

THE NEW MIRPUR TOWN (ALLOTMENT OF LAND)

ACT, 1964

(Act II of 1964)

(Passed under Government Order No. 121\64, Dated 2nd April, 1964)

WHEREAS it is expedient to provide for setting up a Committee for the allotment of land in the New Mirpur Town, townships and hamlets to be built on the periphery of the Mangla Dam Reservoir and for other matters connected therewith;

It is hereby enacted as follows :-

1. Short title and commencement:- (1) This Act may be called the New Mirpur Town (Allotment of Land) Act, 1964.

(2) It shall come into force at once.

2. Definitions:- In this Act, unless there is anything repugnant in the subject of context:

(a) "Committee" means a Committee set up by the Government under Section 3 of this Act;

(b) "Government" means the Azad Government of the State of Jammu and Kashmir;

(c) "New Mirpur Town" means the area in Mirpur District the boundaries whereof are as under :—

North.—Triangulation grid line 10,96,000 yds.

South.—Ridge of the hills between 10,94,000 yds. and 10,93,000 yds.

East.—Triangulation grid line 35,88,000 yds.

West.—Triangulation grid line 35,82,000 vertical between 10,96,000 and 10,95,000 horizontal and 35,81.500 vertical between 10.95,000 and 10,94.000 horizontal; and

(d) "townships" and "hamlets" shall mean respectively the townships and hamlets to be built on the periphery of the Mangla Dam Reservoir in the Mirpur District the boundaries

whereof may be specified by the Government from time to time.

Setting up of a Committee etc:- (1) The Government may set up a committee for carrying out the purposes of this Act.

(2) The Committee shall consist of a Chairman and such other members not exceeding four in number as may be appointed by the Government from time to time.

(3) The Government may appoint a Vice-Chairman from amongst the members who shall exercise such powers, and perform such duties and functions as are delegated to him by the Chairman.

(4) The Chairman, Vice-Chairman and members may be changed or removed by the Government at any time.

(5) The Chairman, Vice-Chairman or any member may, at any time, resign;

Provided that the resignation shall not take effect until accepted by the Government.

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.

Meetings of the Committee:- (1) Committee shall ordinarily meet for the transaction of business at such place or places as may be determined by the Chairman.

(2) The quorum necessary for the transaction of business shall be three members.

(3) Every meeting shall be presided over by the Chairman, or in his absence by the Vice-Chairman or in the absence of both, the person, chosen by the members present from amongst themselves.

(4) All questions which come before any meeting shall be decided by a majority of the votes of the members present, and in case of equality of votes, the presiding Officers shall have a second or 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 and shall, at all reasonable times and without charge, be open to inspection by the members.

(6) No member shall be entitled to object to the minutes of any meeting unless he was present at the meeting to which they relate,

(7) The Chairman shall forward to the Government a copy of the minutes of the proceedings of each meeting of the Committee within 10 days from the date on which the minutes of the proceedings of such meeting were signed.

(8) The Chairman shall, if the Government so directs :—

(a) send a copy of all the papers which were placed before the Committee for consideration at any meeting; and

(b) furnish a report on any matter or copy of any document in his charge.

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 of functions under this Act 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 purposes, of this Act.

(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 Act 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.

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Bar of jurisdiction:- The order or proceedings of the Appellate Authority or the Committee or of any person to whom powers of the Committee are delegated under this Act, shall not be questioned in any Court.

Powers and duties of the Committee:- The Committee shall:

(1) prepare schemes for the allotment of land in the New Mirpur town, townships and hamlets which is to be sold to intending purchaser or to be leased out and shall take such measures as may be necessary for carrying out the purposes of this Act;

(2) 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 price as awarded by the Collector including 15 per cent compulsory acquisition charges and the development charges which may be determined by such agency;

(3) 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 of plots sold or any part thereof or of other dues;

(4) cause the removal of any construction which obstructs the execution of its schemes 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 Government.

(5) have the power to sell, lease, or rent the plots and realise their price, rents or other dues in lumpsum or in instalments according to the instructions issued by the Government from time to time.

Cancellation of allotments:- The Committee may, in case of default in the payment of instalments or dues, cancel the allotment and the amount paid shall stand forfeited to the Government.

Recovery of arrears:- All dues recoverable by the Committee

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from any person in pursuance of the provisions of this Act or any order made thereunder shall be recoverable as arrears of land revenue.

Priority of allotment:- For the purpose of determining priority for eligibility for allotment of land, the following order shall be followed:

- (a) Persons affected by the construction of Mangla Dam including the inhabitants of the existing Mirpur Town ;
- (b) Other residents of Mirpur District;
- (c) Other Jammu and Kashmir Nationals;
- (d) Persons associated with the affairs of Jammu and Kashmir; and
- (ec) Persons other than those mentioned above.

Committee to control private construction:- The Committee shall have the power to control the construction of private buildings in accordance with the rules.

Punishment:- Whoever contravenes any provision of this Act or of any rule or order made thereunder shall be punishable with imprisonment which may extend to six months or fine or with both.

Cognizance of Offences:- No Court shall take cognizance of an offence under this Act except upon a complaint in writing made by an officer authorized for the purpose by the Committee.

Power to make rules:- The Committee may make rules for carrying out the purposes of this Act;