

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

Dated the 14% Jan, 1987.

No. 144-148/LD/Leg(A)09/87. The following Act of the Assembly received the assent of the President on 8" day of January, 1987, is hereby published for general information:-

(ACT VIII OF 1987)

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ACT

to amend the Mirpur Development Authority Ordinance, 1974

WHEREAS it is expedient to amend the Mirpur Development Authority Ordinance, 1974 (Ordinance IV of 1974), for the purposes hereinafter appearing;

(2) It is hereby enacted as follow:-

1. Short title and Commencement. - (1) This Act may be called the Mirpur Development Authority (Amendment) Act, 1987.
(2) It shall come into force at once.

2. Amendment of Section 3, Ordinance IV_of_1974.- In the

Mirpur Development Authority Ordinance, 1974 (Ordinance IV of 1974), hereinafter referred to as the said Ordinance, in Section 3, the existing sub-section (2) shall be renumbered as sub section (5) and after sub section (1) the following new sub-section (2), (3) and (4) shall be inserted, namely:-

"(2) (a) That the Mirpur Development Authority shall transfer the developed areas of the Mirpur Town to the Municipal Committee on such terms and conditions as agreed upon by the Mirpur Development Authority and the Municipal Committee Mirpur.

(b) In case any dispute arises between Mirpur Development Authority and Municipal Committee Mirpur, the matter shall be referred the Government whose decision shall be final.

(3) The terms and conditions of the transfer shall be notified by the Government in the Government Gazette.

(4) All the powers or allotment, cancellation, transfer or proprietary rights, and other matters in these areas shall vest with the Municipal Committees after compliance with (2) and (3) above."

Amendment of Section 6, Ordinance IV of 1974.- In the said Ordinance, in Section 6, in sub-section (1), for the words "not less than five" the words "not more than four" shall be substituted.

Amendment of Section 11, Ordinance IV of 1974.- In the said Ordinance, in Section 11, after the proviso, the following new proviso shall be added, namely:-

"Provided further that the Authority may make necessary additions and alterations as per actual requirements in the approved Master Plan"

Amendment of Section 15, Ordinance IV of 1974.- In the said Ordinance, in Section 15, in sub-section (2) after clause (xi) the following shall be added:-

"(xii) Recover such development cess from the beneficiaries for improvement or development of any area as may be approved by the Government by a general or special order."

Addition of Section 15-A, Ordinance IV of 1974.- In the said Ordinance, after Section 15, the following new Section 15-A, shall be inserted, namely.-

"15-A Notwithstanding anything contained in any other law for the time being in force, all property of the following nature situated within the 'Specified Areas', shall vest in and be under the control of the authority and shall be held and applied by it for the purposes of this Act.-

(i) All lands or other property already acquired for the contraction of new Mirpur Town and Hamlets and other townships on the periphery of the Mangla Reservoir;

(ii) all lands or other property which may be acquired by purchase, lease, exchange or compulsory acquisition under Land Acquisition Act, 1894, by the Authority;

(iii) All lands or other property which may be transferred to the Authority by the Government or any other Agency for purposes of control and management or for any other purposes under this Act."

Amendment of Section 23, Ordinance IV of 1974.- In the said Ordinance, in Section 23, in sub-section (1) for the proviso, the following shall be substituted, namely:-

"Provided that salaried officers and servants of Grade 18

or equivalent and above shall not be appointed except with the previous sanction of the Government."

Amendment of Section 29, Ordinance IV of 1974.- In the said Ordinance in Section 29, in the proviso to sub-section (3), for the word "five" the words "twenty five" shall be substituted.

Substitution of Section 39, Ordinance IV of 1974.- In the said Ordinance, for Section 39, the following shall be substituted:-

«39. (1) The Authority may retain, or may lease, sell, exchange, rent or otherwise transfer any land vested in it, subject to such terms and conditions as it may impose in this behalf.

(2) Notwithstanding anything contained in any other law for the time being in force a certificate of title issued by the Authority in respect of any lease, sale, exchange or transfer of any piece of land within specified areas shall be sufficient proof of the said title and shall be admissible in evidence of that title in any Court proceedings.

(3) The Authority may charge such fee for the issue of certificate of title under sub-section (2) as it may fix from time to time with previous sanction of the Government."

