

the President on. 30th heer 2005

7 Wiertas it is expedient, a tet the lawhal owners aa occupiers of |
immovable properties from their viet es or forcible sp sieponeeation therefrom by th the :
property grabbers; : © ee wy :

tis hereby enacted: as Follows — ;

- Short ittle, extent 'and commencemént.—(i) This: Act may 'be
cajled the Tegal Dispoppession & Act, 2005. oe

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[3007(2005)/Ex. Gaz]: Tae

THE GAZETTE OF PAKISTAN, EXTRA. JOLY 7, 2005

" "Definitions In this Act unless there is anything repugnant in the

"jet or comet of

(a) "Court" means the Civil Court of Session and the

Sessions Courts and the Court of Criminal Appeal;

(b) "occupier" means the person in lawful possession of a Property;

(a): "owner" means the person who actually owns the property at the time of his disappearance, otherwise than through a process of law;

(e) "Property" means immovable property.

- 3., "Prevention of illegal possession of property, etc.—(1) No one shall enter into or upon any property to dispossess, grab, control or occupy it without having any lawful authority to do so with the intention to dispossess, grab, control or occupy the property from owner or of occupier of such Property.

(2) Whoever contravenes the provisions of the sub-section (1) shall, without prejudice to any punishment to which he may be liable under any other law for the time being in force, be punishable with imprisonment which may extend to ten years and with fine and the victim of the offence shall also be compensated in accordance with the provision: of section 544 A of the Code.

; 4, . Cognizance of offence.—(1) Notwithstanding anything contained in the Code or any law for the time being in force, the contravention of section 3 shall be triable by the Court of Session on a complaint.

(2) The offence under this Act shall be cognizable.

6) The Court at any stage of the proceedings may direct the police to arrest the accused.

5. ~ Investigation and procedure.—(1) Upon a complaint the Court may direct the officer-in-charge of a police station to investigate and complete the

investigation and forward the same within fifteen days to the Court:

; Provided the Court may extend the time within which such report is to be forwarded in case where good reasons are shown for not doing so within the time specified in this sub-section. .

(2)" On taking cognizance of a case; the Court shall proceed with the trial from day to day and shall decide the case within sixty days and for any delay, sufficient reasons shall be recorded. :

, 8) The Court shall 'not. edoure' 'the 'ial for any gn purpose 'unless such adjournmentis, in its opinion, necessary' inthe interest of justive and no adjournment shall i in any, case be granted for more than seven. days. we

. 6 Power to attach property (i) if the Court is satisfied that none-of the persons-are in possession immediately. before the: éommision of thé offence, the Court may attach the property until final decision of the case. ;

(2) | In-case of attachment, the methods of its ianagement, safeguard' against natural decay or deterioration shall be determined by the Court.

."Eviction and mode of recovery ag an interim relief. —(1) If during trial the Court ig satisfied that a person is found prima facie to be not in lawful possession, thé Court shall, as. an interim 'relief. direct him to put the owner or occupier, as the case may be, in possession. 4

2) Where the person aginst whom atty such order is passed under Sub-section (1) fails to comply with the same, the Court shall, notwithstanding any other law for the time being in force, take. such 'steps and pass such order. as may. be. necessary to put the owner or occupier in possession.

(3) . The Court may authorize any official or officer to take possession for securing compliance withi its orders under sub-section (1). The person: so authorized may use or cause to be used such force as may be necessary. .

(4) If any person, authorized by the Court, under sub-section (3), requires police assistance in the exercise of His power under this Act, he may-send arequisition tothe officer-in-charge of a: 'police station who shall c on such requisition r render such assistance as may be required. : :

(5)- The failure of the officerin-charge of police station to render: assistance under. sub-section (4) shall amount to misconduct for which the Court may direct departmental action against him. : 2

8. Delivery. af p possession. of property to owner, etc.—(1). On conclusion of trial, if the, Court finds that an owner or occupier of the property was illegally dispossessed. or property was grabbed i in contravention of section 3, the Court may, 'at the time of passing order under sub-section (2) of that section, direct the accused or any person claiming through him f for Testoration of the possession of ,

the property to the owner or, as the case may be, be rated and restored to him under section 7, .

(2). For the purpose of this section, the Court may, where it is required, direct the officer-in-charge of the police station, fat: such assistance as may be required for restoration of the possession of the property to the owner or, as the case may be, the occupier. ' : : : ,

- Application of the ten provisions provided in this Act, the provisions of the Code of Criminal Procedure, Act of 1898, shall apply to proceedings under this Act. oodats :

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