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UNION TERRITORY OF JAMMU AND KASHMIR
OFFICE OF THE DIVISIONAL COMMISSIONER, KASHMIR

Prescribed Authority under Section (3) of J&K Migrant Immovable Property (Preservation, Protection and Restraint on Distress Sales) Act, 1997.

(Phone/ Fax: 01941-2487777, 2477778, 2452558, 2455357 (email address: divcomk@gmail.com))

Subject: - Application of (1) Smt. Prabha Devi (widow), (2) S/Sh. Bharat Bhushan, (3) Vishwa Deep (sons), (4) Indra Bharti and (5) Asha Bharti D's/o Late Janki Nath R's/o Saripara, Budden, Tehsil Rafiabab, District Baramulla A/P Migrant, 455-Hazari Bagh, Jammu for permission to alienate migrant immovable property in accordance with the provisions of J&K Migrant Immovable Property (Preservation, Protection & Restraint on Distress Sales), Act, 1997.

Reference:- Deputy Commissioner, Baramulla's letter No: DCB/SQ/Alie/01/115 dated 05.04.2018, No. DCB/SQ/Alie/4296 dated 03.12.2018, No. DCB/SQ/Alie/6046 dated 18.02.2020 and No. DCB/SQ/Alie/1708 dated 04.07.2022.

ORDER NO: 22 DIVK OF 2024

DATED : 14 - 03 - 2024

Whereas, Deputy Commissioner, Baramulla's letter No: DCB/SQ/Alie/01/115 dated 05.04.2018, No. DCB/SQ/Alie/4296 dated 03.12.2018, No. DCB/SQ/Alie/6046 dated 18.02.2020 and No. DCB/SQ/Alie/1708 dated 04.07.2022 has reported that the alienor(s) intend to alienate land measuring 15 kanals 12 marlas covered under Survey No. 971-min (03K-06M), 972-min (01-16M), 973-min (04K-18M), 974-min (03K-14M) and (975-min (01K-18M) of Sarai Para, Budden, Tehsil Rafiabab, District Baramulla, and

Whereas, Deputy Commissioner, Baramulla after due enquiry from the field functionaries in terms of prescribed procedure laid down under law/rules/guidelines in vogue has verified title, / and possession of land measuring 15 kanals 12 marlas covered under Survey No. 971-min (03K-06M), 972-min (01-16M), 973-min (04K-18M), 974-min (03K-14M) and (975-min (01K-18M) of Sarai Para, Budden, Tehsil Rafiabab, District Baramulla vide his above referred letter, has recommended the case for grant of permission for alienation under the provisions of J&K Migrant Immovable Property (Preservation, Protection & Restraint on Distress Sales), Act, 1997; and

Whereas, the Deputy Commissioner, Baramulla in terms of rule 3(b) of J&K Migrant Immovable Property (Preservation, Protection & Restraint on Distress Sales), Rules, 1997 has also issued "No Objection Certificate" under endorsement No: DCB/SQ/Alie/01/115 dated 05.04.2018; and

Whereas, to rule out the possibility of distress sale, the alienor was heard on video call who authenticated the veracity of the documents executed by him and also intimated that the sale has not been made in distress/duress and consented to the grant of alienation permission in favour of the alienee(s).

Now, therefore in pursuance of the powers vested upon me under Section 3 of the Jammu and Kashmir Migrant Immovable Property (Preservation, Protection and Restraint on Distress Sales) Act, 1997, sanction is hereby accorded to the alienation of land measuring 15 kanals 12 marlas covered under Survey No. 971-min (03K-06M), 972-min (01-16M), 973-min (04K-18M), 974-min (03K-14M) and (975-min (01K-18M) of Sarai Para, Budden, Tehsil Rafiabab, District Baramulla BY (1) Smt. Prabha Devi (widow),

(2) S/Sh. Bharat Bhushan, (3) Vishwa Deep (sons), (4) Indra Bharti and (5) Asha Bharti D's/o Late Janki Nath R's/o Saripara, Budden, Tehsil Rafiabad, District Baramulla A/P Migrant, 455-Hazari Bagh, Jammu IN FAVOUR OF (1) Mst. Rafiqa Begum (wife), (2) Tawheed Ahmad, (3) Musaib-ul-Islam Bhat and (4) Muzamil Hassan Bhat S's/o Ghulam Hassan Bhat R's/o Baghat, Sopore, District Baramulla, subject to the following conditions -

- a) That the applicant(s) is/are rightful owners/occupants of the property proposed to be alienated and is free from all encumbrances and the title of the proposed alienor(s) is certified by the Tehsildar concerned under his seal and signatures.
- b) That the value of the property (land) under proposed alienation shall be calculated as per the stamp rate prevailing at the time of execution/registering of Sale Deed applicable under **unirrigated horticulture** category of land of estate **Sarai Para, Budden**, Tehsil Rafiabad District Baramulla as approved by the Committee constituted under the J&K Preparation and revision of market value guideline rules 2011.
- c) That any permission under this Act i.e., J&K Migrant Immovable Property (Preservation, Protection & Restraint on Distress Sales) Act, 1997 and rules made thereunder, shall not be construed as permission for conversion or change of land use which may otherwise be prohibited by any Act/Rules made thereunder for the time being in force.
- d) That after completion of all registration formalities, the District Magistrate, Baramulla (Custodian of the Migrant Immovable Property) shall handover the possession of the property to the alienee(s) thereof through prescribed procedure.

DISCLAIMER: 1) THE INSTANT PERMISSION SHALL NOT BE TREATED AS A SUBSTITUTE FOR TITLE DOCUMENTS/SHARE OF THE APPLICANT/ DISPUTE FREE NATURE OF THE PROPERTY/LAND USE PERMISSION ETC.


DIVISIONAL COMMISSIONER,
KASHMIR

No: Div.Com/MLA/(2926)/2024

Dated: 14 - 03 - 2024

Copy to the: -

1. Financial Commissioner (R), J&K Govt. Jammu/Srinagar.
2. Relief Commissioner (Migrants), Jammu
3. Deputy Commissioner, Baramulla
4. Alienees namely (1) Mst. Rafiqa Begum (wife), (2) Tawheed Ahmad, (3) Musaib-ul-Islam Bhat and (4) Muzamil Hassan Bhat S's/o Ghulam Hassan Bhat R's/o Baghat, Sopore, District Baramulla
5. Alienors namely (1) Smt. Prabha Devi (widow), (2) S/Sh. Bharat Bhushan, (3) Vishwa Deep (sons), (4) Indra Bharti and (5) Asha Bharti D's/o Late Janki Nath R's/o Saripara, Budden, Tehsil Rafiabad, District Baramulla A/P Migrant, 455-Hazari Bagh, Jammu

.....FOR INFORMATION AND NECESSARY ACTION.