



**Office of the Vice Chairman, Jammu Development Authority,  
Vikas Bhawan, Rail Head Complex, Jammu.**

**NOTIFICATION NO:- VC/PS/2018/251 dated 26-5-2018**

**Sub:- Delegation of powers under section 47 of J&K Development Act 1970.**

**Ref:- Minutes of the 80<sup>th</sup> Board of Directors meeting of JDA held on 16<sup>th</sup> April 2018.**

As approved by the authority in its 80<sup>th</sup> meeting of Board of Directors of JDA held on 16<sup>th</sup> April 2018 at Jammu following powers under Section 47 of J&K Development Act have been delegated to the officers/officials of the Authority.

<b>S.No.</b>	<b>Powers delegated in exercise of Section of the J&amp;K Development Act, 1970</b>	<b>Designated Officers</b>
1.	<p><b><u>Section 23:-</u></b></p> <p><b><u>Powers of entry :-</u></b> The Authority may authorise any person to enter into or upon any land or building with or without assistants or workmen for the purpose of:-</p> <p>a) making any enquiry, inspection, measurement or survey or taking levels of such land or building;</p> <p>b) examining work under construction and ascertaining the course of sewers and drains;</p> <p>c) digging or boring into the sub-soil;</p> <p>d) setting out boundaries lines of work;</p> <p>e) making such levels, boundaries and lines by placing marks and cutting trenches;</p> <p>f) ascertaining whether any land is being or has been developed in contravention of the master plan or zonal plan or without</p>	<p>i. Vice Chairman, JDA</p> <p>ii. Director Land Management, JDA</p> <p>iii. Collector Land Acquisition, JDA</p> <p>iv. Chief Khilafwarzi Officer, JDA Khilafwarzi Officer, JDA</p> <p>v. Executive Engineer, JDA</p> <p>vi. Tehsildar, JDA</p> <p>vii. Naib Tehsildar, JDA</p> <p>viii. Senior Town Planner, JDA.</p> <p>ix. Any other official as authorized by Vice Chairman, JDA.</p> <p>x.</p>

	<p>the permission referred to in section 13 or in contravention of any condition subject to which such permission has been granted; or</p> <p>g) doing any other thing necessary for the efficient administration of this Act;</p> <p><b>Provided that :-</b></p> <p>i) no such entry shall be made except between the hours of sunrise and sunset without giving reasonable notice to the occupier, or if there be no occupier, to the owner of the land or building;</p> <p>ii) sufficient opportunity shall in every instance be given to enable women (if any) to withdraw from such land or building;</p> <p>iii) due regard shall always, be had, so far as may be compatible with the exigencies of the purpose for which the entry is made to the social and religious usage's of the occupants of the land or building entered.</p>		
2.	<p><b><u>Section 24:-</u></b></p> <p><b><u>Penalties:-</u></b></p> <p>1) Any person who whether at his own instance or at the instance of any other person or anybody) undertakes or carries out development in contravention of the zonal plan or without the permission, referred to in section 13 or in contravention of any condition subject to which such permission, has been granted, shall be punishable with fine which may extend to Rs.5,000/- and in the case of continuing offence, with further fine which may extend to Rs.200/ for everyday during</p>	i.	Vice Chairman, JDA

	<p>which such offence continues after conviction for the first commission of the offence.</p> <p>2) Any person who uses any land or building in contravention of the provision of section 15 or in contravention of any terms and conditions prescribed by regulations under the proviso to that section shall be punishable with fine which may extend to three thousand rupees, and in the case of a continuing offence, with further fine which may extend to one hundred and fifty rupees for everyday during which such offence continues after conviction for first commission of the offence.</p> <p>3) Any person who obstructs the entry of a person authorised under section 23 to enter into or upon any land or building or molests such person after such entry shall be punishable with imprisonment for a term which may extent to one thousand rupees, or with both.</p>		
3.	<p><b><u>Section 25:-</u></b></p> <p><b><u>Order of demolition of building:-</u></b></p> <p>1) where any development has been commenced or is being carried on or has been completed in contravention of a zonal plan or within the permission, referred to in section 13, or in contravention subject to which such permission has been granted, any officer of the Authority empowered by it in this behalf may, in addition to any prosecution that may be instituted under this Act, make an order</p>	i. ii. iii. iv.	<p>Director Land Management, JDA</p> <p>Collector Land Acquisition, JDA</p> <p>Tehsildar, JDA</p> <p>Chief Khilafwarzi Officer, JDA</p>

directing that such development shall be removed by demolition, filling or otherwise by the owner thereof or by the person at whose instance the development has been commenced or is being carried out or has been completed, within such period (not been less than five days, and more than fifteen days from the date on which a copy of the order of removal, with a brief statement of the reasons therefor has been delivered to the owner or that person) as may be specified in the order and on his failure to comply with the order, the officer of the Authority may remove or cause to be removed the development and the expenses of such removal shall be recovered from the owner or the person at whose instance the development was commenced or was being carried out or was completed, as arrears of land revenue.

Provided that no such order shall be made unless the owner or the person concerned has been given a reasonable opportunity to show cause why the order should not be made.

