

# **The Jammu and Kashmir (Realization of Share of Produce) Ordinance, 2005**

JAMMU & KASHMIR

India

## **The Jammu and Kashmir (Realization of Share of Produce) Ordinance, 2005**

### **Act 1 of 2005**

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The Jammu and Kashmir (Realization of Share of Produce) Ordinance, 2005(Ordinance No. 1 of 2005)[Promulgated by His Highness under section 5 of the Jammu and Kashmir Constitution Act, 1996 and published in Government Gazette dated 3rd Har, 2005 (Extraordinary).]An Ordinance to provide for the realization of share of produce of proprietors, etc.Preamble. - Whereas a number of holdings owned by persons as proprietors or held by them as tenants, lease-holders or mortgages were abandoned by them due to disturbances during the year Svt. 2004;And whereas other persons took possession of such lands or standing crops thereon and appropriated such crops to their own use ;And whereas it is necessary to provide for the realization of share of produce of such proprietors, tenants, lease-holders or mortgagees.Now, therefore, in exercise of the inherent powers under section 5 of the Jammu and Kashmir Constitution Act, 1996, His Highness has been pleased to promulgate the following Ordinance.

### **1. Short title, extent and commencement.**

(1)This Ordinance may be called the Jammu and Kashmir (Realization of Share of Produce) Ordinance, 2005.(2)It shall extend to the Districts of Jammu and Kashmir and be extended further to other areas in the State by a notification issued by the Government in this behalf from such date as may be specified in the notification.(3)It shall come into force at once.

### **2. Revenue Officer to realize share of produce of proprietors, etc.**

(1)Any Revenue Officer not below the rank of Naib-Tehsildar may order a person who has, in his opinion, taken possession of lands or standing crops thereon which are owned by persons as proprietors or held by them as tenants, lease-holders or mortgagees and abandoned by them due to disturbances during the year 2004, to deliver to such officer the share of the the procedure as would

otherwise be due to the proprietors, tenants, leaseholders or mortgagees of such land within a period to be specified by him. In delivering the share of such proprietors, tenants, lease-holders or mortgagees, such officer shall make allowance for the labour of the person who cultivated the land of protected the crop during the absence of its lawful owner.(2)The order passed by the Revenue Officer under sub-section (1) shall be appealable to the [Deputy Commissioner] [Substituted by Act III of 2008 for 'Wazir Wazarat'.] of the District whose orders shall be final.

### **3. Realization as arrears of land revenue.**

- If the person in wrongful possession of the land or standing crop fails to deliver the share of the produce in compliance of the order issued under section 2, such Revenue Officer may proceed to realize the same as arrear of land revenue in matter provided in this respect by the Land Revenue Act, 1996, as if such produce is a sum of money.

### **4. Disposal of surplus.**

- Such Revenue Officer shall, after deducting the expenses of realization of such product and the mujwaza or surplus due from such proprietor, tenant, lease-holder or mortgagee under the Food Grains Control Order in vogue, dispose of the surplus of the produce, if any, according to a general or special order of the Collector.

### **5. Bar of civil suit.**

- No suit, prosecution or other legal proceedings shall lie against anything which is in good faith done or intended to be done under this Ordinance.