

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

Dated the 21<sup>st</sup> June, 1981.

No. 4391/SL/81. The following Ordinance made by the President on the 21<sup>st</sup> day of June, 1981, is hereby published for general information.

**(ORDINANCE CXXIII OF 1981)**

**AN**

**ORDINANCE**

to provide for law relating to the Upper Chhattar 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 under 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, 1981.  
(2) It shall come into force at once.
2. **Definition.-** In this Ordinance, unless there is anything repugnant in the subject or context:-
  - (a) "Committee" means a Committee set up under Section 3;
  - (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 numbers 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. **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 absence by the person chosen by the members present for 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 of 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 an order of the Committee or of any person 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 the Committee or of any person to whom powers of the Committee are delegate under this Ordinance, shall not questioned in any Court.

9. **Powers and duties of the Committee.-** (a) The Committee shall prepare scheme for the allotment of plots in the Upper Chhattar Housing Scheme and take measures as may be necessary for carrying out the purposes of this Ordinance;
- (b) Have the power 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 priority amongst the intending purchasers and the method of realization of price of plots sold or any part thereof or of the other dues;
- (d) Clause the removal of any construction which obstructs the execution of its scheme and may issue interim 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 realize their price, rent or other dues in lump sum or in instalments 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 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 other made there under 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 thereunder 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 authorized 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 regulations 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 to said rules.
17. **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 Upper Chhattar Housing Scheme Ordinances issued 1978 (Ordinance VI of 1978), 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.

(Mohammad Hayat Khan)  
President

Azad Jammu and Kashmir

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Sd/- (Khalil Ahmed Qureshi)  
Secretary Law