

RULES

10.

11.

12.

13.

THE BALOCHISTAN PAT FEEDER AREA (SETTLEMENT OF LAND DISPUTE) ORDINANCE RULES OF PROCEDURE, 1970

CONTENTS

Preamble.

Short title.

Definitions.

Hours of sitting.

Place of sitting.

Who can present claim.

Procedure of claim.

Procedure before the Tribunal.

Application to Summon evidence.

Disposal of the claim.

Claim by minors and persons of unsound mind.

Procedure of.

Procedure on upholding claim.

Provision of the Code of Civil Procedure to apply.

Forms.

THE 'BALOCHISTAN? PAT FEEDER AREA
(SETTELMENT OF LAND DISPUTE) ORDINANCE
RULES OF PROCEDURE, 1970

NOTIFICATION

[1 January, 1970)

No. 2092A/4-12/70-Rev.— In exercise of the powers conferred by section 16 of the Balochistan Pat Feeder Area (Settlement of Land Dispute) Ordinance, 1970 (Ordinance No. III of 1970) the Governor of Balochistan is pleased to make the following rules, namely: —

1. Short title. — (1) These Rules may be called the Balochistan Pat Feeder Area (Settlement of Land Dispute) Ordinance Rules of Procedure, 1970.

(2) They shall come into force at once.

2. Definitions. — (1) In these Rules, unless the context otherwise requires the

following expression shall have the meanings hereby respectively assigned to them, that is to say:

(a) | “Form” means a form appended to these rules.

(b) “Ordinance” means Balochistan Pat Feeder Area (Settlement of Land Dispute) Ordinance, 1970.

(c) “Adjudication” means the formal expression of the Tribunal, conclusively determining the right of the parties with regard to all or any of the matters in issue, before it.

(d) “Claim” means the application for adjudication before the tribunal under section 4 of the Ordinance whether individually or collectively.

(e) “Encumbrance” means a charge upon or claim against land arising out of a private grant or contract.

(f) “Legal Practitioner” means any legal practitioner within the meaning of Legal Practitioner and Bar Councils Act, 1965 (Act III of 1965).

(g) “Survey No” or “Khasra No” means a portion of land on which the area is separately entered under indicative number in the record-of-rights.

3. Hours of sitting. — The Tribunal shall ordinarily observe the same hours for its sittings as are observed by the High Court Circuit at Quetta.

4. Place of sitting. — The Tribunal may hold its sittings at Quetta or at other place in Balochistan which, it considers, will be convenient to the parties whose claims are to be heard at such sittings.

1 These rules have been made by the Government of Balochistan, Revenue Department, vide its notification No. 2092 A/4-12-

Rev., dated 26 December, 1970; and published in the Balochistan Gazette No. 26, Part I, dated 1“ January, 1970.

2 Spelling of the word “Baluchistan”, wherever it appears in these rules, is corrected by insertion of letter “o” instead of “u”; as Government of Balochistan, S&GAD's Notification No. SORI (4) 6/ S&GAD-89, dated 18" June, 1989.

5. Who can present claim.— — A Claim shall be presented to the Tribunal, or to such officers as is appointed by it in this behalf, by the claimant personally or through a legal practitioner.

6. Procedure of claim. — (1) A claim under section 4 of the Ordinance shall be in the form of a Memorandum and shall be signed and verified in the manner prescribed in Order VI, rules 14 and 15 of the First Schedule of the Code of Civil Procedure, 1908'. The details of land for which claim is preferred shall accompany the Memorandum in Form "A" appended to these rules.

(2) Application for claim shall bear the court-fee stamps of Rs. 5 and be accompanied by all the documents on which the claimant relies, if in his possession, or a list thereof if the claimant wants those documents to be summoned.

7. Procedure before the Tribunal.— On the receipt of the claim the Register of the Tribunal would register the claim in Form "B" appended to these Rules, Tehsil-wise, fix a date for hearing the claim and cause notice thereof, together with a copy of the claim application, to be served on the Collector of the District where the land is situated.

