



Government of Jammu and Kashmir  
Civil Secretariat, Home Department  
Jammu/Srinagar

**Notification**  
Srinagar, the 24th of October, 2018.

SRO 483 .-Whereas, the Government in exercise of powers conferred under sub-rule (2-A) of rule 9 of the Jammu and Kashmir Requisitioning and Acquisition of Immovable Property Rules, 1969 in terms of SRO 104 dated 11.04.2008 notified the rates of rent with effect from 16.02.2008 for different categories of land for determining the compensation of agricultural and other lands;

2. And whereas, amongst other categories of Lands mentioned in the aforesaid notification, the rates of rent for the following categories of lands were indicated as under:

S.No	Categories of land	Rates of rent per Kanal per Annum
1.	Lands falling under Jammu Municipal Corporation/Srinagar Municipal Corporation/ Poonch Municipal Council and Srinagar/Jammu Cantonments areas.	Rs. 33,750.00
2.	Lands falling under Municipal Councils	Rs. 16,875.00

3. And whereas, in terms of communication No.35/4/HRG/REVISION/DE/NC/27 dated 25.10.2010, the office of Principal Director, Defence Estates, inter-alia, sought clarification in respect of rentals of lands pertaining to Poonch Municipality;

4. And whereas, separately, the land holders and residents of Border Area of Poonch District filed a Writ Petition in the Hon'ble High Court at Jammu, OWP No. 1204/2015 titled Nazir Hussain and Others vs. Union of India and Others, praying, inter-alia, for the following relief:

“....directing the respondents to make the payment of rental compensation in accordance with SRO-104 dated 11.04.2008 issued by the Home Department, J&K....”

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5. And whereas, the Hon'ble High Court in terms of order dated 22.04.2016 was pleased to dispose of the aforesaid petition with the following directions:

- I) Commissioner/Secretary to Govt, of J&K, Home Department will accord consideration to the request of respondents No 1 to 3 as has been made for issuance of clarification vis-à-vis rate of rent which, according to the Rules as notified vide SRO 104, has been fixed @ Rs 37750/- per kanal for land falling under Poonch Municipal Council. Though Municipal Council, Poonch in terms of Govt. order dated 16.01.2009 has been bracketed with other Municipal Councils for which rate is fixed as Rs 16,875/- per kanal but the same is contrary to rules.
- II) Commissioner/Secretary to Govt, of J&K, Home Department will clearly address the above issue and thereafter send the clarificatory report to the respondents No.1 to 3 within a period of eight weeks from the date copy of the order is served upon respondent No. 4, which shall not be extendable.
- III) On receipt of clarificatory report, respondent No.1 to 3 will finally settle the claim of the petitioners within a period of two weeks.
- IV) The respondent's No. 1 to 3 shall pay rent to the petitioners for the time being @ Rs 16,875/- per kanal per annum. In case finally the amount of rent is fixed @ Rs 16,875/- then in that eventuality respondents No 1 to 3 will proceed to recover the excess amount of rent paid to the petitioner or in alternative stop payment of rent till the excess outstanding amount against the petitioners is satisfied. In case, rent @ 33750/- is found payable, then the arrears shall be paid to the petitioners.
- V) Right is reserved to both the parties to re-agitate subject to survival of cause. ..”

6. And whereas, in light of the communication dated 25.10.2010 of Principal Director, Defence Estates and the order dated 22.04.2016 passed by the Hon'ble High Court, the matter was examined in light of the relevant rules and the subsequent notifications issued on the subject. It was observed that due to some clerical/typographical error, the words “Poonch



**Municipal Council**" had got reflected in SRO 104 dated 11.04.2018 in column 2, S.No. 5 instead of column 2, S.No.6;

7. And Whereas, vide U.O dated 22.02.2018, the matter was further examined in consultation with the Department of Law, Justice and Parliamentary Affairs, inter-alia, on the issue of issuance of Errata to SRO 104 dated 11.04.2018. The said Department vide U.O dated 19.03.2018 advised as under:

"Returned. Department is within its powers to issue Errata to the Notification SRO-104 dated 11.04.2008, but any such modification/amendment shall not be inconsistent with the judgment dated 22.04.2016 passed by the Hon'ble J&K High Court, Jammu in case titled Nazir Hussain and Others vs. Union of India and Others and in any other case."

8. And Whereas, the matter was further examined and it was observed that SRO 104 dated 11.04.2008 require modification/amendment and simultaneously, the order dated 22.04.2016 passed by the Hon'ble High Court at Jammu in OWP No. 1204/2015 titled Nazir Hussain and Others vs. Union of India and Others, is also required to be complied with.

9. Now, therefore, in exercise of the powers conferred by section 22 of the Jammu and Kashmir Requisitioning and Acquisition of Immovable Property Act, 1968 and keeping in view the above details the Government hereby directs as under:

- i) The notification SRO 104 dated 11.04.2008 is modified/amended to the extent that the words "**Poonch Municipal Council**" reflected in column 2, S.No.5 of the said notification shall and shall always be deemed to have been deleted.
- ii) The Poonch Municipal Council, in so far as, it pertains to payment of rent in respect of requisitioned/hired lands, shall be treated at par, with other Municipal Councils of the State.

By Order of the Governor.

Sd/-  
(R. K. Goyal) IAS  
Principal Secretary to Government  
Home Department

Home/C-59/JK/BJKU/2010

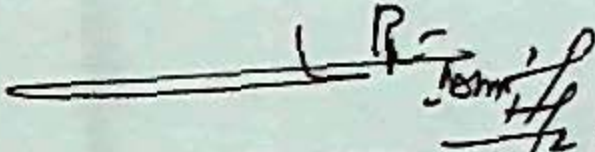
Dated: 24-10-2018

Copy to the:

1. Secretary to Government of India, Ministry of Defence, New Delhi.



2. Financial Commissioner, Housing and Urban Development Department.
3. Principal Secretary to Hon'ble Governor.
4. Financial Commissioner (Revenue) J&K, Srinagar.
5. Commissioner/Secretary to Government, Revenue Department.
6. Divisional Commissioner, Kashmir/Jammu.
7. Secretary to Government, Department of Law, Justice and Parliamentary Affairs (w.7.s.c).
8. Principal Director Defence Estates, Northern Command, Jammu Cantt, Satwari.
9. All Deputy Commissioners.
10. Private Secretary to Principal Secretary to Government, Home Department.

  
(Rashid Raina) KAS 24.10.18  
Under Secretary to Government  
Home Department