

'TIKHYBER PAKHTUNKHWA| ORDINANCE NO.VIII OF 1972.

THE KHYBER PAKHTUNKHWA TIMBER MARKET

(PESHAWAR) ORDINANCE. 1972

Peshawar, the 31st March 1972.

AN
ORDINANCE
PREAMBLE
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'TKHYBER PAKHTUNKHWAJ|ORDINANCE NO. VIII OF 1972.

THE KHYBER PAKHTUNKHWA TIMBER MARKET

(PESHAWAR) ORDINANCE. 1972

Peshawar, the 31st March 1972.

AN

ORDINANCE

To provide for the establishment of a timber market in the revenue estate of village Achar.

WHEREAS it is expedient to provide for the establishment of a timber market in the revenue estate of village Achar;

NOW, THEREFORE, in pursuance of the Martial Law Proclamation of 25th March, 1969, read with the Proclamation of 20th December, 1971, and the Provisional Constitution Order, and in exercise of all powers enabling him in that

behalf, the Governor of the * Khyber Pakhtunkhwa] is pleased to make and promulgate the following Ordinance.-

1. (1) This Ordinance may be called the *[Khyber Pakhtunkhwa] Timber Market (Peshawar) Ordinance, 1972.

(2) It shall come into force at once.

2. In this Ordinance, unless the context otherwise requires, the following

expressions shall have the meanings hereby respectively assigned to them, that is to say-

(a) "allot" in all grammatical variations includes to allot by drawing lots or by auction or by exchange of allotted sites, and "re-allot" shall be construed accordingly;

(b) "Government" means the Government of the '[Khyber

Pakhtunkhwa];

1 Subs. Vide the Khyber Pakhtunkhwa Act, IV of 2011.

2 Subs. Vide the Khyber Pakhtunkhwa Act, IV of 2011.

3. Subs. Vide the Khyber Pakhtunkhwa Act, IV of 2011.

4 Subs. Vide the Khyber Pakhtunkhwa Act, IV of 2011.

Preamble.

Short title and
Commencement

Definitions.

(c) "land" means the land described in the Schedule to this Ordinance, required for establishment of the timber market; and

(d) "timber" includes bamboos.

3. Notwithstanding anything to the contrary contained in the Land Acquisition Act, 1894 (Act I of 1894), the town Improvement Act, 1922 (Punjab Act IV of 1922), as amended by the Punjab Town Improvement (West Pakistan Amendment) Ordinance, 1962 (W.P. Ord. XVIII of 1962) the [Khyber Pakhtunkhwa] People's Local Government Ordinance, 1972 (Khyber Pakhtunkhwa Ord. II of 1972), or any other law for the time being in force or in any decree, judgment or order of any court or authority-

(a) Government shall forthwith take possession of the land, summarily

ejecting, if necessary, any person in occupation of any part thereof;

(b) The compensation for the land and crops, if any, standing thereon shall be assessed by the Collector, Peshawar, on the principles laid down in the laid down in the Land Acquisition Act, 1894 (Act 1 of 1894), and the assessment, subject to the confirmation by the

Commissioner, Peshawar Division, shall be final;

(c) the compensation awarded shall be paid by the Peshawar

Improvement Trust, Peshawar;

(d) Government shall transfer the said land to the Peshawar Improvement Trust subject to the provisions of section 41 of the Land Acquisition Act, 1894 (Act 1 of 1894), so far as applicable, as if the Peshawar Improvement Trust were a Company and shall put

the Peshawar Improvement Trust in possession there of and

1 Subs. Vide the Khyber Pakhtunkhwa Act, IV of 2011.

Acquisition of
land for
timber market.

thereupon the said land shall be deemed to have been duly acquired

by the Peshawar Improvement Trust free from all encumbrances.

4. (1) The Peshawar Improvement Trust shall forthwith layout the timber market on the land, frame rules, and do all things necessary for the establishment of the timber market on the land.

(2) The Peshawar Improvement Trust, its Chairman or any other officer authorized by the Trust in that behalf, shall have the power to-

(a) allot sites to timber merchants;

(b) determine the price of the site allotted to each timber merchant and the terms and conditions of payment thereof, and the method of

recovery in case of default; and

(c) require the allottee to erect on the allotted site such structure and

within such period as the Chairman may determine.

(3) Subject to the approval of Government, the Peshawar Improvement Trust shall have power, at any stage, to modify, alter amend or change the purpose or use for which any site has been earmarked in the original layout and to earmark it for any other purpose or use connected with the establishment of the timber market.

5. Any person who has been allotted a site in the timber market shall, when so required by the Commissioner, Peshawar Division, occupy the Said site and carry on the business of timber market merchant there.

6. No person shall carry on the business of timber merchant within the limits of jurisdiction of Peshawar Improvement Trust, or that of Municipal limits of Peshawar Municipality except at the timber market established under this Ordinance.

7. Any person who contravenes or attempts to contravene or abets the contravention of the provisions of section 5 or section 6 or any direction issued by the Commissioner, Peshawar Division, or the Peshawar Improvement Trust, shall be punishable with imprisonment which may extend to three years or with fine

Establishment

of timber

market

Direction by

Commissioner

Prohibition

carry

business.

Penalty.

to
on

which may extend to ten thousand rupees, or with both.

8. No provision of this Ordinance shall be called in question in any Court including the High Court and supreme Court.

9. No suit or prosecution or other legal proceedings shall lie against Government, the Commissioner, Peshawar Division, the Peshawar Improvement Trust or its Chairman or other officer, or any servant of Government or any other person to whom a site has been allotted in the timber market under section 4, in respect of anything done or intended to be done in good faith under this Ordinance.

SCHEDULE

LIST OF KHASRA NUMBERS OF MAUZA ACHAR, THSIL AND

DISTRICT PESHWAR.

Khasra Nos. 1037, 38, 39, 40, 41, 42, 43, 61, 62, 63, 64, 65, 66, 67, 68, 2494/1069/1, 2495/1069/2, 2301/1070, 2302/1070, 107 1, 72, 73, 74, 75, 76, 1076/1, 1077 578, 79, 80, 81, 82, 2345/1083, 1083/1, 1084, 2306/1085, 2307/1085, 86, 87, 88, 89, 90, 9 1, 9 2, 93, 94, 95, 96, 97, 98, 99, 1 100, 2303/1101, 1102, 3, 4, 5, 6, 7, 8, 9, 1109/1, 1110, 11, 12, 13, 1 4, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32.

Total area.- 16 acres 2 Kanals and 7 marlas.

Bar to
Jurisdiction
Courts

Indemnity.

the
of