

THE WEST PAKISTAN LAND DISPOSITIONS (SAVING OF SHAMILAT)

ORDINANCE, 1959.

(W. P. Ordinance No. I of 1959)

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THE WEST PAKISTAN LAND DISPOSITIONS (SAVING OF SHAMILAT)  
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WEST PAKISTAN ORDINANCE No. I OF 1959.

[27 January, 1959]

AN  
ORDINANCE

to provide for a uniform interpretation of general expressions with regard to disposition of "Shamilat" lands in the province of West Pakistan.

WHEREAS, it is expedient to provide for a uniform interpretation of general expressions with regard to disposition of "Shamilat" lands in the Province of West Pakistan;

NOW, THEREFORE, in pursuance of the Presidential Proclamation of the seventh day of October, 1958, and in exercise of all powers enabling him in that behalf, the Governor of the West Pakistan is pleased to make and promulgate the following Ordinance:

1. (1) This Ordinance may be called the West Pakistan Land Dispositions (Saving of Shamilat) Ordinance, 1959.

[(2)It extends to the whole of the \*[Province of Khyber Pakhtunkhwa] except the Tribal Areas].

2. In this Ordinance, unless there is anything repugnant in the subject or context, the expression "Shamilat" means land described as such in the Record of Rights, and the land so described shall be deemed to be Shamilat, notwithstanding that the whole or a part of it is in the possession of one or more of the proprietors in the estate, or of any other person.

3. (1) Notwithstanding any law, usage or custom to the contrary, in and disposition of land, whether testamentary or otherwise, effected by the maker by means of a writing or orally and whether made before or after the commencement of this Ordinance, words or phrases of a general nature, purporting to convey rights or interests, incidental, contingent, or collateral, to that land, shall not be so construed as to include therein the Shamilat or any portion thereof appurtenant to

” In sub-section (2) of section-1, for the words “Federal Capital and the Special Area”, the words “Tribal Area”, subs. By W.P. Ord. No. VII of 1964.

>. In the same sub-section, for the word “Province of West Pakistan” the words Khyber Pakhtunkhwa” Subs. by Khyber Pakhtunkhwa Adapt. Order, 1975 and then subs vide Act No.IV of 2011.

Preamble.

Short title and extent.

Definition.

Shamilat not  
included in  
disposition of  
land unless  
specifically  
mentioned as  
subject matter

such land, unless such Shamilat or a portion thereof has been specifically mentioned as the subject matter of the disposition Land Disposition (Saving of Shamilat) [1959 W.P. Ord: 1]

(2) This section shall not affect any decision a competent court or authority given before the commencement of this Ordinance:

- (a) if it is not open to review, appeal or revision, or
- (b) if it is so open, no such proceedings have been taken, and the decision has consequently become conclusive between the parties.

'. Section-4, omitted by Khyber Pakhtunkhwa Adpt. Order, 1975.

of the  
disposition.