

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

Dated the 11th July, 1982.

No. 812/LD/82. The following Ordinance made by the President on the 11th day of July, 1982, is hereby published for general information.

(ORDINANCE CL OF 1982)

AN

ORDINANCE

to amend the Mirpur Development Authority Ordinance, 1974.

WHEREAS it is expedient to amend the Mirpur Development Authority Ordinance, 1974 (Ordinance IV of 1974), for the purposes 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 Mirpur Development Authority (Amendment) Ordinance, 1982.
(2) It shall come into force at once.
2. **Amendment of Section 6, Ordinance IV of 1974.-** In the Mirpur Development Authority Ordinance, 1974 (Ordinance IV of 1974) hereinafter referred to as the said Ordinance, in Section 6, in sub-section (1), for the words "not less than five" the words "not more than four" shall be substituted.
3. **Amendment of Section 8, Ordinance IV of 1974.-** In the said Ordinance, in Section 8, between the words 'person' and 'shall' the words and comma 'other than a Government servant', shall be inserted.
4. **Amendment of Section 11, Act IV of 1974.-** In the said Act, in Section 11, after the proviso, the following new proviso shall be added, namely:-

"Provided further that the Authority may make necessary additions and alterations as per actual requirements in the approved Master Plan.

5. **Amendment of Section 15, Ordinance IV of 1974.-** In the said Ordinance, in Section 15, in sub-section (2) after clause (xii) the following shall be added:-
- "(xii) Recover such development cess from the beneficiaries for improvement or development of any area as may be approved by the Government by a general or special order".
6. **Amendment of Section 23, Act IV of 1974.-** In the said Ordinance, in Section 23, in sub-section (1) for the proviso of the following shall be substituted, namely:-
- “Provided that salaried officers and servants of grade 19 and above shall not be appointed except with the previous sanction of the Government”.
7. **Amendment of Section 29, Act IV of 1974.-** In the said Act in Section 29, in the proviso to sub-section (3), for the word “five” the words “twenty-five” shall be substituted.
8. **Addition of Section 31-A, Ordinance IV of 1974.-** In the said Ordinance, after Section 31, the following new Section 31-A, shall be inserted, namely:-
- “31-A Notwithstanding anything contained in any other law for the time being in force, all property of the following nature situated within the 'Specified Areas', shall vest in and be under the control of the authority and shall be held and applied by it for the purposes of this Ordinance:-
- (i) All lands or other property already acquired for the construction of new Mirpur Town and Hamlets and other townships on the periphery of the Mangla Reservoir;
 - (ii) All lands or other property which may be acquired by purchase, lease, exchange or compulsory acquisition, under Land Acquisition Act, 1894, by the Authority;
 - (iii) All lands or other property which may be transferred to the Authority by the Government or any other Agency for purposes of control and management or for any other purpose under the Ordinance.”
9. **Substitution of Section 39, Ordinance IV of 1974.-** In the said Ordinance, for Section 39, the following shall be substituted:-
- “39. (1) The Authority may retain, or may lease, sell, exchange, rent or otherwise transfer any land vested in it, subject to such terms and conditions as it may impose in this behalf;

(2) Notwithstanding anything contained in any other law for the time being in force a certificate of title issued by the Authority in respect of any lease, sale, exchange or transfer of any piece of land within specified areas shall be sufficient proof of the said title and shall be admissible in evidence of that title in any Court proceedings;

(3) The Authority may charge such fees for the issue of certificate of title under sub-section (2) above as it may fix from time to time with previous sanction of the Government.”

10. **Addition of a new Section 42-A, Ordinance IV of 1974.-** In the said Ordinance after Section 42, a new Section 42-A, shall be inserted, namely:-

"42-A. **Removal of encroachments, etc.-** (1) The Deputy Commissioner or any other person' authorised by the Authority 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 on any land or property vesting in the Authority.

(2) If any direction under sub-section (1) is not complied with within such time as may be specified therein the Deputy Commissioner or any person empowered in this behalf by the Authority, may get the encroachment removed and 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 the Authority may instead of requiring the removal of encroachment accept 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:

Provided further that the Authority may require an encroachment to be altered partially so far as is necessary to avoid contravention of a scheme approved by it."

11. **Substitution of Section 48, Ordinance IV of 1974.-** In the said Ordinance, for Section 48, the following shall be substituted namely:-

- “48. **Repealed Consequential provisions.-** (1) The New Mirpur Town (Allotment of Land) Act, 1964, hereinafter referred to as the said Act, and rules and orders made thereunder by the Government are hereby repealed. All assets; rights and all property, movable and immovable and all interests therein and all debts, liabilities and obligations of the Allotment Committee constituted under the said Act shall stand transferred to and be deemed to be assets, rights, property and interests of the Authority established under the Ordinance.
- (2) Without prejudice to the general provision under sub-section (1) above, the Authority shall exercise all the powers of Allotment Committee constituted under the said Act, in respect of the plots/property allotted/ disposed of to different persons by the said Allotment Committee, including the powers of cancellation in cases of infringement of any condition of allotment.
- (3) The Allotment Committee established, altered or substituted by the Government from time to time under the Mirpur Development Authority Ordinance, 1974, shall stand dissolved; and all its powers of allotment and cancellation/allotment shall be exercisable by the Authority. In future the Authority shall prescribe the procedure and make necessary arrangements for the disposal of Estates developed by it, subject to such regulations, if any, made in this behalf.
- (4) The Authority may constitute an Allotment Committee consisting of such number of members as may be determined a consultation with and approval of the Government.
- (5) The Allotment Committee constituted under sub-section (4) shall have all the powers of allotment exercisable by the Authority under the provision of the Ordinance or Rules or Regulations framed thereunder. The Allotment Committee may delegate its powers to a sub-Allotment Committee, the consisting of not less than three of its Members.
- (6) (i) Whenever the Government is satisfied that any property, plots or estates have been disposed of or allotted by any previous Allotment Committee or by the Authority in an illegal or improper manner, or to under serving person or any other irregularity or impropriety has been committed in respect of any matter relating to

the allotment or disposal of property etc. then it may appoint revising authority for scrutiny and suitable orders in respect of such cases;

(ii) All appeals and other proceedings pending with the Appellate Authority created under the said Act, or any other Authorities, in respect of any orders of allotment, shall be forwarded by the Authority/Authorities with whom such appeals or proceedings are pending to the Revising Authority constituted under clause (i) above, and the Revising Authority shall make suitable orders in all cases."

12. **Insertion of Section 48-A, Ordinance IV of 1974.-** In the said ordinance, after Section 48 the following new Section 48-A shall be deemed always to have been so inserted, namely:

"48 A. - Nothing in this Ordinance or in any rule or regulation shall be construed to limit or abridge the power of the Government to deal with any case in such manner as may appear to it to be just and equitable."
13. **Repeal.-** The Mirpur Development Authority (Amendment) Ordinance, 1982 (Ordinance CX of 1982) and the Mirpur Development Authority (Amendment) Ordinance, 1982 (Ordinance CXX of 1982) are hereby repealed.
14. **Savings.-** Notwithstanding any judgment, decree or Order of any Court including High Court, everything done, all actions taken, notifications issued, Orders or appointments made, proceedings initiated, jurisdiction or powers exercised under the provisions of the Mirpur Development Authority (Amendment) Ordinance, 1977 (Ordinance XVIII of 1977) 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.

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

Sd/- (Syed Atta Mohyuddin Qadri)
Deputy Secretary Law.