

THE CANTONMENTS (REQUISITIONING OF IMMOVEABLE
PROPERTY) ORDINANCE, 1948

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ORDINANCE NO. IV OF 1948
[28th January, 1948]

WHEREAS an emergency has arisen which makes it necessary to requisition immovable property within the limits of Cantonments for purposes other than of the Cantonment Boards.

NOW, THEREFORE, in exercise of the powers conferred by section 42 of the Government of India Act, 1935 (26 Geo. 5., c.2.) [as adapted by the Pakistan (Provisional Constitution) Order, 1947 (O. 22 of 1947)] and of all other powers enabling him in that behalf, the Governor-General is pleased to make and promulgate the following Ordinance:—

1. Short title and commencement.—(1) This Ordinance may be cited as “The Cantonments (Requisitioning of Immoveable Property) Ordinance, 1948”.

(2) It shall come into force at once and shall remain in force till it is withdrawn or ceases to operate.

(3) It extends to all the Cantonments excluding places of religious worship therein, in the territories of Pakistan.

2.—(1) If in the opinion of the '[Federal Government]' it is necessary or expedient so to do, the '[Federal Government]' may by order in writing requisition any immovable property (excluding the places of religious worship) and may make such further orders as appear to it to be necessary or expedient in connection with requisitioning.

(2) Where the '[Federal Government]' has requisitioned any immovable property under the preceding sub-section it may use or deal with the property in such manner as it thinks fit.

2A. [Omitted]

3. —(1) Where any property requisitioned under section 2 is to be released from requisition, the '[Federal Government]' may after making such inquiry, if any, as it considers necessary, specify by order in writing, the person to whom possession of the property shall be given.

(2) The delivery of possession of the property to the person specified in an order made under sub-section (1) shall be a full discharge of the Government from all liability in respect of such delivery but shall not prejudice any rights in respect of the property which any other person may be entitled by due process of Law to enforce against the person to whom possession of the property is so delivered.

'Subs. by F.A.O., 1975.

Omitted by the Federal Laws (Revision and Declaration) Ordinance No. XXVII of 1981, s. 3 and Sch II.

(3) Where the person to whom possession of any property is to be given cannot be found and has no agent or other person empowered to accept delivery on his behalf, the Government shall cause a notice declaring that the property is released from requisitioning to be published in the official Gazette and to be affixed on some conspicuous part of the property.

(4) When a notice referred to under sub-section (3) is published in the official Gazette, the property specified in the notice shall cease to be subject to requisitioning on and from the date of such publication and shall be deemed to have been delivered to the person entitled to the possession thereof, and the Government shall not be liable for any compensation or other claim in respect of the property for any period after the date of the said notification.

4. Where any immoveable property is requisitioned under this Ordinance, there shall be paid compensation the amount of which shall be determined in the manner and in accordance with the principles hereinafter set out, that is to say—

(a) Where the amount of compensation can be fixed by agreement it shall be paid in accordance with such agreement.

(b) Where no such agreement can be reached the '[Federal Government]' shall under the rules to be framed by it, under this clause fix a reasonable amount of compensation. The rules so framed specifying the principles on which and the manner in which compensation is to be determined shall be notified in the official Gazette.

(c) The compensation fixed by the '[Federal Government]' under clause (b) above shall be final and no suit or appeal shall lie against Government before any court of law in that behalf.

5.—(1) The '[Federal Government]' may, with a view to carrying out the purposes of this Ordinance, by order require any person to furnish to such authority as may be specified in the order such information in his possession relating to any immoveable property as may be so specified.

(2) If any person fails to furnish the information required by order under sub-section (1) or furnishes any information which is false and which he either knows or has reason to believe to be false or does not believe to be true shall be punishable with imprisonment with a term which may extend to six months or with fine up to five hundred rupees or with both.

215A. The '[Federal Government]' may make rules for carrying out the purposes of this Ordinance.]

6. The '[Federal Government]' may take or cause to be taken such steps and use or caused to be used such force as may in the opinion of that Government be reasonably necessary for securing compliance with any order made by it under this Ordinance.

'Subs. by F.A.O., 1975.

7 Ins. by Ordinance No. LVII of 1959, s.3.

7. The '[Federal Government] may by order notified in the official Gazette, direct that any power conferred or any duty imposed on it by this Ordinance shall in such circumstances and under such conditions, if any, as may be specified in the direction be exercised or discharged by such officer as may be so specified.

8.—(1) No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Ordinance or any rules or order made thereunder.

(2) No suit or other legal proceedings shall lie against the Government for any damage caused or likely to be caused by anything in good faith done or intended to be done in pursuance of this Ordinance or any order made thereunder.

'Subs. by F.A.O., 1975.