

**AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
LAW AND PARLTAMENTARY AFFAIRS DEPARTMENT
MUZAFFARABAD**

Dated the 23rd February, 1985.

No. 548/LD/85. The following Ordinance made by the President on the 23rd day of February, 1985, is hereby published for general information:-

(ORDINANCE LV OF 1985)

**AN
ORDINANCE**

to provide for law to imposition of restrictions on constructions and alienations in the Master Plan Areas.

WHEREAS it is expedient to provide for law relating to imposition of restriction and alienations in the Master Plan Areas of Azad Jammu and Kashmir;

AND WHEREASE 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, Extent and Commencement.**- (1) This Ordinance may be called the Imposition of Restrictions (on construction and alienation in Master Plan Area) Ordinance, 1985.
 - (2) It extends to the whole of Azad Jammu and Kashmir
 - (3) It shall come into force at once.
2. **Definitions.**- In this Ordinance, unless there is anything repugnant in the subject or context :-
 - (a) 'Controlling Authority' means a controlling authority set up under Section 3;
 - (b) 'Government' means the Azad Government of the State of Jammu and Kashmir;
 - (c) 'Master Plan' means a Master Plan approved by the Government;
 - (d) 'Member' means the member of the Controlling Authority
3. **Setting up of Controlling Authority.**- (1) The Government may set up a Controlling Authority for carrying out the purposes of this Ordinance.
 - (2) The Controlling Authority shall consist of a Chairman and such other members not exceeding three in member as may be mentioned by the Government.
 - (3) The Government may appoint a District Controlling

Authority for a District, if it is deemed necessary and where the District Controlling Authority is appointed it shall exercise all the powers of the Controlling Authority within the District concerned under this Ordinance.

(4) The District Controlling Authority shall consist of a Chairman and such other members as may be nominated by the Government.

4. **Master Plan Area.**- (1) Notwithstanding, anything contained in any other law for the time being in force, the Controlling Authority if so required by the Government, shall by notification in the official Gazette, declare any area before drawing up a Master Plan as a notified area for the purposes of this Ordinance.

(2) The Controlling Authority may impose restrictions for regulation or prohibition with regard to the development of sites and the erection and re-erection of building within the limits of said notified area for which a Master Plan drawn or being drawn up at a later stage, as the case may be.

5. **Restriction on alienation.**- No owner or a person having any interest in any land within the notified areas of Master Plan shall alienate any land or portion thereof in any manner whatsoever nor shall create any charge or encumbrance thereon:

Provided that in case of special circumstances the land owner may sell his land or a portion of land with the prior approval of the concerned District Controlling Authority in writing.

6. **Site Development Schemes.**- (1) Where a notification has been issued under Section 4 (1), no owner of land in the Master Plan area shall develop the sites or erect or re-erect a building on any plot of land except in conformity with the provision of a site development scheme sanctioned for the area in the manner prescribed.

(2) Where an owner of a land wishes to develop a plot or piece of land belonging to him, for which no sanctioned site development scheme exists, or where the proposed development is not in conformity with the existing development scheme, he may apply to the Controlling Authority for sanction of his development scheme and the Controlling Authority may on such terms and conditions and on payment of such fee as may be laid down in its rules sanction the same;

Provided that the Controlling Authority may, after notice and for reasons to be recorded, cancel, modify or withdraw the sanction at any time before construction if such construction is likely to hamper the objective or proper execution of the housing scheme in Master Plan Area.

(3) If any area is developed or otherwise dealt within contravention of the provisions of the Master Plan, the Controlling

Authority may, by notice require the owner such area or the person who has contravened the provision to make such alternation in the site as may be specified in the notice and where such alteration is not made or for any reason cannot be carried out, the Controlling Authority may require and enforce the demolition of the offending structure and notwithstanding anything to the contrary contained in any other law, no compensation shall be payable for such demolition.

7. **Jurisdiction of Courts barred.**- Save as otherwise provided in this Ordinance, no Court or other authority shall have jurisdiction to question the legality of anything done or any action taken under this Ordinance, by or at the instance of the Controlling Authority.
8. **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.
9. **Cognizance of offence.**- No Court shall take cognizance of an offence under this Ordinance except upon a complaint made in writing by the officer authorised for the purpose by the Controlling 'Authority.
10. **Power to make rules.**- The Controlling Authority with the previous sanction of the Government may make rules for carrying out the purposes of this Ordinance.
11. **Savings.**- Notwithstanding any judgment, decree or order of any court including High Court, every thing done, all actions taken, notifications issued, orders or appointments made, proceedings initiated, jurisdiction or powers exercised under the provisions of the Imposition of Restriction (on construction and alienation in Master Plan Area) Ordinance, 1980 (Ordinance XLI of 1980) 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.

Sd/-

(Major General (R) Abdul Rehman Khan)
President,
Azad Jammu & Kashmir.

Sd/-

(Choudhry Muhammad Latif)
Joint Secretary Law.