

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

Dated 10th May, 1983.

No. 647/LD/83. The following Ordinance made by the President on the 8th day of May, 1983, is hereby published for general information:-

(ORDINANCE CVI of 1983)

**AN
ORDINANCE**

to provide for law relating to the grant of proprietary rights to eligible persons settled in Tariqabad of tehsil and district Muzaffarabad.

WHEREAS it is expedient to provide for law relating to the grant of proprietary rights to eligible persons settled in Tariqabad ward No. I, tehsil and district Muzaffarabad, 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 Grant of Proprietary Rights (to the Eligible Settlers of Tariqabad, Muzafarabad) Ordinance, 1983.
(2) It shall come into force at once.
2. **Definitions.**- In this Ordinance, unless there is anything repugnant in the subject or context.
 - (a) "Allotment Committee" means a committee set up under Section 3;
 - (b) "Appellate Authority" means an authority to be appointed under Section 7;
 - (c) "Act" means Punjab Land Revenue Act, 1887, as in force in Azad Jammu and Kashmir;
 - (d) "Cost Price" means the price of plots of different sizes to be fixed under the rules;
 - (e) "Deputy Commissioner" means Chief officer of the Revenue and General Administration of the District and includes a Collector of Revenue District;

- (f) “Eligibility” means entitlement of a person for allotment/grant of proprietary rights in Tariqabad, Muzaffarabad, as may be prescribed;
 - (g) “Ejectment” means ejectment of an un-authorized person not otherwise eligible for allotment or grant of proprietary Rights for the Land in Tariqabad;
 - (h) “Government” means the Azad Government of the State of Jammu and Kashmir;
3. **Setting up of Committee.**- (1) The Government may set-up a Committee carrying out the purposes of the Ordinance.
- (2) The Committee shall consist of a Chairman and such other members not exceeding five in number as may be appointed by the Government.
4. **Appointment of officers and servants.**- The Committee may, with the prior sanction of the Government, appoint such officers and servants as it considers necessary for the efficient performance of its functions and responsibilities in connection with the allotment and matters connected therewith to any officer/servant of the Government serving in the District.
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 members including Chairman.
- (3) Every meeting shall be presided over by the Chairman or in his absent by the person chosen by the members present from amongst themselves or a person authorised by the Chairman.
- (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 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 through Secretary Revenue to the Government a copy of the minutes of the proceedings of each meeting of the Committee within ten, days from the date of such meeting.

6. **Delegation of powers 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 of the Government, any of its powers, duties or functions under this Ordinance subject to such conditions as it may think fit to impose.
7. **Appointment and powers of Appellate Authority.-** (1) The Government may appoint a person as the Appellate Authority for the purpose of this Ordinance.
 - (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 ordinance may within 30 days of the order, prefer an appeal to the Appellate Authority.
 - (3) The Appellate Authority shall proceed to hear appeal in such manner as it think fit.
8. **Jurisdiction.-** Any notification issued, direction given and decision made or order passed by the Government, the Allotment Committee, Appellate Authority, or by any other competent authority under this Ordinance shall not be questionable in any Court of Law.
9. **Powers and duties of the Committee.-** (1) The Committee shall be competent to grant proprietary rights to the eligible persons settled in Tariqabad, Muzaffarabad in respect of the land in their possession irrespective of the fact, whether or not any construction has been raised thereon subject to the conditions that no proprietary rights shall be granted in respect of any person beyond the scale prescribed by the rules.
 - (2) The proprietary rights shall be granted or, allotments made only to the eligible State Subjects of the Jammu and Kashmir State.
 - (3) The Committee shall, determine by rules the manner of granting proprietary rights or making allotments as the case may be.
 - (4) The rules may also provide for the maximum and minimum area of land to be allotted to an eligible person.
 - (5) The Committee shall, subject to approval of the Government and under the rules, fix the price of plots of different sizes and the mode of making payments and may also impose any condition and place any restriction as may be considered necessary in the public interest.

The price of plot and development charges shall be fixed by the Committee with the approval of the Government from time to time.

10. **Cancellation of allotment.**- The Committee may, in case of default in the payment of sale price of plot or any installment thereof, cancel the allotment or make such order as may be prescribed.
11. **Recovery of Arrears.**- The All dues recoverable by the Committee from any person allottee on pursuance of the provisions of this Ordinance or any order made there under shall be recoverable as arrears of land revenue.
12. **Committee to Control Construction.**- The Committee shall have the power to control the construction of private buildings in accordance with the buildings regulations approved by the Government for the Municipal Limits of Muzaffarabad.
13. **Punishment.**- Whoever contravenes any provision of this Ordinance or of any rule, regulation or order made thereunder shall be punishable with imprisonment which may extend to six months or fine of Rs. 1000/- or with both.
14. **Cognizance of offence.**- No court shall take cognizance of an offence under this Ordinance except upon a complaint in writing made by an officer authorised 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 Ordinance.
16. **Indemnity.**- No suit, prosecution or other legal proceedings shall lie against any person in respect of any thing which is in good faith done or intended to be done under this Ordinance.

(Muhammad Hayat Khan)
President,
Azad Jammu and Kashmir.

Sd/- (Khalil Ahmed Qureshi)
Secretary Law.