8. Application to Summon evidence. — The claimant or the representative of the Collector may make an application to the Tribunal for summoning any witness to depose before it or produce some document.

9. Disposal of the claim. — After the claim has been registered and the Collector of the District has been duly served with the notice, the matter shall be fixed for hearing at a suitable place, after at least 15 days, when the notice is served upon the Collector.

10. Claim by minors and persons of unsound mind. — If anyone of the claimants is a minor or of unsound mind, the provisions of Order XXXII of the First Schedule to the Code of Civil Procedure, 1908' shall, so far as these may be applicable, apply to the proceedings under this Ordinance.

11. Production of. — On the day fixed for hearing under Rule IX, or on any other day to which the hearing may be adjourned, the Tribunal shall hear the evidence produced by the parties and after making such further enquiry, as it may deem necessary, shall decide whether the claim shall be granted or refused.

12. Procedure on upholding claim. — If the claim is granted the Tribunal shall supply the claimant a certificate in Form "C" appended to these Rules. A copy of the said certificated shall be forwarded to the Board of Revenue and the Collector of the District concerned for information and with the direction that a mutation in favour of the person or persons concerned shall be got entered by the Revenue Officers concerned, in the Record-of-Rights.

13. Provisions of the Code of Civil Procedure to apply. —In the absence of any provision made in the Ordinance and these Rules, the Tribunal may, to meet the ends of justice, observe the general provisions of the Code of Civil Procedure (Act No. V of 1908), in order to regulate the proceedings before it.

+ That is Act V of 1908.

(See Forms on next page)

www.ezqanoon.com

FORM “A”

(See Rule 6)

SyTVUTOY

“UOT LOTJISSE]O [IOS

Details of Lan

‘pue’y] JO ‘ON Biseyy/AdAINS

“pojenqis st pur] o10yM ‘ON

yseqpey pure yeyey] ouj Jo oureny

“TESYAL Oy} Jo owe)

‘JUBLUTE]O OY) JO OUleN

FORM “B”

(See Rule 7)

“SyTVUTOY

‘oyep

YIM UOIslDap Jo ATeuUNS

“UNIO JO sIBNONleg

“ON JSeqpeH

IPM ezney] oy} JO oUleN

“UNR[D JO UONR.NSIZOI Jo 97eq

‘JUBLUTR]O oY} JO OUleN

‘ONS

www.ezqanoon.com

FORM "C"

(See Rule 12)

Certificate of the right, title or interest in land as adjudicated by the Tribunal under the Balochistan Pat Feeder Area (Settlement of Land Dispute) Ordinance, 1970 (III of 1970).

Whereas Mr. s/o , the claimant, has established his claim and is entitled to the ownership/ of the said land.
(mention other rights if any)

Now, therefore, the rights of ownership/ are
(mention other rights if any)

hereby conferred on the said person and he shall be recorded in the record-of-rights as owner of the land subject to all rights and liabilities of proprietor under the Colonization of Government Lands (Punjab) Act, 1912.

This certificate is hereby issued to give effect to my order, dated..... under sub-rule (1) of rule 11 of the Balochistan Pat Feeder Area (Settlement of Land Dispute) Ordinance, 1970 (No. III of 1970).

SEAL MEMBER.
SCHEDULE

1 2 3 4 5 6
Detail of Land

Name of the claimant on whom the rights of ownership/other rights have been conferred |
Name of the Tehsil
Name of the Mahal with Hadbast No.
Survey/Khasra No
Area.
Soil classification
Remarks.

OFFICE OF THE TRIBUNAL UNDER THE BALOCHISTAN
PAT FEEDER AREA (SETTLEMENT OF LAND DISPUTE)
ORDINANCE, 1970

1. Copy is forwarded to the Collector..... District for information and with the direction that a mutation in favour of the aforesaid person shall be got entered by the Revenue Officer concerned.

2. Copy for information to the Board of Revenue; Balochistan, Quetta.

Member.

www.ezqanoon.com