

**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, 2462558, 2455357 Email address: divcomk@gmail.com)

**Subject: -** Application of Sh. Ashok Kumar Kachroo S/o Late Dr. Radha Krishan Kachroo R/o Rainawari, Srinagar A/P 34, B-D, Gandhi Nagar, 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, Srinagar's letter No's: DCS/SQ/MLA/3082/MR-931 dated 04.09.2019, DCS/SQ/MLA/731/3082/MR dated 24.12.2019, and DMS/RD/3082-MR/E-2354/138 dated 20.09.2023

**ORDER NO: 106 DIVK OF 2023**

**DATED : 18 - 10 - 2023**

Whereas, Deputy Commissioner, Srinagar's letter No: DCS/SQ/MLA/3082/MR-931 dated 04.09.2019 has reported that the alienor(s) intend to alienate land measuring 03 kanal 05 marla falling under Survey Nos. 1913/1245(02K-19M) & 1247min (6M) situated in estate Gupt Ganga, Tehsil North, District Srinagar; and

Whereas, Deputy Commissioner, Srinagar 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 03 kanal 05 marla falling under Survey Nos. 1913/1245(02K-19M) & 1247min (6M) situated in estate Gupt Ganga, Tehsil North, District Srinagar 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;

Whereas, the Deputy Commissioner Srinagar 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's. DCS/SQ/MLA/3082/MR-931 dated 04.09.2019, DCS/SQ/MLA/731/3082/MR dated 24.12.2019, and DMS/RD/3082-MR/E-2354/138 dated 20.09.2023;

Whereas, the case was examined and in pursuance of the powers vested under Section 3 of the J&K Migrant Immovable Property (Preservation, Protection & Restraint on Distress Sales), Act, 1997, the case was rejected by this office vide Order No: 64 DIVK of 2022 dated 12.09.2022 as the sale prima facie was distress;

Whereas the alienees preferred an appeal under Section 7 of the J&K Migrant Immovable Property (Preservation, Protection & Restraint on Distress Sales), Act, 1997, before the Learned Financial Commissioner, Revenue, J&K against the above referred rejection order;

Whereas the Learned Financial Commissioner, Revenue, J&K vide order dated 19.06.2023 in file No. 171/FC-AP, while accepting the appeal set aside the impugned order and remanded back the matter to the Prescribed Authority (Divisional Commissioner) with the direction to accord permission for alienation in accordance with law;

Whereas the, case was re-examined and fresh report was sought from Deputy Commissioner, Srinagar vide letter No. Div.Com/MLA/(3020)/2023/251 dated 10.07.2023;

Whereas, the Deputy Commissioner Srinagar vide letter No. DMS/RD/3082-MR/E-2354/138 dated 20.09.2023 submitted the requisite report for grant of permission in the instant case; and

Whereas, to rule out the possibility of distress sale, the alienor(s) was heard on video call who authenticated the veracity of the documents executed by him

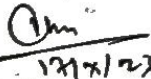
and also intimated that the sale has not been made in distress/duress and consented to the grant of alienation permission in favour of the alienee(s).

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, sanction is hereby accorded to the alienation/transfer of possessory rights for land measuring 03 kanal 05 marla falling under Survey Nos. 1913/1245(02K-19M) & 1247min (6M) situated in estate Gupt Ganga, Tehsil North, District Srinagar BY Sh. Ashok Kumar Kachroo S/o Late Dr. Radha Krishan Kachroo R/o Rainawari, Srinagar A/P 34, B-D, Gandhi Nagar, Jammu IN FAVOUR OF (1) Rubina Kokab W/o Sheikh Kokab Tanveer R/o Highland Enclave, Gogo Colony, Humhama, Srinagar (01 Kanal 06 Marlas) (2) Talat Rasool Khan S/o Late Ghulam Rasool Khan R/o 270, Nursing Garh, Srinagar (01 Kanal 02 Marlas) and (3) Ata Rasool Khan S/o Late Ghulam Rasool Khan R/o 270, Nursing Garh, Srinagar (17 Marlas) subject to the following conditions: -

- a) That the applicant(s) are rightful owners/occupants of the property proposed to be alienated and is free from all encumbrances and the title of the proposed alienor(s) is certified by the Tehsildar concerned under his seal and signatures.
- b) That the value of the property (land) under proposed alienation shall be calculated as per the stamp rate for the calendar year 2023 of estate Gupt Ganga, Tehsil North, District Srinagar as approved by the Committee constituted under the J&K Preparation and revision of market value guideline rules 2011.
- c) That any permission under this Act i.e., J&K Migrant Immovable Property (Preservation, Protection & Restraint on Distress Sales), Act, 1997 and rules made there under, shall not be construed as permission for conversion or change of land use which may otherwise be prohibited by any Act / Rules there under for the time being in force.
- d) That after completion of all registration formalities, the District Magistrate Srinagar (Custodian of the Migrant Immovable Property) handover the possession thereof through prescribed procedure.

**DISCLAIMER: 1) THE INSTANT PERMISSION SHALL NOT BE TREATED AS A SUBSTITUTE FOR TITLE DOCUMENTS/SHARE OF THE APPLICANT/DISPUTE FREE NATURE OF THE PROPERTY/LAND USE PERMISSION ETC.**

**2) AS THE MARKET VALUE OF IMMOVABLE PROPERTY IS FIXED ANNUALLY ON CALENDAR YEAR BASIS, THE VALIDITY OF THE PERMISSION SHALL CEASE TO EXIST AT THE END OF THE CURRENT CALENDAR YEAR i.e., 31<sup>ST</sup> OF DECEMBER, 2023**

  
18/10/23  
**DIVISIONAL COMMISSIONER,  
KASHMIR**

No: Div.Com/MLA/(3020)/2023

Copy to the: -

Dated: 18 - 10 - 2023

1. Financial Commissioner (R), J&K Govt. Jammu/Srinagar.
2. Relief Commissioner (Migrants), Jammu
3. Deputy Commissioner, Srinagar
4. Alienee namely (1) Rubina Kokab W/o Sheikh Kokab Tanveer R/o Highland Enclave, Gogo Colony, Humhama, Srinagar (2) Talat Rasool Khan S/o Late Ghulam Rasool Khan R/o 270, Nursing Garh, Srinagar and (3) Ata Rasool Khan S/o Late Ghulam Rasool Khan R/o 270, Nursing Garh, Srinagar.
5. Alienor namely Sh. Ashok Kumar Kachroo S/o Late Dr. Radha Krishan Kachroo R/o Rainawari, Srinagar A/P 34, B-D, Gandhi Nagar, Jammu.

FOR INFORMATION AND NECESSARY ACTION.