

DIVISIONAL COMMISSIONER, KASHMIR

Subject:- J&K Migrant Immovable Property (Preservation, Protection & Restraint on Distress Sales), Act, 1997 and clarification thereof.
Reference:- Law Department, J&K Govt. letter No: LD (Opn)/2011/1/-DCK dated: 21-07-2011.

ORDER NO: 1669 DIVK of 2011
DATED: 27 -07- 2011

Whereas, the sale permission orders of migrant immovable property has been issued by this office under the provision of J&K Migrant Immovable Property (Preservation, Protection & Restraint on Distress Sales), Act, 1997 with the condition "That the registration of the sale deed shall take place within three months from the date of issuance of the order".

Whereas, most of the attorneys holders / alienees have failed to get registration of the alienated property within the stipulated period.

Whereas, they have approached this office for grant of extension to the sale permission order.

Whereas, there is no provision with regard to extension of sale permission order laid down in J&K Migrant Immovable Property (Preservation, Protection & Restraint on Distress Sales), Act, 1997.

Whereas, the matter has been taken up with the Law Department vide this office letter No: Div.Com/Relief-Mig/(127)/10 dated : 03-01-2011.

Whereas, the Law Department vide their letter No: LD (Opn)/2011/1/-DCK dated: 21-07-2011 has conveyed that "the permission under the J&K Migrant Immovable Property (Preservation, Protection & Restraint on Distress Sales), Act, 1997 should be granted strictly in accordance with the provisions thereof and the rules made therein without imposing any conditions which has no legal sanction or that are not envisaged therein".


Keeping in view the above, it is therefore, ordered that the clause pertaining to time period for execution of sale deed, laid down in the sale permission orders already issued by this office from time to time, shall be deemed to be omitted abinitio and all such sale permissions shall remain valid henceforth.

no. - Div Com / Relief - mig (127) / 08
Dt. - 27.07.2011

Sd/-
(Dr. Asgar Hassan Samoon) IAS,
Divisional Commissioner,
Kashmir.

Copy to the:-

1. Financial Commissioner, (R), J&K Govt. Srinagar.
2. Commissioner/Secretary to Govt. Law Department, J&K Srinagar.
3. Relief Commissioner, Migrant, Jammu.
4. Deputy Commissioners All.
5. Dy. Director, Information, Srinagar for broad publicity of the order through leading newspapers originating from Jammu and Kashmir.
6. Attorney holder.
7. Alienor (s).
8. office order file.


(A.M. Wani) KAS
Additional Commissioner,
Kashmir.

