

UNION TERRITORY OF JAMMU AND KASHMIR  
**OFFICE OF THE DIVISIONAL COMMISSIONER, KASHMIR**

Prescribed Authority under Section (3) of J&K Migrant Immovable Property (Preservation,  
Protection and Restraint on Distress Sales) Act, 1997.

(Phone/Fax: (0194)-2407777, 2477775, 2452550, 2455357 Email address: divcomk@gmail.com)

**Subject:** - Application of S/Shri (1) Bushan Lal Dhar and (2) Virender Nath Dhar S's/o Sarwanand Dhar & Smt. Shanta Devi R's/o Tulmulla, Ganderbal A/P Migrants at (1) H. No. 64, Lane No. 2, near Saint Xavier Convent School, Dena Nagar, Barnai, Muthi Jammu and (2) H. No. 34, Sector-2, Dena Nagar, Barnai, Muthi Jammu for permission to alienate migrant immovable property in accordance with the provisions of J&K Migrant Immovable Property (Preservation, Protection & Restraint on Distress Sales) Act, 1997.

**Reference:** -Deputy Commissioner, Bandipora's letter No: DCB/SQ/2023/1926-27 dated 20.07.2023 and No. DCB/SQ/2023/5689-90 dated 09.10.2023.

**ORDER NO:** 03 DIVK OF 2024

**DATED :** 09 - 01 - 2024

Whereas, Deputy Commissioner, Bandipora's letter No: DCB/SQ/2023/1926-27 dated 20.07.2023 and No. DCB/SQ/2023/5689-90 dated 09.10.2023 has reported that the alienor(s) intend to alienate land measuring 08 kanals 09 marlas falling under Survey No. 1214-min situated in estate Gund Sudrakote, Tehsil Hajin, District Bandipora; and

Whereas, Deputy Commissioner, Bandipora after due enquiry from the field functionaries in terms of prescribed procedure laid down under law/rules/guidelines in vogue has verified title, / and possession of the land measuring 08 kanals 09 marlas falling under Survey No. 1214-min situated in estate Gund Sudrakote, Tehsil Hajin, District Bandipora vide his above referred letters, has recommended the case for grant of permission for alienation under the provisions of J&K Migrant Immovable Property (Preservation, Protection & Restraint on Distress Sales), Act, 1997; and

Whereas, Deputy Commissioner, Bandipora in terms of rule 3(b) of J&K Migrant Immovable Property (Preservation, Protection & Restraint on Distress Sales), Rules, 1997 has also issued "No Objection Certificate" under endorsement No. DCB/SQ/2023/1926-27 dated 20.07.2023; and

Whereas, to rule out the possibility of distress sale, the alienor(s) have been heard in person on video call on 18.12.2023 who submitted that against the sale of 14K-09M of land they have received an amount of Rs. 6.00 lacs only, and denied of having received the consideration amount as mentioned in the payment receipt;

Whereas, it is clear from the submission made by the alienor that the alienees have paid lesser amount than the value of the property as per the Stamp rate of the year 2023 which amounts to distress sale;

Whereas, Rule 2 (1-b) of the Migrant Rules which defines the term  
"Distress Sale" is reproduced hereunder: -

"Distress Sale" means sale of Immovable Property owned by a migrant at a price lesser than the prevalent market rate in the locality under compelling circumstances;

Whereas, Rule 4 (2) of the Migrant Rules provides as under: -

4. (2) Upon enquiry by the Prescribed Authority if it is found that the proposed sale of the property is distress sale, the application shall be rejected.

Now, therefore, in pursuance of the powers vested upon me under Section 3 of the Jammu and Kashmir Migrant Immovable Property (Preservation, Protection and Restraint on Distress Sales) Act. 1997, the case was examined in light of the law/rules and conference held with the alienor(s) on 18.12.2023, it was found that the proposed sale is "distress sale", hence application submitted by the alienors for grant of alienation permission is hereby rejected.

*Om*  
9/1/24  
DIVISIONAL COMMISSIONER,  
KASHMIR

No: Div.Com/MLA/(3274)/2024

Dated: 09 - 01 - 2024

Copy to the: -

1. Financial Commissioner (Rev), J&K Govt., Jammu/Srinagar.
2. Relief Commissioner (Migrants), Jammu
3. Deputy Commissioner, Bandipora
4. Alienees namely (1) Mushtaq Ahmad Ganaie (son), (2) Mst. Shaheena Begum W/o Ali Mohammad Ganaie R's/o Ganaie Mohalla, Gund Sadrakote, Safapora, Bandipore, (3) Ghulam Mohammad Ganaie S/o Mohammad Sultan Ganaie R/o Gund Sadrakote, Safapora, Bandipore (4) Ghulam Rasool Ganaie S/o Ghulam Mohammad Ganaie R/o Naag Mohalla/Dudhwan, Gund Sadrakote, Bandipore, (5) Basheer Ahmad Ganaie S/o Habib Ullah Ganaie R/o Ganaie Mohalla, Dudvan, Gund Sadrakote, Bandipore and (6) Mohammad Shaban Ganaie S/o Late Abdul Khaliq Ganaie R/o Gund Sadrakote, Bandipore.
5. Alienors namely (1) Bushan Lal Dhar and (2) Virender Nath Dhar S's/o Sarwanand Dhar & Smt. Shanta Devi R's/o Tulmulla, Ganderbal A/P Migrants at (1) H. No. 64, Lane No. 2, near Saint Xavier Convent School, Dena Nagar, Barnai, Muthi Jammu and (2) H. No. 34, Sector-2, Dena Nagar, Barnai, Muthi Jammu

.....FOR INFORMATION.