



Government of Jammu and Kashmir
Revenue Department
Civil Secretariat, Jammu/Srinagar.

Subject: Rationalization of value of immovable property viz-a-viz rates notified for purposes of stamp duty.

Ref:- No. DivCom/Relief-MLA/279/2016 dated 07.12.2016 received from Divisional Commissioner, Kashmir.

Circular No. 02 - REV(S) of 2017

Dated: 28 - 01 - 2017

As per the J&K Migrants Property (Preservation, Protection & Restraint on Distress Sales) Act Rules, 1997, the prescribed authority is required to grant permission for alienation of Migrant property subject to the condition that the prevailing market rate in respect of property to be alienated is determined by Revenue officers in consultation with Executive Engineer PW (R&B) Department. It has been observed that different revenue officers are fixing and determining varying rates of Migrant property proposed to be alienated and in most of the cases the rates are being fixed higher than these notified for stamp duty purposes. This practice not only creates confusion and invites litigation by way of fixing different rates in the same area, but, also acts a constraint on public exchequer, as the people in the said area claim similar rates by way of compensation under the Land Acquisition Act, as well. Market rates of different types of immovable property have already been notified by the competent authority for stamp duty purposes throughout the State, and the rates, so notified, are revised periodically and whenever any land is acquired in a particular area, the rates notified for purposes of stamp duty are, by and large, being adopted by the concerned Collectors. However, there have been a number of instances where the land owners challenged the acquisition proceedings on the sole ground that competent authority had fixed value of land higher than that notified for stamp duty purposes in the same area while according sanction to the alienation of Migrant property.

Therefore, with a view to rationalizing the value of immovable property viz-a-viz the rates notified for stamp

duty purposes, it is hereby enjoined upon all the Deputy Commissioners and revenue field staff to fix rates under Migrant Immovable Property Rules as notified for purposes of Stamp duty. The Government has to have a uniform policy with respect to rates fixed for purposes of Land Acquisition Act and for alienation of the Migrant property.

Sd/-

(Mohammad Ashraf Mir)

Commissioner/Secretary to Government,
Revenue Department.

No. Rev/S/121/2016

Dated: 25-01-2017

Copy to the:-

01. Financial Commissioner (Revenue), J&K, Jammu.
02. Divisional Commissioner, Jammu / Kashmir.
03. All Deputy Commissioners, for necessary action.
04. Pvt. Secretary to the Commissioner/Secretary to Government, Revenue Department.
05. Private Secretary to Minister for Revenue for information to the Hon'ble Minister.
06. Order file / Stock file.

(Ghulam Rasool)KAS

Deputy Secretary to Government,
Revenue Department.