

AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
LAW AND PARLTAMENTARY AFFAIRS SECRETARAIT,
MUZAFFARABAD.

Dated the 27" October, 1985

No. 2210-12/LD/Leg/85. The following Act approved by the Azad

Jammu and Kashmir Legislative Assembly at its meeting held on 5"

October, 1985, and assented by the President on 5" day of October,

1985, is hereby published for general information:-

(ACT XX of 1985)

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ACT

to provide for law relating 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 restrictions and alienations in the Master Plan Areas of
Azad Jammu and Kashmir;

It is hereby enacted as follows:-

1. Short title, Extent and Commencement. - (1) This Act may be
called the Imposition of Restrictions (on construction and
alienation in Master Plan Area) Act, 1985.

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

(3) It shall come into force at once and shall be deemed to

have taken effect on and from the 5" day of Oct, 1985.

2. Definitions.- In this Act 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 and shall include an ex-officio member.

3. Setting up of controlling Authority.- (1) The Government may set up a Controlling Authority for carrying out the purposes of this Act.

(2) The Controlling Authority shall consist of Chairman and such other members not exceeding three in number as may be nominated 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 Act.

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

Master Plan Area.- (1) Notwithstanding anything contained in any other law of 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 Act.

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

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

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

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 land wishes to develop a plot or price 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 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 objectives or proper execution of the housing scheme in Master Plan area.

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(3) If any area is developed or otherwise death within in contravention of the provisions of the Master Plan, the Controlling Authority may, by notice require the owner of such area or the person who has contravened the provision to make such alteration, 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.

Jurisdiction of Court barred.- Save as otherwise provided in this Act, no Court or other authority shall have jurisdiction to question the legality of anything done or any action taken under this Act, by or at the instance of the Controlling Authority.

Punishment.- Whoever contravenes any provision of this Act 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.

Cognizance of offence. - No Court shall take cognizance of an offence under this Act except upon a complaint made in writing by the officer authorised for the purpose by the Controlling Authority.

Power _to_make rules.- The Controlling Authority with the previous sanction of the Government may make rules for carrying out the purposes of this Act.

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 provision of the Imposition of Restriction (on construction and alienation in Master Plan Area) Ordinance, 1980 (Ordinance XLI of 1980) or its succeeding Ordinance issued from time to time shall be deemed to have been validly done, taken, issued, made, initiated or exercised under this Act.

Repeal.- The imposition of Restrictions (on construction and alienation in Master Plan Area) Ordinance, 1985 (Ordinance CLXVIII of 1985) is hereby repealed.

Sd/-

(Syed Atta Mohy-ud-Din Qadri)

Deputy Secretary Law.

