

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. 101041-2407777, 2477778, 2407900, 2405307 Email address divcomk@gmail.com)

Subject: - Application of S/Sh. Kapoor Chand S/o Shri Sunder Singh Hajawan R/o Biyawa, Tehsil Kunzer, District Baramulla A/P Migrants, H. No. 20, Sector I, Durga Nagar, Roop Nagar, 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/103/4538 dated 27.02.2015, No. DCB/SQ/Alie/782 dated 31.05.2016, No. DCB/SQ/Alie/7459 dated 12.01.2018, No. DCB/SQ/Alie/613 dated 28.04.2018, No. DCB/SQ/Alie/4489 dated 18.01.2020 and DCB/SQ/Alie-283 dated 12.04.2022.

ORDER NO: 132 DIVK OF 2023
DATED : 26 - 12 - 2023

Whereas, Deputy Commissioner, Baramulla's letter No: DCB/SQ/Alie/103/4538 dated 27.02.2015, No. DCB/SQ/Alie/782 dated 31.05.2016, No. DCB/SQ/Alie/7459 dated 12.01.2018, No. DCB/SQ/Alie/613 dated 28.04.2018, No. DCB/SQ/Alie/4489 dated 18.01.2020 and DCB/SQ/Alie-283 dated 12.04.2022 has reported that the alienor(s) intend to alienate land measuring 03 kanals 15 marlas covered under Survey Nos. 613-min (01K-13M) and 614-min (02K-02M) of estate Biyawa, Tehsil Kunzer, 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 the land measuring 03 kanals 15 marlas covered under Survey Nos. 613-min (01K-13M) and 614-min (02K-02M) of estate Biyawa, Tehsil Kunzer, 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/103/4538 dated 27.02.2015; and


Whereas, to rule out the possibility of distress sale, Sh. Shami Kapoor, one of the sons of the alienor who also represented his mother and siblings, was heard on video call who authenticated the veracity of the documents executed by his deceased father 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 03 kanals 15 marlas covered under Survey Nos. 613-min (01K-13M) and 614-min (02K-02M) of estate Biyawa, Tehsil Kunzer, District Baramulla BY S/Sh.

Kapoor Chand (now deceased) S/o Shri Sunder Singh Najawan R/o Biyawa
Kunzer, District Baramulla A/P Migrants, H. No. 26, Sector-I, Durga Nagar,
Nagar, Jammu through his lawful attorney namely Mohammad Shaban Beigh S/o
Rehman Beigh R/o Hardu Shora, Tehsil Tangmarg, District Baramulla IN FAVOUR
OF
(1) Ghulam Nabi Malik and (2) Nazir Ahmad Malik S's/o Mohammad Ramzan Malik
R's/o Dandoora, 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 irrigated agriculture category of land of estate Biyawa, Tehsil Kunzer, 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/(2590)/2023

Dated: 26 - 12 2023

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) Ghulam Nabi Malik and (2) Nazir Ahmad Malik S's/o Mohammad Ramzan Malik R's/o Dandoora, Baramulla.
5. Alienor namely S/Sh. Kapoor Chand S/o Shri Sunder Singh Najawan R/o Biyawa, Tehsil Kunzer, District Baramulla A/P Migrants, H. No. 26, Sector-I, Durga Nagar, Roop Nagar, Jammu
6. Attorney Holder namely Mohammad Shaban Beigh S/o Abdul Rehman Beigh R/o Hardu Shora, Tehsil Tangmarg, District Baramulla

.....FOR INFORMATION AND NECESSARY ACTION.