

Transfer Of Land Validation Act, 2003**14 of 2003**

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An Act to validate certain transfers of land made by oral agreements or unregistered deeds. Whereas according to sub-section (1) of section 138 of the Transfer of Property Act, 1977, transfer of land except in cases governed by any special law to the contrary, are not valid unless and until the instruments by which they are effected are in writing and registered; And whereas on the authority of some provisions of the Revenue Department Standing Order No. 23-A, issued with the sanction of His Highness the Maharaja Bahadur, there has been general assumption in certain quarters that transfers of land by oral agreements or unregistered deeds when mutation thereof is sanctioned, are also valid; And whereas under such assumption a very large number of transfers of land by oral agreements or un-registered deeds have been made and mutations thereof have been duly sanctioned; And whereas doubts have recently arisen as to the correctness of such assumption; And whereas such transfers of land by oral agreements or unregistered deeds have been called into question; And whereas parties to such transfers believed in good faith that transfers made by them by oral agreements or unregistered deeds were valid; And whereas it is expedient that such transfers should be validated to avoid the hard consequences which are otherwise likely to follow; It is hereby enacted as follows:-

1. Short Title, Extent And Commencement :-

- (i) This Act may be called the Transfer of Land Validation Act,

2003.

1[(ii) It shall extend to the whole of the Jammu and Kashmir State.]

(iii) It shall come into force at once.

1. Sub-section (ii) of section 1 substituted by Act IV of 2004.

2. Definition :-

"Land" in this Act has the meaning assigned to it in the Alienation of Land Act, 1995.

3. Validation Of Transfer Of Land :-

Notwithstanding anything contained in sub-section (1) of section 138 of the Transfer of Property Act, 1977, all transfers of land made before this Act comes into force, by oral agreements or, if in writing by unregistered deeds, mutations whereof have been duly sectioned and not subsequently set aside by any competent authority shall be deemed to have the same effect as if they were in writing and registered in accordance with the provisions of the Registration Act, 1977.

4. 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.