

## **JAMMU AND KASHMIR CANCELLATION OF ORDERS AND ANNULMENT OF INSTRUMENTS ACT, 1992**

**6 of 1992**

[ ]

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## **JAMMU AND KASHMIR CANCELLATION OF ORDERS AND ANNULMENT OF INSTRUMENTS ACT, 1992**

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<sup>1</sup>1. Enacted by the President on July 17, 1992 and published in the Gazette of India. Extra., Part II. Section 1. dated 17th July 1992. pp. 1-4. SI. No. 38 [C] Enacted by the President in the Forty-third Year of the Republic of India An Act to provide for cancellation of Government Order No. 371-UD of 1989, dated 21-11-1989 and the letters/orders of allotments and annulment of certain instruments executed between the allottees and the Jammu Development Authority infurtherance of the said Government Order and for matters connected therewith or incidental thereto Whereas the Roop Nagar Housing Colony in Jammu is being developed by the Jammu Development Authority and as per the decision of the Jammu Development Authority, forty-nine plots in Sector 1 were reserved for being auctioned after the Colony is fully developed; And where as the Government vide its Order No. 371-UD of 1989 dated 21-11-1989 modified the existing plan and carved out

seventy-four plots out of the said forty-nine plots and also provided for allotment of the newly carved plots, on modified terms and conditions in favour of allottees; And whereas, in furtherance of the said Government Order, certain instruments have been executed by some of the allottees with the Jammu Development Authority; And whereas the modification of the existing plan as well as the terms and conditions of allotment of these plots is detrimental to public interest and it is in public interest to cancel the Government Order No. 371-UD of 1989 dated 21-11-1989 and the letters/orders of allotment and also to annul the instruments executed between the allottees and the Jammu Development Authority in furtherance of the said Government Order; Now, therefore, in exercise of the powers conferred by Section 3 of the Jammu and Kashmir State Legislature (Delegation of Powers) Act, 1992 (21 of 1992), the President is pleased to enact as follows:-

### **1. Short title and commencement :-**

(1) This Act may be called the Jammu and Kashmir Cancellation of Orders and Amendment of Instruments Act, 1992.

(2) It shall come into force at once.

### **2. Definitions :-**

In this Act, unless the context otherwise requires,-

(a) "allottee" means such persons in whose favour allotment of plot has been made in Sector I of Roop Nagar Housing Colony, Jammu by or under or in pursuance of Government Order No. 371-UD of 1989 dated 21-11-1989;

(b) "authority" means the Jammu Development Authority constituted under S.3 of the Jammu and Kashmir Development Act, 1970;

(c) "instrument" includes any agreement, lease, deed or contract executed between the allottee and the authority;

(d) ' 'property' ' means plot of land allotted to any person in Roop Nagar Housing Colony, Jammu by or under or in furtherance of Government Order No. 371-UD of 1989 dated 21-11-1989. NOTES  
Definition clause - 'Means' and 'Includes'. - It is well known rule of interpretation that the word "include" or "indudes" is used as a word of enlargement and ordinarily unplies that something else has been included which falls outside the general language that

proceeds it and to add to the general clause or species which does not naturally belong to it [Chori Ousa v. Sasoon Heleguna ,AIR 1969 Ker 11 (FB)].

### **3. Cancellation of certain orders and annulment of certain instruments :-**

Notwithstanding anything to the contrary contained in any law, rule, instrument, agreement or contract or in any judgment, decree or order of any court,-

(a) the Government Order No. 371-UD of 1989 dated 21-11-1989 and the letters of allotment or orders issued in furtherance thereto shall, from the date of commencement of this Act, stand cancelled;

(b) any instrument executed between the allottee and the authority in furtherance of Government Order No. 371-UD of 1989 dated 21-11-1989 shall, from the date of commencement of this Act, stand annulled and any interest or right which might have accrued to any person under any such instrument shall stand extinguished.

### **4. Transfer of and vesting of interest in the property :-**

Notwithstanding anything to the contrary contained in any law, rule, agreement, instrument, lease deed or contract or in any judgment, decree or order of any court-

(a) the interests or rights of the allottee or any person in the property, which have been extinguished under Section 3 , shall, by virtue of this Act, stand transferred to and vest in the authority;

(b) the property shall, by virtue of such vesting as aforesaid, become free from all the encumbrances and obligations.

### **5. Payment and determination of amount :-**

The authority shall pay to each allottee-

(a) a sum equivalent to the amount of premium, if any, deposited by an allottee with the authority;

(b) interest at the rate of 10 per cent per annum from the date of deposit of premium till its refund by the authority;

(c) actual expenditure incurred by the allottee in the execution and registration of any instrument with the authority; and

(d) any other cost, which in the opinion of the authority has been incurred by the allottee but is not covered by the above provisions.

## **6. Appeal :-**

(1) An appeal shall lie to the Jammu and Kashmir Special Tribunal from any final order passed by the authority in respect of the grant of amount under Section 5 .

(2) Every appeal under this section shall be preferred within a period of thirty days from the date of the order.

## **7. Penalty :-**

(1) Notwithstanding anything to the contrary contained in any other law for the time being in force, no person, whose interest and rights have been extinguished under Section 3 , shall enter or occupy the property.

(2) Any person who contravenes the provisions of sub-section (1) shall be punished with imprisonment for a term which may extend to two years or with fine which may extend to ten thousand rupees or with both.

## **8. Eligibility for fresh allotment :-**

Nothing contained in this Act shall debar any person, whose allotment of property has been cancelled under Section 3 , from applying and being considered for allotment of a plot for residential purpose by the authority in accordance with the prescribed eligibility.

## **9. Repeal and saving :-**

(1) The Jammu and Kashmir Cancellation of Orders and Annulment of Instruments Act, 1992 (Governor's Act No. V of 1990), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Jammu and Kashmir Cancellation of Orders and Annulment of Instruments Act, 1990 shall be deemed to have been done or taken under the corresponding provision of this Act