

THE WEST PAKISTAN REQUISITIONED LAND
(CONTINUANCE) ACT, 1958

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THE WEST PAKISTAN REQUISITIONED LAND (CONTINUANCE) ACT,
1958

WEST PAKISTAN ACT No. XXX of 1958

[19th April, 1958]

AN

ACT

to provide for the continuance of certain powers in relation to requisitioned land.

Preamble. WHEREAS it is expedient to provide for the continuance of certain powers in relation to requisitioned land;

It is hereby enacted as follows :—

1. Short title, extent and commencement. (1) This Act may be called the West Pakistan Requisitioned Land (Continuance) Act, 1958.

(2) It extends to the whole of West Pakistan, except ' [* * *] *[the Tribal Areas].

(3) It shall come into force at once.

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

(i) "Government" means the Government of West Pakistan ;

(ii) "Requisitioned land" means immovable property requisitioned under the rules made under the Defence of India Act, 1939, which immediately before the commencement of this Act continues to be under requisition; and

(iii) | "State" means the [Federal] or the Provincial Government, as the case may be, for whom any land has been requisitioned or is acquired.

3. Continuance of requisitions. Notwithstanding the expiration of the Defence of India Act, 1939 (XXXV of 1939), and the rules made thereunder, the repeal of the Requisitioned Land (Continuance of Powers) Ordinance, 1946 (XIX of 1946), the repeal of the Requisitioned Land (Continuance of Powers) Act, 1947 (XVII of 1947), the expiration of the Requisitioned Land (Continuance of Powers) Ordinance, 1955 (XI of 1955), and the expiry of the West Pakistan Requisitioned Land (Continuance of Powers) Act, 1957 (West Pakistan Act II of 1957), all requisitioned lands shall continue to be subject to requisition and the Provincial Government may use or deal with any requisitioned land in such manner as may appear to it to be expedient:

Provided that the Provincial Government may at any time release from requisition any requisitioned land.

Omitted by W.P. Ordinance No. XXXI of 1962, s. 2.

*Subs. by the Federal Adaptation of Laws Order, 1975 (P. O. No. 4 of 1975), Art. 2 and Table.

4. Release from requisition. (1) Where any requisitioned land is to be released from requisition, the Government may, after making such inquiry, if any, as it considers necessary, specify by order in writing the person to whom possession of the land shall be given.

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

(3) When the person to whom possession of any requisitioned land 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 land is released from requisition to be affixed on some conspicuous part of land and publish the notice in the Official Gazette.

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

5. Powers to acquire requisitioned land. (1) Subject to the provision of sub-section (3), the Government may, [* * * *], at any time when any requisitioned land continues to be subject to requisition under section 3, acquire such land by publishing in the Official Gazette a notice to this effect.

(2) When a notice as aforesaid is published in the Official Gazette, the requisitioned land, shall on and from the beginning of the day on which the notice is so published, vest absolutely free from all encumbrances in the [* * *] Government, as the case may be, and the period of requisition of such land shall end.

(3) No requisitioned land shall be acquired under this section except in the following circumstances, namely—

(a) where any works have, during the period of requisition, been constructed on, in or over the land wholly or partly at the expense of the State and it is considered necessary by the State that the value of, or the right to use, such works should be reserved or secured for the purposes of the State; or

(b) where the cost of restoring the land to its condition at the time of its requisition would, in the determination of the State, be excessive having regard to the value of the land at that time and the owner declines to accept the release from requisition of the land without payment of compensation.

Explanation— “Works” includes buildings, structures and improvements of every description.

(4) Any decision or determination of the State under sub-section (3) shall be final and shall not be called in question in any Court.

‘Omitted by the West Pakistan Laws (Adaptation) Order, 1964, Art. 2 and Sch. (w. e. f. 08-06-1962).

6. Payment of compensation. (1) In respect of the continued subjection of requisitioned land to requisition under this Act, compensation shall be determined and paid in accordance with the provisions of section 19 of the Defence of India Act, 1939 (XXXV of 1939), and of the rules made thereunder :

Provided that for the words ![Federal Government] wherever occurring in the said section and the rules the words "Provincial Government" shall be deemed to have been substituted for the purpose of this section :

Provided further that all agreements and awards under the said section in respect of the payment of compensation for the period of requisition before the expiry of the said Act shall continue to be in force and shall apply to the payment of compensation for the period of requisition after such expiry.

7[(2) In respect of any acquisition of requisitioned land under this Act, the amount of compensation payable shall be determined in accordance with the provisions of the Land Acquisition Act, 1894.]

(3) For the purposes of sub-section (1) all the provisions of the aforesaid section 19 and of the rules made thereunder, as amended by this section, shall be deemed to be continuing in force.

7. Power to obtain information. (1) The Government may, with a view to carrying out the purposes of sections 3 to 6, 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 requisitioned land as may be specified.

(2) Every person required to furnish such information as is referred to in sub-section (1) shall be deemed to be legally bound to do so within the meaning of sections 176 and 177 of the Pakistan Penal Code, 1860 (XLV of 1860).

8. Delegation of functions. The Government may, by order notified in the Official Gazette, direct that any power conferred or any duty imposed on it by this Act shall, in such circumstances and under such conditions, if any, as may be specified in the order, be exercised or discharged by such officers as may be so specified.

9. Protection of action taken under the Act. (1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is, in good faith, done or intended to be done in pursuance of this Act or order made thereunder.

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

10. Repeal and Saving. (1) The West Pakistan Requisitioned Land (Continuance) Ordinance, 1958, is hereby repealed.

(2) Notwithstanding the expiry of the West Pakistan Requisitioned Land (Continuance of Powers) Act, 1957, everything done, action taken, obligation, liability or penalty incurred, power conferred or exercised, orders issued under the said Act and everything deemed to have been done in exercise of the powers conferred by or under the said Act, shall be continued and be deemed to have been respectively done, taken, incurred, conferred, exercised or issued under this Act.

'Subs. by the Federal Adaptation of Laws Order, 1975 (P. O. No. 4 of 1975), Art. 2 and Table.
Subs. by W.P. Ordinance No. XXXI of 1962, s. 3.