

**Government of Jammu and Kashmir
Revenue Department Civil Secretariat
Jammu/Srinagar**

Subject: - Preservation and Protection of Migrant properties.

Government Order No. 53-JK-(Rev) of 2021

Dated: - 13 .08. 2021

Whereas, "J&K Migrant Immovable Property (Preservation, Protection and Restraint on Distress Sales) Act, 1997" (hereinafter referred as the Act) provides for the preservation, protection and restraint on distress sales of the immovable property of the migrants; and

Whereas, various provisions of the Act, provide for measures to prevent, alienation of immovable property due to distress sale by imposing certain restrictions, custody of immovable property, eviction of unauthorized occupants, implementation by the competent authority, etc.; and

Whereas, the implementation of the Act, has not taken place in the manner as prescribed by the Act, and instances have come to notice, particularly after the orders of the Hon'ble High Court in OWP No. 477/2016 dated 06.03.2020 titled "All India Kashmiri Samaj and Ors. V/s Union of India and Ors." regarding diarization of complaints and monitoring thereof, of immovable properties of migrants having been alienated without following due process; and

Whereas, by virtue of S.O. 1229 (E) dated 31.03.2020 (Adaptation of State Laws) Order 2020 the requirement of written complaints for survey or measurement of a migrant property, proviso 2 of sub-section (2) of section 6 has been omitted and the following sub-section has been inserted in section 6:-

"(3) The competent authority shall prepare the details of immovable property of migrants in such format, as may be prescribed, and take appropriate action to evict unauthorized occupant of such migrant property including such action as provided in Section 5"; and

Therefore, considering the need for urgent measures to implement the provision of the Act, exercising the powers under section 10 of the Act, it is hereby ordered that:-

- i. The Department of Disaster Management Relief, Rehabilitation and Reconstruction will develop an online portal for filing applications by the

migrants for correction of records/demarcation and removal of encroachments/trespassing/alienation by way of fraud or distress, etc.

- ii. The application filed on the portal will be disposed off in a fixed time frame under the Public Services Guarantee Act, 2011 by the revenue authorities under intimation to applicant.
- iii. The competent authority (District Magistrate) shall undertake survey/field verification of migrant properties and update all registers, within a period of 15 days and submit compliance report to the Divisional Commissioner, Kashmir.
- iv. Any violation of the Act, including in respect of religious properties, shall be taken cognizance by the competent authority (District Magistrate) with timely action for eviction, custody and restoration of such properties and also action under law against the violators.
- v. The Revenue Officers shall dispose off cases on priority, with due consideration to the circumstances and specificity, while taking decision with regard to the Limitation period.

By order of the Government of Jammu and Kashmir

Sd/-

**(Shaleen Kabra) IAS
Principal Secretary to the Government**

No. Rev-Sett/32/2021(43542)

Dated:-13.08.2021

Copy to the:-

01. Financial Commissioner (Revenue), J&K.
02. Principal Secretary to the Hon'ble Lieutenant Governor, J&K.
03. Joint Secretary (J&K), Ministry of Home Affairs, Government of India.
04. Divisional Commissioner, Kashmir.
05. Secretary to the Government, Department of Disaster Management Relief, Rehabilitation & Reconstruction.
06. Secretary to the Government Law, Justice & Parliamentary Affairs.
07. All Deputy Commissioners, of Kashmir Division.
08. Director Archives, Archeology & Museums, J&K.
09. Private Secretary to Chief Secretary, J&K.
10. Private Secretary to Hon'ble Advisor (B).
11. Private Secretary to Principal Secretary to Government, Revenue Department.
12. Incharge Website, Revenue Department.
13. Government Order file (w.2.s.c).
14. Stock File.



(Sudershan Kumar) JKAS

Addl. Secretary to the Government

13.8.2021