Addition of a new Section 42-A Ordinance IV of 1974.- In the said Ordinance after Section 42, a new Section 42-A, shall be inserted, namely:-

"42-A Removal of encroachments, etc.- (1) The Deputy Commissioner or any other person authorized by the Authority in this behalf may after giving reasonable opportunity of being heard, direct any person to remove any movable or immovable encroachment made by him without any lawful authority on any land or property vesting in the Authority.

(2) If any direction under sub-section (1) is not complied with within such time as may be specified therein, the Deputy Commissioner or any person empowered in this behalf by the Authority, may get the encroachment removed and in so doing may use such force including Police force as may be necessary and may also recover the cost thereof from the person responsible for the encroachment;

Provided that the Authority may instead of requiring the removal of encroachment accept by way of

compensation such sum consisting of penalty and market price of the land or property encroached upon as it may prescribe by a general or special order;

Provided further that the Authority may require an encroachment to be altered partially so far as is necessary to avoid contravention of a scheme approved by it."

Substitution of Section 43, Ordinance IV of 1974.- In the said Ordinance, for Section 48, the following shall be substituted, namely:-

"48.

Repealed _Consequential_provisions.- (1) The New Mirpur Town (Allotment of Land) Act 1964, hereinafter referred to as the said, Act, and rules and orders made thereunder by the Government are hereby repealed. All assets, rights and all property, movable and immoveable and all interests therein and all debts, liabilities and obligations of the Allotment Committee constituted under this Act shall stand transferred to and be deemed to be assets, rights, property and interests of the Authority established under this Act.

(2) Without prejudice to the general provision under sub-section (1) above, the Authority shall exercise all the powers of allotment Committee constituted under the said Act, in respect of the plots/property allotted/disposed of two different persons by the said allotment Committee, including the powers of cancellation in cases of infringement of any condition of allotment.

(3) The Allotment Committee established, alerted or substituted by the Government from time to time under the Mirpur Development Authority Ordinance, 1974, shall stand dissolved, and all its powers of allotment and cancellation of allotment shall be exercisable to the Authority. In future the Authority shall prescribe the procedure and make necessary arrangements for the disposal of Estates developed by it, subject to the regulations, if any, made in this behalf.

(4) The Authority may constitute an Allotment Committee consisting of such number of members as may be determined with the approval of the Government.

(5) The Allotment Committee constituted under

sub-section (4) shall have all the powers of allotment
exercisable by the Authority under the provision of the

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Act or Rules or Regulations framed thereunder. The allotment Committee may delegate its powers to sub-Allotment Committee consisting of not less than three of its Members.

(6) (i) Whenever the Government is satisfied that any property, plots or estates have been disposed of or allotted by any previous Allotted Committee or by the Authority, in an illegal or improper manner, or to underserving persons or any other irregularity or impropriety has been committed in respect of any matter relating to the allotment or disposal of property etc, then it may appoint a revising authority for scrutiny and suitable orders in respect of such case;

(ii) All appeals and other proceedings pending with the Appellant Authority created, under the said Act, or any other Authorities, respect of any order of allotment, shall be forwarded by the Authority/Authorities with whom such appeals or proceedings are pending to the Revising Authority constituted under clause (i) above, and the Revising Authority shall make suitable orders, in all such cases."

Insertion of Section 48-A, Ordinance IV of 1974.- In the said Ordinance, after sub-section 48, the following new Section 48-A shall be inserted and shall be deemed always to have been so inserted, namely:-

"48-A.-Nothing in this Act or in any rule or regulation shall be constructed to limit or abridge the powers of the Government to deal with any case in such manner as may appear to it to be just and equitable."

Savings.- Notwithstanding any judgment, decree or Order of any court including High Court, everything done, all actions taken, notifications and orders issued, appointments made, proceedings initiated, jurisdiction or powers exercised under the provisions of the Mirpur Development Authority (Amendment) Ordinance, 1977 (Ordinance XVIII of 1977) 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 Act.

Repeal.-The Mirpur Development Authority (Amendment)

Ordinance, 1986 (Ordinance LXXXV of 1986) is hereby
repealed.

Sd/-
(Syed Atta Mohy-ud-Din Qadri)
Deputy Secretary Law