

AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Dated the 27th October, 1985.

No. 2195-97/LD/Leg (A)/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 23" October, 1985, is hereby published for general information:-

(ACT XV OF 1985)

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ACT

to provide for law relating to the Upper Chattar Housing Scheme.

WHEREAS it is expedient to provide for law relating to the Upper Housing Scheme, in the manner hereinafter appearing;

It is hereby enacted as follows:-

1. Short title and Commencement.- (1) This Act may be called the Upper Chattar Housing Scheme Act, 1985.

(2) It shall come into force at once and shall be deemed to have taken effect on and from the 5" day of October, 1985.

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

(a) "Committee" means a Committee set up under Section 3:

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

(c) "Member" means a member of the Committee and shall include an ex-officio member.

3. Setting up of Committee.- (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.

4. Appointment of officer_and servants.- The Committee, may, with the sanction of the Government, appoint such officers and servants as it considers necessary for the efficient performance of its functions.

5. Meeting of the Committee.- (1) The Committee shall ordinarily meet for the transaction of business at such place as may be determined by the Chairman.

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

(3) Every meeting shall be presided over by the Chairman or in his absence by the person chosen by the members present for amongst themselves.

(4) All question which come before any meeting shall be decided by a majority of votes of the members present and in case of equality of votes, the presiding Officer shall have a 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.

(6) The Chairman shall forwarded to the Government a copy of the minutes of the proceedings of each meeting of the Committee within ten days from the date of such meeting.

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 or functions under this Act subject to such conditions as it may think fit to impose.

Appointment_of Appellate _Authority.- (1) The Government may appoint a person as the Appellate Authority for the purpose 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.

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 questioned in any Court.

Powers and duties of the Committee.- (1) The Committee shall prepare schemes for the allotment of plots in the Upper Chattar Housing Scheme and take such measures as may be necessary for carrying out the purposes of this Act;

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(2) have the power to scrutinise 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 charges as awarded by the Collector including 15% compulsory acquisition charges, if any, 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 realization 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 scheme and may issue interim orders for stay 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 the Government;

(5) have the power to sell, lease or rent the plots and realize their price, rent or other dues in lump sum or in installments according to the regulations issued by the Government from time to time.

Cancellation of allotment.- The Committee may, in case of default in the payment of installments or dues, cancel the allotment and the amount paid shall '[be refunded to the depositor].

Recovery of arrears.- All dues recoverable by the committee from any person in pursuance of the provisions of this Act or any order made there under shall be recoverable as arrears of land revenue.

Committee to control private _construction.- The committee shall have the power to control the construction of private

building in according the rules.

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.

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For the words “stand forfeited to Government” the words “be refunded to the depositor”

Substituted by the Upper Chattar Housing Scheme (Amendment) Act, 1993 (Act VII of
1993) dt. 15-03-1993.

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

Power_to_ make rules.- The Committee, with the previous sanction of the Government, may make rules for carrying out the purposes of this Act.

power to make Regulations. The Committee may, with the previous sanction of the Government, make regulations to provide for all matters, not provided for in the rules for which provision is necessary or expedient for carrying out the purposes of this Act and the said rules.

Saving.- 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 Upper Chattar Housing Scheme Ordinance 1978 (Ordinance VI of 1978), 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 Ordinance.

Repeal.- The Upper Chattar Housing Scheme Ordinance 1985 (Ordinance CLIX of 1985) is hereby repealed.

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