

The Jammu and Kashmir Registration of Deeds (Validating) Act, 2008 (1951 A.D.)

JAMMU & KASHMIR

India

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Act 6 of 2008

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The Jammu and Kashmir Registration of Deeds (Validating) Act, 2008 (1951 A.D.) Act No. 6 of 2008 [Promulgated by Shree Yuvraj under section 5 of the Jammu and Kashmir Constitution Act, 1996 and published in the Government Gazette dated 14th Bhadon, 2008]. An Act to validate registration and authentication of certain documents by the Subordinate Judge, Sub-Registrar, Baramulla. Whereas by Judicial Department Notification No. 81, dated 18th Bhadon, 1971 published in the Government Gazette dated 6th Assuj, 1971, Munsiff, Baramulla, was appointed Sub-Registrar for the purpose of registration of documents within his territorial jurisdiction; And whereas by Judicial Department Notification published in the Government Gazette dated 17th Jeth, 1973, ten Patwar Halqas of Baramulla Tehsil, viz-

1. Sardapora Bejyara 2. Khasan Pat 3. Matti Pora 4. Hanjwatra 5. Qabza Malva 6. Kavsa 7. Magam 8. Ari Pathan 9. Pala Pora, Baramulla 10. Ganshan.

were excluded from the territorial jurisdiction of Munsiff, Baramulla, and included in that of Munsiff, and included in that of Munsiff, Srinagar, and from that date Munsiff, Srinagar, and sometimes thereafter Sub-Registrar, Srinagar, was acting as Sub-Registrar for these ten Patwar Halqas also; And whereas with effect from 1st Katik, 1993, the post of Munsiff, Baramulla was shifted to Sopore and a new post of Subordinate Judge was established at Baramulla; And whereas the then Inspector General of Registration (Sir Bajor Dalai) conferred upon the Subordinate Judge, Baramulla powers of a Sub-Registrar under section 6 of the Registration Act, 1977, but no notification was issued in the Government Gazette defining the limits of his jurisdiction as required under sub-section (2) of section 5 of the said Act; And whereas it has been found that both Subordinate Judge Baramulla, and Sub-Registrar, Srinagar, have been exercising powers of Sub-Registrar for the ten Patwar Halqas referred to above; And whereas a Division Bench of the High Court in Civil Appeal No. 334 of 2002, Ali Malik Versus Shamboo Nath, held that the

Subordinate Judge, Baramulla, could not exercise powers of Sub-Registrar for the ten Patwar Halqas referred to above ;And whereas the Subordinate Judge, Baramulla, has been exercising registration powers for those ten Patwar Halqas bona fide believing that he has such jurisdiction ;And whereas it is expedient that the registration of the documents registered by the Subordinate Judge, Baramulla, should be validated to avoid complication that are likely to arise if no such step is taken ;Now, therefore, in exercise of the powers reserved under section 5 of the Jammu and Kashmir Constitution Act, 1996, read with the proclamation issued by His Highness and published in the extraordinary issue of the Government Gazette dated 7th Har, 2006 Yuvraj Shree Karansingh Ji Bhadur is pleased to enact as follows :-

1. Short title and commencement.

(1) This Act may be called the Registration of deeds (Validating) Act, 2008. (2) It shall come into force from the date it is published in the Government Gazette.

2. Validation of acts of registration purporting to have been done by Subordinate Judge, Baramulla with respect to certain documents.

- All acts performed and documents registered by Subordinate Judge, Baramulla as Sub-Registrar for the ten Patwar Halqas specified in the preamble to this Act, during the period from the first day of Katik 1993, up to the date of commencement of this Act, shall be as valid and shall be deemed to have been as validity done as if the Subordinate Judge, Baramulla was entitled to do so in accordance with the law relating to registration in force during the period specified.

3. Validation of the records of the aforesaid registered documents.

- In particular and without prejudice to the generality of acts validated by the foregoing provision, -(a) all entries and indexes relating to the documents registered as aforesaid made in the register-books in the manner provided by Part XI of the Jammu and Kashmir Registration Act, 1977, shall be deemed to have been validly made; (b) All copies of such registered documents which have been duly signed and sealed by the registering officer aforesaid in the manner required by section 57 of the Jammu and Kashmir Registration Act, 1977, shall be admissible for the purpose of proving the contents of the original documents.

4. Protection for Subordinate Judge.

- Notwithstanding anything contained in any law to the contrary, the Subordinate Judge, Baramulla, shall not be liable in any suit or proceeding for any claim for damages or otherwise by reason of anything in good faith done or refused by him in his official capacity as Sub-Registrar for the ten Patwar Halqas specified in the preamble to this Act.

5. Saving.

- Nothing contained in this Act shall affect the decision of a Court of competent jurisdiction which has become final before the commencement of this Act.