

THE BALOCHISTAN GOVERNMENT LANDS AND BUILDINGS
(RECOVERY OF POSSESSION) ORDINANCE, 1966

(W. P. Ordinance IX of 1966)

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'THE 7[BALOCHISTAN?] GOVERNMENT LANDS AND BUILDINGS

1 This Ord. was promulgated by the Governor of West Pakistan on 31* March, 1966; approved by the Provincial Assembly of West Pakistan on 9" June, 1966, under clause (3) of Article 79 of the Constitution of the Islamic Republic of Pakistan (1962); and published in the Pakistan Gazette (Extraordinary), dated 9" June, 1966, pages 1663-67.

Substituted by Balochistan Laws (Adaptation) Order, 1975, for the words "West Pakistan". See Balochistan Gazette (Extraordinary), dated 9" May, 1975.

(RECOVERY OF POSSESSION) ORDINANCE, 1966

(W. P. Ordinance IX of 1966)

[4 April, 1966]

An Ordinance to provide for the speedy recovery of possession of Government lands and buildings.

Preamble. WHEREAS it is expedient to provide for the speedy recovery of possession of Government lands and buildings from outgoing lessees and licencees and unauthorised occupants, and for matters ancillary thereto;

AND WHEREAS the Provincial Assembly of West Pakistan is not in session and the Governor of West Pakistan is satisfied that circumstances exist which render immediate legislation necessary;

NOW, THEREFORE, in exercise of the powers conferred on him by clause (1) of Article 79 of the Constitution!, the Governor of West Pakistan is pleased to make and promulgate the following Ordinance:—

Short title, extent 1. (1) This Ordinance may be called the *[Balochistan] and Government Lands and Buildings (Recovery of Possession) commencement Ordinance, 1966.

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(2) It extends to the whole of the Province of [Balochistan], except the Tribal Areas.

(3) It shall come into force at once.

3 Spelling of the word “Baluchistan”, wherever it appears in this Ordinance, is corrected by insertion of letter “o” instead of “u”;

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Government of Balochistan, S&GAD's Notification No. SORI (4) 6/ S&GAD-89, dated 18" June, 1989.
The Constitution of the Islamic Republic of Pakistan, 1962.

Definitions. 2. In this Ordinance, unless there is anything repugnant in the subject or context,—

- (a)
- (b)
- (d)
- (e)
- (f)

"pbuilding" means a building or part thereof, which

vests in, or is in the possession or under the management and control of, Government and includes the land appurtenant thereto;

"Government" means the Government of [Balochistan];

"land" means land which vests in, or is in the possession or under the management and control of Government and is used or held for purposes other than agriculture;

"lease" and "lessee" have the same meanings as in the Transfer of Property Act, 1882 (IV of 1882), and for the purpose of section 3, "lessee" includes his heirs, assigns, legal representatives and all persons inducted by him into the demised land or building;

"licence" and "licensee" have the same meanings as in the Easements Act, 1882 (V of 1882) and, for the purpose of section 4, "licensee" includes all persons inducted by him into the building to which the licence relates;

"unauthorised occupant" means a person who is in occupation of any land or building without the express permission or authority of the Government and includes—

(i) a person inducted into any land or building by the lessee or licensee thereof; and

(i1) every member of the lessee's or licensee's family who remains in occupation of any land or building after the determination of the lease or licence in respect of the same.

2 Substituted by Balochistan Laws (Adaptation) Order, 1975, for the words "West Pakistan".

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Eviction of out-going lessees or licensees from land or building.

Revocation of licence and recovery of possession of building in certain cases.

3. If, on the expiry, whether before or after the commencement of this Ordinance, of the period of any lease or licence in respect of a land or building of which Government is the lessor or licensor or on the determination of such lease or licence on the ground of breach of any covenant imposing an obligation on the lessee or licensee to give up possession of the demised land or building required for any public purpose, the lessee or licensee refused or failed, or refuses or fails, to vacate that land or building and put Government into possession of the same, any officer authorised by Government in this behalf may, notwithstanding anything contained in any other law for the time being in force or in any contract, at any time, enter upon the demised land or building and recover vacant possession of that land or building by evicting the lessee or licensee and may also demolish and remove the structures, if any, erected or built thereon by the lessee or licensee:

Provided that such officer shall, before demolishing and removing any structures under this section, issue a notice to the lessee or licensee calling upon him to remove such structures within the period specified in the notice.

