

THE AZAD JAMMU & KASHMIR
 EVACUEE PROPERTY
 (MULTIPLE ALLOTMENTS)
 ACT, 1961

(ACT 1 OF 1961)
 (Passed under Government order No. 89/61 dated 1-3-1961)

Whereas it is necessary to provide for more effective investigation, of multiple allotments of evacuee property obtained by certain persons in the Azad Jammu and Kashmir Territory as well as in Pakistan, it is hereby enacted as follows :-

1. Short title, extent and commencement:- (1) This Act may be called the Azad Jammu and Kashmir Evacuee Property (Multiple Allotments) Act, 1961.

(2) It extends to the whole of Azad Jammu and Kashmir Territory.

(3) It shall come into force at once.

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

(a) 'Allotment' includes allotment obtained by a person in his or her own name or in the name of his wife or other husband or in the name of any relative dependent upon him or upon her, of evacuee property in Pakistan or in the Azad Jammu and Kashmir territory ;

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

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"Multiple allotment" means the allotment as defined in clause (a) of this Section to one person of more than one piece of evacuee property, and any person who obtains the allotment as defined in clause (a) of this Section, of more than one such piece for his residence or of more than one such piece for his place of business obtains a multiple allotment.

provided that:-

(i) a person who obtains the allotment of one piece of evacuee property for his residence and another for his

place of business shall be deemed not to have obtained a multiple allotment ;

(ii) in the case of agricultural land a person who obtains allotment of such land over and above the scale prescribed or scheme approved or that may be prescribed or approved by the Government from time to time shall be deemed to have obtained a multiple allotment ;

(iii) a person who obtains or who has obtained the allotment of one evacuee house for residence in Pakistan but has not obtained possession of the same shall, if he has obtained the allotment of one evacuee house In the Azad Jammu and Kashmir Territory for his residence, be entitled to retain possession of such evacuee house in the Azad Jammu and Kashmir Territory for his residence, on payment of rent at market rate to be assessed by the Rehabilitation Authorities as a tenant under the persons to whom such house shall be allotted ;

(iv) as soon as a person obtains possession of an evacuee house allotted to him for residence in Pakistan he shall be liable to be ejected from an evacuee house allotted to him or in his possession in the Azad Jammu and Kashmir Territory ;

(v) a person, who obtains the allotment of an evacuee house in Pakistan for residence but lets it out on rent shall be deemed to have obtained a multiple allotment if he obtains the allotment of any evacuee house for residence in the Azad Jammu and Kashmir Territory ;

(vi) a person who has obtained allotment of an industrial concern in Pakistan in accordance with the orders of any competent authority shall be deemed to have obtained a multiple allotment if he has obtained the allotment of an industrial concern in the Azad Jammu and Kashmir Territory.

Powers to re-open multiple and irregular allotments :- (1) Notwithstanding anything inconsistent contained in any other law or enactment or in any instrument having effect by virtue of such law or enactment, the Government may appoint a person who is or has been a Judge of a High Court to investigate every allotment of evacuee property in respect of which any

irregularity by way of multiple allotment has been committed or appears to him to have been committed and authorise him to re-open any multiple allotment. Where it is found that a person has obtained any multiple allotment the authority appointed to reopen such allotments shall cancel or modify the allotment of evacuee property in the Azad Jammu and Kashmir Territory in such a way that the allotment obtained by him in the Azad Jammu and Kashmir Territory or both in Pakistan and the Azad Jammu and Kashmir territory taken as a whole, ceases to be a multiple allotment. The property in respect of which the allotment is so cancelled shall be directed to be taken possession of by the Rehabilitation Authority and be available for allotment to other deserving persons.

(2) Any order made under sub-section (1) shall be final and shall not be called in question in any judicial proceeding in any Court.

Repeal:- The Evacuee Properly (Multiple allotments) Act, 1957, as applicable in the Azad Jammu and Kashmir Territory is hereby repealed.