2) Any person aggrieved by an order under sub-section (I) may appeal to the Government against that order within thirty days from the date thereof, and the Government may, after hearing the parties to the appeal, either allow or dismiss the appeal or may reverse or vary any part of the order.

3) The decision of the Government on the appeal and subject only to the such

	decision the order under sub-section (I), shall be final and shall not be questioned in any court.		
4.	<p><b><u>Section 26:-</u></b></p> <p><b><u>Power to stop development :</u></b></p> <p>1) Where any development in a any area has been commenced in contravention of a zonal plan, or without the permission, referred to in section 13 or in contravention of any conditions subject to which such permission has been granted, the Authority empowered by if in this behalf may, in addition to any prosecution that may be instituted under this Act and without prejudice to the provisions of section 25, make an order requiring the development to be discontinued on and from the date of the service of the order, and such order shall be complied with accordingly.</p> <p>2) Where such development in not discontinued in pursuance of the order under sub-Section (I), the Authority or the officer of the Authority or the competent authority, as the case may be, may require any police officer to remove the person by whom the development has been commenced and all his assistants and workmen from the place of development, within such time as may be specified in the requisition, and such police officer shall comply with the requisition accordingly.</p> <p>3) After the requisition under sub-section (2) has been complied with, the Authority or the officer or the Authority as the case may be, may depute</p>	<p>i.</p> <p>ii.</p> <p>iii.</p>	<p>Director Land Management, JDA</p> <p>Tehsildar, JDA</p> <p>Chief Khilafwarzi Officer, JDA</p>



local authority or a department of the Government within whose local limits the area so developed is situated, to assume responsibility for the maintenance of the amenities which have not been provided of the amenities which in its opinion should be provided in the area, on terms, and conditions agreed upon between the Authority and that local authority or the department as the case may be.

**Section 32:-**

**Power of levy betterment charges:-**

1) Where in the opinion of the authority as a consequence of and development having been in any zone, the value of any property in that zone or executed by the Authority in any area other than the zone, which has been benefited by the development, has increased or will increase, the Authority shall be entitled to levy upon the owner of the property or any person having an interest therein a betterment charge in respect of the increase in value of the property resulting from the execution of the development.

Provided that no betterment charge shall be levied in respect of lands owned by Government or any local authority.

2) **such betterment change shall be an amount :-**

i) in respect of any property situated in a zone equal to one-third of the amount, and

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ii) In respect of property situated in any other area, not exceeding one-third of the amount.

By which the value of the property on the completion of the execution of the development estimated as if the property were clear of buildings, exceeds the value of the property prior to such execution estimated in like manner.

Provided that in levying betterment charges on any property under clause (ii) the Authority shall have regard to the extent and nature of benefit accruing to property from the development and such other factors as may be prescribed by rules made in this behalf.

**Section 33:-**

**Assessment of betterment of charge by Authority :-**

1) when it appears to the Authority that any particular development plan is sufficiently advanced to enable the amount of the betterment charge to be determined, the Authority may, by an order made in this behalf, declare that for the purpose of determining the betterment charge the execution of the plan shall be deemed to have been completed and shall there upon given notice in writing to the owner of the property or any person having an interest therein that for the Authority proposes to assess the amount of the betterment charge in respect to the property under section 32.

2) The Authority shall then assess the amount of

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betterment charges payable by the person concerned after given such person an opportunity to be heard and such person shall, within three months from the date of receipt of the notice in writing of such assessment from the Authority, inform the Authority by a declaration in writing that he accepts the assessment of dissents from it.

3) When the assessment proposed by the Authority is accepted by the person concerned within the period specified in sub-section (2) such assessment shall be final.

4) If the person concerned dissents from the assessment or fails to give the authority the information required by sub-section (2) within the period specified the matter shall be determined by an arbitrator in the manner provided in section 34.

**Section 36:-**

**Mode of recovery of moneys due to Authority:-**

Any money due to the authority on account of fees or charge, or from the disposal of lands, buildings or other properties, movable or immovable, or by way or rents and profits may, if the recovery thereof is not expressly provided for in any other provision of this Act, be recovered by the Authority as arrears of land revenue.

**Section 38:-**

**Returns and information:-**

1) The Authority shall furnish to the Government such reports, returns and other information

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<p>as the Government may from time to time require.</p> <p>2) Without prejudice to the provision of sub-section (I) the Government or any officer authorized by the Government in this behalf may call for reports, returns and other information from the Authority in regard to the implementation of the master plan or the zonal plan.</p> <p>3) Any person authorised by the Government or the officer referred to in sub-section (2) may enter into or upon any land with or without assistants or workmen for ascertaining whether the provisions of the master plan or the zonal plan are being or have been implemented, or whether the development is being or has been carried out in accordance with such plan.</p> <p>4) No such entry shall be made except between the hours of sunrise and sunset and without giving reasonable notice to the occupier, or if there be no occupier, to the owner of the land or building.</p>	
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Rajesh Kumar Shavan (KAS)  
Vice Chairman  
Jammu Development Authority  
Jammu