

Jammu and Kashmir Alienation of Land (Validation) Act, 1962

JAMMU & KASHMIR

India

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Act 13 of 1962

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Jammu and Kashmir Alienation of Land (Validation) Act, 1962(Act No. 13 of 1962)[Received the assent of the Sadar-i-Riyasat on 16th July, 1962 and published in Government Gazette dated 18th July, 1962.]An Act to provide for the validation of certain alienations of land.Be it enacted by the Jammu and Kashmir State Legislature in the Thirteenth Year of the Republic of India as follows:

1. Short Title.

-This Act may be called the Jammu and Kashmir Alienation of Land (Validation) Act, 1962.

2. Power of the Revenue Minister to validate certain alienations.

-Notwithstanding the repeal of the Jammu and Kashmir Alienation of Land (Temporary Restrictions) Act, 1959 (XXI of 1959), the Revenue Minister may, in respect of an alienation or a class of alienations made between the 10th day of July, 1959 and 23rd day of July, 1959, validate such an alienation if he is satisfied, for reasons to be recorded in writing, that the need for such an alienation was genuine and in case of a sale, mortgage, exchange or lease exceeding one year, the consideration was fair and the refusal to validate such an alienation was likely to result in undue hardship. Notifications, Circulars, Orders, Etc. Alienation of lands Preparation and issuance of Fard Intikhab' (Revenue Extracts) Instructions regarding Circular No. 502/1404-Circular/05/260-295 dated 01.06.2005 It has been observed that the circular/instructions issued by this office regarding preparation and issuance of 'Fard Intikhab' (Revenue Extracts) for alienation of land are not being followed by the subordinate Revenue Agency. Presumably, this is due to confusion and ignorance at lower level thereby resulting into complications and multiplicity of litigation in various courts including the Hon'ble High Court of Jammu & Kashmir, which is detrimental for the general public and the government as well. In order to remove confusion from the minds of revenue field agency and general public and with a view to bring efficiency, accuracy and transparency in public offices,

following instructions, in super cession of all previous instructions, are hereby issued with immediate effect.(1)An application for issuance of copies of revenue records/extracts (Fard-Intikhab) shall be presented to the Tehsildar of the area -Territorial/Agrarian Reforms/Settlement who shall sent it to Naib Tehsildar concerned with the direction to get the copies prepared and make available to the former for delivery within 10 days of the application.(2)The Naib Tehsildar concerned after endorsement shall direct the Patwari concerned to prepare copies of the record under rules and forward the application to him on the same day.(3)The Patwari concerned on receipt of application, duly marked and endorsed by the Tehsildar and Naib Tehsildar as per above directions shall prepare 04 (Four) copies of the revenue records/extracts strictly under Rule 34 of The Jammu & Kashmir Land Revenue Rules 1969.(4)After preparation of copies the Patwari shall prepare a detailed note on the copies (Fard Intikhab) with the following stipulations:(I)It shall be mentioned clearly on the copies whether they are meant for execution of sale, mortgage, lease or for perusal only.(II)If the Fard Intikhab is meant for sale, then it should be clearly mentioned that sale is not in contravention of the provisions of:(a)The Jammu & Kashmir Alienation of Land Act. Svt. 1995.(b)The Jammu & Kashmir Land Revenue Act. Svt 1996.(c)The Jammu and Kashmir Prohibition on Conversion of Land and Alienation of Orchards Act. 1975.(d)The Jammu & Kashmir Agrarian Reforms Act. 1976.(5)After the preparation of copies under aforesaid procedure, the Patwari shall diaries the same in the register to be maintained by him in the following form:-(i)Name of the applicant with parentage and residence.(ii)Date of the order of the Tehsildar/Court.(iii)Description of record of which copy, extract, plan or tracing is obtained.(iv)Number of holdings, fields with khasra No and area.(v)Details of charges in the shape of adhesive judicial stamps.(vi)Date of submission of copies to superior officers as per procedure.(6)The Patwari shall immediately submit all the copies of Fard Intikhab to the Girdawar concerned. The Girdawar concerned shall verify the entries vis-a-vis record with special reference to note appended on the copies and scrutinize the extract /Tatima on spot and satisfy himself about the genuineness and correctness of the copies. He shall sign all the copies and submit the same to the Naib Tehsildar concerned for further verification.(7)The Naib Tehsildar shall satisfy himself the correctness of the record/extract (Fard Intikhab) and attest all the four copies with his signature and date and enter the same in the register to be maintained by him in the following form: -(i)Serial No of the register.(ii)Name of the village.(iii)Name of the applicant/vendee etc with parentage and residence.(iv)Name of the vendor with parentage and residence.(v)Details of land with khasra No. and quantum.(vi)Details of land previously sold by the vendor.(vii)Date of the order of Tehsildar.(viii)Date of receipt of the copies from the Girdawar.(ix)Date of submission of copies to Tehsildar.(x)Signature of Naib Tehsildar.(8)The Naib Tehsildar shall retain one copy in his office for reference and record and submit three copies to Tehsildar concerned for further action under rules. The Naib Tehsildar shall keep and preserve the copies of record and deposit the same along with the register to the Tehsildar concerned at the end of financial year against the proper receipt.(9)The Tehsildar concerned shall countersign the revenue records/extracts (Fard Intikhab) with his stamp and signature. He shall make a note on the copies "valid for one month only" and get it diarised in the register to be maintained in the following form: -(i)Serial No of the register.(ii)Name of the village.(iii)Date of application.(iv)Name of the applicant/vendee etc. with parentage and residence.(v)Name of the vendor with parentage and residence.(vi)Details of land previously sold by the vendor.(vii)Date of delivery of the copies to the applicant.(viii)Signature/thumb impression of the vendor/applicant.(ix)Signature of the Tehsildar.(10)The Tehsildar concerned shall retain one

copy in his office and deliver two copies to the applicant/vendee against proper receipt in the register. He shall keep and preserve the copies of record and deposit the same along with the register so maintained at the end of financial year by him. The copies and registers received from the Naib Tehsildars shall also be deposited in the Record Rooms of the Tehsils.(11)Tehsildars and Naib Tehsildars shall make mention of the Fard Intikhab issued in their monthly tour diaries (diary karguzaries) which shall be properly checked by the Deputy Commissioner concerned. The Tehsildars shall send the list of Fard Intikhab to the Deputy Commissioner concerned along with their monthly diaries.(12)Deputy Commissioners of the Division shall check the registers of the Tehsildars once in a month and make mention in their tour diaries about the working and functioning of the Tehsildars and record their satisfaction regarding the correctness of the registers.It is enjoined upon all the field officers of Revenue Department to strictly adhere to the aforesaid instructions. Any violation reported from any quarter shall be construed a wilful commission and entail penal action under service rules.