

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

Dated the 28<sup>th</sup> September, 1981.

No. 7418/LD/81. The following Ordinance made by the President on the 28<sup>th</sup> day of September, 1981, is hereby published for general information:-

**(ORDINANCE CLXXVII OF 1981)**

**AN**

**ORDINANCE**

to amend the Pakistan Administration of Evacuee Property Act, 1957.

WHEREAS it is expedient to amend the Pakistan Administration of Evacuee Property Act, 1957 (XII of 1957), as in force in Azad Jammu and Kashmir 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 Pakistan Administration of Evacuee Property (Amendment) Ordinance, 1981.  
(2) It shall come into force at once.
2. **Amendment of Section 18, Act XII of 1957.-** In the Pakistan Administration of Evacuee Property Act, 1957 (XII of 1957) hereinafter referred to as the said Act, in Section 18 after sub-section (6) the following new sub-section (7) shall be added and shall be deemed always to have been so added:-  
“(7) The Government may, cancel the allotment of an evacuee property made in favour of any allottee, where it is proved, to the satisfaction of the Government, on the basis of inquiry made by the Rehabilitation Authority that the allottee has abandoned the allotted property or has consented to the cancellation of allotment.”
3. **Amendment of Section 18-A, Act, XII of 1957.-** In the said Act, in Section 18-A after sub-section (1), the following shall be added, namely:-

“Provided that in the cases where the Evacuee Property is held by any old tenant as defined in Government Order No. 25/60, then, notwithstanding the grant of Proprietary rights to the allottees in respect of such Evacuee Property, the old tenant shall have the protection against the ejection to the Extent indicated in para 1(e) of the Government Order No. 25/60 and he shall be liable to pay the rent to the allottee as provided therein.”

4. **Insertion of Section 18-B, Act XII of 1957.-** In the said Act, after Section 18-A the following new Section 18-B shall be inserted:-

“(18-B) (1) Notwithstanding anything contained contrary in any of a law, for the time being in force, and without prejudice to the generality of the powers which already vest in him, the Custodian may cancel any allotment of the evacuee property in the following cases:-

- (a) where an allottee has failed to comply with the terms and conditions of allotment within the meaning of Section 18 of the Act;
- (b) where an allottee has, to the satisfaction of the Custodian, voluntarily surrendered or abandoned the allotment;
- (c) where the allotment has been made in violation of law or is without jurisdiction; is
- (d) where the evacuee property stand allotted to more than one persons and it is necessary to determine the entitlement to such allotment;
- (e) where an allotment is in excess of the prescribed scale and it is necessary to bring the allotment within scale in order to confer proprietary rights in accordance with law, upon such allottee. The Custodian shall exercise the powers of Multiple Judge under Multiple Allotment Act, 1961 in cases processed for the grant of proprietary rights.

(2) The Custodian may eject summarily with the use of such force as may be necessary any person found in unauthorized possession of evacuee property or a person who is found by the Custodian to be an unsuitable person to hold such evacuee property or a person who in the opinion of the Custodian subsequently becomes unsuitable to hold such property.

(3) The order passed by the Commissioner under sub-section (3) of Section 18-A except as provided by sub-section (4) of Section 18-A and orders passed by revising authority under

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sub-section (4) of Section 18-A shall be final and shall not be called in question in any Court or authority.

(4) An order passed by Custodian under sub-section (2) of section 18-A except as provided by sub-section (5) of section 18-A and orders pass under section 18-B shall be final and shall not be called in question in any court or authority;

(Mohammad Hayat Khan)  
President  
Azad Jammu and Kashmir  
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Sd/- (Khalil Ahmed Qureshi)  
Secretary Law