

# THE AZAD JAMMU AND KASHMIR LAND LAWS

*By*

**JUSTICE SARDAR ABDUL HAMEED KHAN**  
Retired Judge Azad Jammu and Kashmir High Court

## FEDERAL LAW HOUSE

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<b>Publishers</b>	:	<b>Federal Law House</b>
<b>Composed by:</b>	:	<b>Muhammad Mazhar Iqbal</b>
<b>Publishing Date</b>	:	<b>November, 2016</b>
<b>ISBN</b>	:	<b>978-969-557-161-3</b>
<b>Price</b>	:	<b>Rs. 2600/-</b>
<b>Printers</b>	:	<b>New Fine Printers, Lahore.</b>

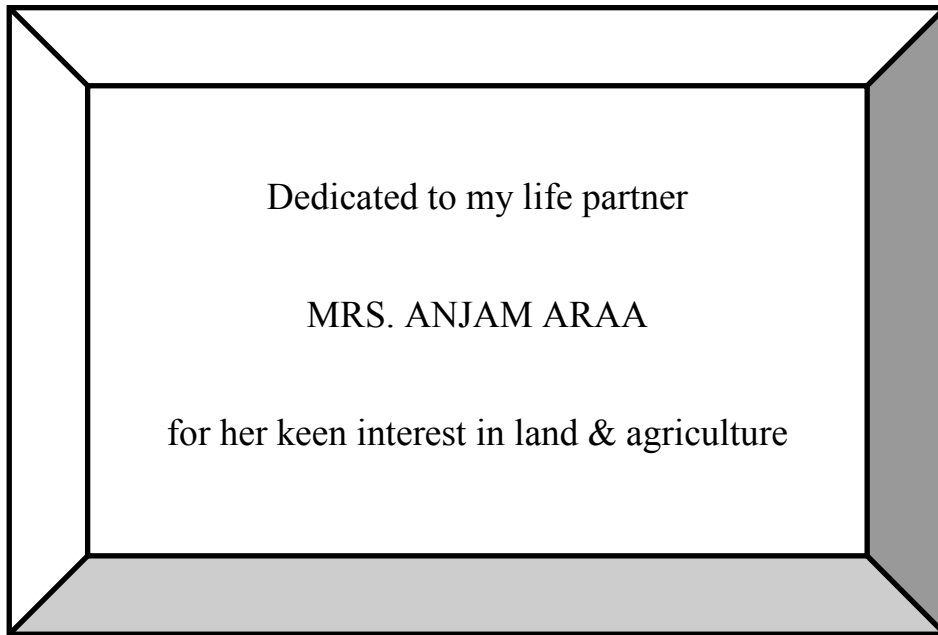
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# **DEDICATION**



*The Azad Jammu and Kashmir Land Laws*

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## FOREWORD

The property (Land) law is perhaps one of the oldest and most practiced laws of the world. Since early ages man is using the land for his shelter and livelihood. The land has been regarded as propelling gear of an economic system of any society and a country. Realising that there are many rights of the people attached to land and man is following customs, codes of conduct, rules and laws to determine the rights and obligations of the people regarding land. The land law certainly may be regarded as the foundation stone of civilizations and collective living. In absence of land laws and adherence to the same, the establishment of the present modern world would have been impossible.

I have gone through the work of Mr. Justice (R) Sardar Abdul Hameed Khan, former Judge of the Azad Jammu and Kashmir High Court. This is his second commendable effort for bringing the laws into day-light. It is his second book within a year. Previously he has published a treatise on Azad Kashmir Penal Code. There was dire need of a complete Code dealing with the Land Laws of Azad Jammu and Kashmir. The author in present treatise has compiled and incorporated the laws on the subject along with all the amendments made to date.

I congratulate the author, Justice (R) Sardar Abdul Hameed Khan on successful compilation of the Land Laws of Azad Jammu and Kashmir. The author has again shown his commitment with the field of law as an author, as he showed being a successful lawyer and the Judge of the High Court. This edition will contribute a lot in promoting the Justice System.

**(Justice Mohammad Azam Khan)**  
Chief Justice of Azad Jammu & Kashmir

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## **FOREWORD**

Almost all the laws relating to land and property in one cover is a great achievement by Justice (Rtd.) Sardar Abdul Hameed Khan. At the moment, no upto date book with commentary on the subject is available in the market. Keeping in view the requirement and dire need of legal fraternity and judiciary, the author has not only compiled the land laws but has also included latest case law. Provision of Rules along with enactments has also increased the utility of book.

I appreciate the efforts and work of the author Justice (Rtd.) Sardar Abdul Hameed Khan for providing a comprehensive book on land laws and endorse that the Azad Jammu and Kashmir Land Laws will be conducive for legal fraternity.

I pray for success of author in every sphere of life.



**Muhammad Idrees Tabassum**  
Secretary Law

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## **PREFACE**

Subject of land laws is ever-demanding in the legal world. In our society most contentions are relating to *zan*, *zar* and *zameen* i.e. woman, money and the land. Litigation relating to land matters is increasing day by day due to its monetary worth. A landlord or landed property-holder enjoys a good life style in the society. So, due to abovesaid reasons increase in litigation relating to land or immovable property is quite natural.

I have seen the book namely “The Azad Jammu and Kashmir Laws” by Muhammad Abdul Basit, Advocate, which is, no doubt, a best compilation of important Azad Jammu and Kashmir Laws. In the said book Part IX is consist of twenty six Land and Property related laws. In my view these twenty-six laws are not enough to meet the requirements of legal practitioners, courts and concerned persons because there is a lot of laws relating to land which are also connected with the subject. Thus, to meet the requirements of all concerned it was necessary to compile a separate comprehensive book on land laws.

In this book I tried to compile almost all laws relating to land, property, housing societies, etc. which are enforced in the Azad Jammu and Kashmir. The book contains an updated version of laws with case law of superior courts of Azad Jammu and Kashmir under the appropriate sections. Effort has been made to include every law relating to immoveable property in an updated form.

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In 2016 the Azad Jammu and Kashmir Pre-emption Act, 2016 is enacted which has repealed the Jammu and Kashmir Right of Prior Purchase Act, 1993 (Bik.). This new Act is identical to the Punjab Pre-emption Act, 1991. In Pre-emption Act, 2016, being a new legislation, it was necessary to include comments for its better understanding, case law of superior courts of Pakistan is included from 2013 to 2016. Jammu and Kashmir Right of Prior Purchase Act, 1993 (Bik.), although repealed is also included for record and reference as well as for cases instituted before the commencement of the Pre-emption Act of 2016.

It is also important to mention that compilation of this book was not an easy job due to non-availability of authentic and accurate record. Although I have made efforts to check all the laws from more than one source but there is possibility of shortcomings, omissions or errors, which is obviously unintentional. Readers and all concerned may point out any mistake or error for its rectification.

I would like to thank Mr. Muhammad Abdul Basit, Advocate for his assistance and valuable contribution in the book. Many friends and colleagues as well as my seniors also contributed in the work through their suggestions and advise.

It is hoped that this book will prove to be useful for the Bench and the Bar and for all concerned. All efforts will be made to improve future editions. All suggestions for such improvements would be warmly welcome and I will be thankful for guidance and cooperation of readers.

Justice (R) Sardar Abdul Hameed Khan

Dated: 15th October, 2016

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