4. (1) Notwithstanding anything contained in any other law for the time being in force or in any contract, where the licensee of a building is a person in the service of Pakistan, the licence in respect of such building shall, in addition to the grounds mentioned in section 62 of the Easements Act, 1882 (V of 1882), stand revoked on the discharge, removal, dismissal, resignation, retirement or death of such servant or on his transfer from the station in which he is employed to any other station, after the expiration of the period for which he or his dependents may retain possession of the building under the rules for the time being applicable to the licence.

(2) On the revocation of a licence in respect of a building the licensee shall, notwithstanding anything contained elsewhere in the aforesaid Act or in any other law for the time being in force or in any contract, forthwith put the Government into possession of such building or part, failing which any officer authorised by Government in this behalf may enter and

recover possession of the same by evicting the licensee:

Eviction of
unauthorised
occupants.

Mode of recovery
of possession.

Recovery of cost of
demolition and
removal of
structures.

Provided that the licensee shall be given notice
of not less than fourteen days for vacating such building.

5. (1) If Government is satisfied after making such enquiry as it thinks fit that a person is an unauthorised occupant of any land or building, it may, by order in writing, direct such person to vacate the land or building within the period specified in the order.

(2) If any person refuses or fails to vacate any land or building as directed by an order made under sub-section (1), any officer authorised in this behalf by Government may, notwithstanding anything contained in any other law for the time being in force, enter upon such land or building and recover possession of the same by evicting such person and may also demolish and remove the structures, if any, erected or built by that person.

6. For the purpose of recovering possession of any land or building under the provisions of section 3 or section 4 or section 5, an officer authorised by Government in this behalf may use or cause to be used such force as may be necessary.

7. (1) The cost of demolition and removal of structures under section 3 or section 5, hereafter in this section referred to as the cost, shall be payable to Government, by the lessee or licensee or the unauthorised occupant, as the case may be.

(2) If the cost is not paid on demand, Government may cause the materials of the structures demolished and removed under section 3 or section 5 to be sold in auction in such manner as may be prescribed by rules.

(3) If the proceeds of the sale under sub-section (2) are not sufficient to cover the cost, the balance shall be recoverable as arrears of land revenue and, if such proceeds exceed the cost, the excess shall be paid to the lessee, licensee or unauthorised occupant.

Explanation.— In this section, lessee and licensee mean the person in whom the ownership of the

structures vested at the time of their demolition and removal under section 3 or section 5.

Recovery of arrears
of rent.

Power to delegate.

Jurisdiction of Civil
Courts barred.

Indemnity.

Requisition of
police
assistance.

Power to make
rules.

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8. If any rent payable in respect of any land or building has been in arrears on the day of recovery of possession of such land or building, the amount due on account of such arrears, with interest, if any, accrued thereon shall be recoverable as arrears of land revenue.

9. Government may, by notification in the official Gazette, direct that any power exercisable by it under this Ordinance may be exercised also by any authority or officer subordinate to it.

10. No Civil Court shall pass an order in any suit or proceeding granting a temporary or interim injunction restraining Government, or any authority or officer authorised by it, from taking possession of any land or building under this Ordinance.

11. (1) No suit or legal proceeding shall lie against Government in respect of anything which is, in good faith, done or intended to be done under this Ordinance.

(2) No suit, prosecution or other legal proceeding shall lie against any person in respect of anything which is, in good faith, done or intended to be done under this Ordinance.

12. If any officer authorised to take action under this Ordinance requires police assistance in the exercise of his powers thereunder he may send requisition to the officer in charge of a police station who shall on such requisition render the assistance required.

13. Government may make rules for carrying out the purposes of this Ordinance.