherwise dispose to any plot or land vested in it by the Government, Mirpur Development Authority or any other authority, in the prescribed manner:-

Provided that the Municipal Committee shall not:-

- i) create new plots in open and other spaces;
- ii) deviate/encroach upon limits, laid down in the Master Plan:

- iii) interfere with the plots reserved for environmental, Government and other specified purposes.

(2) Any allotment of a plot or land under the forgoing provisions of this Ordinance or Vth Schedule of the Ordinance shall amount to an agreement to sell and the title such a plot or to land shall be transferred through a title certificate granted by the Municipal Committee concerned. Such a certificate granted by the Municipal Committee shall be sufficient proof of ownership of the property in respect of which it has been issued.

(3) The cost of plot or land shall not be less than the price fixed by the Mirpur Development Authority or the Chairman Allotment Committee, Housing Scheme of Azad Jammu and Kashmir and the amounts realised shall be the revenue of that Municipal Committee.

(4) The plots shall be allotted by an allotment committee consisting of the Chairman of Municipal Committee concerned and four other members, two chosen from amongst the members of a Municipal Committee concerned and two nominated by the Government:

Provided that any person aggrieved by an order passed under sub-section (3) or sub-section (4) may within sixty days prefer an appeal to Secretary Local Government and his decision shall be final.

(5) The Municipal Committee or the person authorised by it in this behalf may after giving reasonable opportunity of being heard, direct any person to remove any movable or immovable encroachment made by him without any lawful authority or any land or property vested in the Municipal Committee.

(6) If any direction under sub-section (5) is not complied with within such time as may be specified therein, the Municipal Committee or the person empowered in so doing may use such force including police force as may be necessary and may also recover the cost thereof from the person responsible for the encroachment:

“Provided that if such encroachment is not affecting the Master Plan of the area the Municipal Committee may instead of requiring the removal of encroachment charge by way of compensation such sum consisting of penalty and market price of the land or property encroached upon as it may prescribe by a general or special order.”

(7) The encroachment regularized under sub-section (6) may be altered partially so far as in necessary to avoid contravention of a scheme approved by the Government or Municipal Committee.

(8) Whoever contravenes any provisions of this Section or of any rules or regulations, made or scheme sanctioned there under shall, if no penalty is provided for such contravention, be punishable with imprisonment which may extend to 3 months, or fine which may extend to two thousand rupees or with both.'

3. **Amendment of Section 94, Ordinance XLVII of 1984.**- In the said Ordinance, sub-section (3) of section 94 shall be deleted.

Sd/(Major General (Retd) Abdul Rehman Khan)  
President  
Azad Jammu & Kashmir

Sd/- (Khalil Ahmed Qureshi) Secretary Law.