

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

Dated the 21<sup>st</sup> February, 1980.

No. 1062/SL/80. The following Ordinance made by the President on the 21<sup>st</sup> day of February, 1980, is hereby published for general information:-

**(ORDINANCE XXXV OF 1980).**

AN

ORDINANCE

to provide for law relating to the Upper Chhatter Housing Scheme

WHEREAS it is expedient to provide for law relating to the Upper Chhattar Housing Scheme, 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 Upper Chhattar Housing Scheme Ordinance, 1980.  
(2) It shall come into force at once.
2. **Definitions:-** In this Ordinance, unless there is anything repugnant in the subject or context,-
  - (a) 'Committee' means a committee set up under Section 3 of this Ordinance;
  - (b) 'Government' means the Azad Government of the State of Jammu and Kashmir;
  - (c) 'Member' means a member of the Committee and shall include an ex-officio member.
3. **Setting up of Committee:-** (1) The Government may set up a Committee for carrying out the purposes of this Ordinance.  
(2) The Committee shall consist of a Chairman and such other members not exceeding four in number as may be appointed by the Government.
4. **Appointment of Officers and Servants.-** The Committee may, with the previous sanction of the Government, appoint such officers and servants as it considers necessary for the efficient performance of its functions.

5. **Meetings 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 absence, by person chosen by the members present from amongst themselves.
- (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 a 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 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 Power 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 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 15 days of the order, appeal to the Appellate Authority.
- (3) The Appellate Authority may either summarily reject the appeal or proceed to hear it in such manner as it thinks fit.
- (4) Subject to the orders of the Appellate Authority the decision of the Committee shall be final.
8. **Bar of Jurisdiction:-** The order or proceedings of the Appellate Authority or the Committee or of any person to whom power of the Committee are delegated under this Ordinance, shall not be questioned in any Court.
9. **Powers and Duties of the Committee:-** (a) The Committee shall prepare schemes for the allotment of plots in the Upper

Chhattar Housing Scheme and take such measures as may be necessary for carrying out the purposes of this Ordinance;

- (b) have the powers to scrutinize and fix the price of the plots developed or prepared by any agency of the Government:

Provided that the price shall not be less than the acquisition charges as awarded by the Collector including 15% compulsory acquisition charges, if any, and the development charges which may be determined by such agency;

- (c) determine, by rules, the manner of conducting the sale of plots, the order of priority amongst the intending purchasers and the method of realisation of the price plots sold or any part thereof or of other dues;
- (d) cause the removal of any construction which obstructs the execution of its scheme and may issue interim in orders for stay of any construction or for removal of any building or part thereof which infringes any part of any of its schemes and may, by general or special order, prohibit any change in the use of land and alteration in buildings or structures:

Provided that this clause shall not apply to works executed by an agency of the Government;

- (e) have the power to sell, lease or rent the plots and realise their price, rent or other dues in lump-sum or in installments according to the regulations issued by the Government from time to time.

10. **Cancellation of Allotment.**- The Committee may, in case of default in the payment of installments or dues, cancel the allotment and the amount paid shall stand forfeited to the Government.
11. **Recovery of Arrears.**- All dues recoverable by the Committee from any person in pursuance of the provisions of this Ordinance or any order made thereunder shall be recoverable as arrears of land revenue.
12. **Committee to Control Private Construction.**- The Committee shall have the power to control the construction of private buildings in accordance with the rules.
13. **Punishment.**- Whoever contravenes any provision of this Ordinance or of any rule, regulation or order made there-under shall be punishable with imprisonment which may extend to six months or fine 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. **Power to make Regulations:-** The Committee may, with the previous sanction of the Government, make regulation to provide for all matters, not provided for in the rules for which provision is necessary or expedient for carrying out the purposes of this Ordinance and the said rules.
17. **Savings:-** Notwithstanding any judgment decree or Order of any court including High Court, every thing done, all actions taken, notification issued, Orders or appointments made, proceedings initiated, jurisdiction or power exercised under the provisions of the Upper Chhattar Housing Scheme Ordinance, 1978 (Ordinance VI of 1978) or its succeeding Ordinances issued from time to time shall be deemed to have been validly done, taken, issued, make, initiated or exercised under this Ordinance.

(Mohammad Hayat Khan)  
President  
Azad Jammu & Kashmir

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Sd/-  
(Khalil Ahmed Qureshi)  
Secretary Law