

THE PUNJAB ACQUISITION OF PROPERTY (WAPDA HOUSE)
ORDINANCE, 1963

(XXIV of 1963)

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'THE [PUNJAB] ACQUISITION OF PROPERTY (WAPDA HOUSE)
ORDINANCE, 1963

(XXIV of 1963)

[6 June, 1963]

An

Ordinance

to provide for the acquisition of certain property situate in the revenue estate of Mozang, Lahore, for the purpose of constructing the office of Water and Powers Development Authority and to validate actions taken under the Martial Law Order No. 129 issued by the Martial Law Administrator, Zone 'B'.

WHEREAS the property described in the Schedule was evacuee property and had been acquired by the Government of West Pakistan in exercise of the powers conferred on it by sub-section (2) of section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1958 (Act No. XXVIII of 1958),— vide notification No. U.8-79-59 (3113), dated 1st August, 1959, published in the gazette of 28th August, 1959.

AND WHEREAS the Martial Law Order No. 129 was issued by the Martial Law Administrator, Zone 'B', on 29th May, 1962, providing for the acquisition of the said property for the purpose of constructing the office of the West Pakistan Water and Power Development Authority;

AND WHEREAS the validity of the said Martial Law Order and actions taken thereunder has been questioned;

AND WHEREAS it is expedient in the public interest to provide for the acquisition of the said property, for the purpose of constructing the office of the Authority, and to validate the actions taken in pursuance of the said Martial Law Order No. 129 ;

AND WHEREAS the Provincial Assembly of West Pakistan, is not in session and the Governor of West Pakistan is satisfied that circumstances exist which render immediate legislation necessary;

NOW, THEREFORE, in exercise of the powers conferred on him by clause (1) of Article 79 of the Constitution, the Governor of West Pakistan is pleased to make and promulgate the following Ordinance:—

1. Short title and commencement. (1) This Ordinance may be called the '[Punjab] Acquisition of Property (WAPDA Office) Ordinance, 1963.

'This Ordinance was promulgated by the Governor of West Pakistan on 6th June, 1963; approved by the Provincial Assembly West Pakistan, with amendments on 16th July, 1963, under clause (3) of Article 79 of the Constitution of the Islamic Republic Pakistan (1962); and, published in the West Pakistan Gazette (Extraordinary), dated 16th July, 1963, pages 3127-3130.

Substituted for the words "West Pakistan" by the Punjab Laws (Adaptation) Order, 1974 (P.O. No. 1 of 1974), w.e.f. 14.8.1973 Article 2 and the Schedule; and published in the Punjab Gazette (Extraordinary), dated 20.11.1974, pages 1425-A to 1425-PP

5 Substituted for the words "West Pakistan" by the Punjab Laws (Adaptation) Order, 1974 (P.O. No. 1 of 1974), w.e.f. 14.8.1973 Article 2 and the Schedule; and published in the Punjab Gazette (Extraordinary), dated 20.11.1974, pages 1425-A to 1425-PP

(2) It shall come into force at once and shall be deemed to have taken effect on and from the 29th May, 1962.

2. Definitions. 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) “Authority” means the Water and Power Development Authority established under the Water and Power Development Authority Act, 1958 (West Pakistan Act No. XXXI of 1958);

(b) “Government” means the “[Provincial Government of the Punjab];

(c) “Martial Law Order No. 129” means the Martial Law Order No. 129, issued by the Martial Law Administrator, Zone ‘B’ on the 29th May 1962;

(d) “property” means the property, described in the Schedule to this Ordinance.

3. Acquisition of property for office of the Authority. 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 No. XVIII of 1962, the Municipal Administration Ordinance, 1960 (Ordinance X of 1960), 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 property, summarily ejecting, if necessary, any person in occupation of any part thereof;

(b) | the compensation for the property shall be assessed by the Chief Settlement Commissioner, under the law relating to evaluation of evacuee property;

(c) the compensation so assessed, shall be paid by the Authority to the Rehabilitation Department;

(d) Government shall transfer the property to the Authority subject to the provisions of section 41 of the Land Acquisition Act, 1894, so far as applicable, as if the Authority were a company, and shall put the Authority in possession thereof, and thereupon the property shall be deemed to have been duly acquired by the Authority free from all encumbrances, and

the actions taken under Martial Law Order No. 129, shall be deemed to have been validly taken under this Ordinance and shall be continued.

SCHEDULE

The property quadrangle in shape measuring 104 feet along the Egerton Road on the North, 204 feet in the West, 107 feet on the common boundary between Park

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Hotel and boundary wall to Egerton Road in the east and comprising Khasra No. 1045, 1046 and part of 1044 of Khasra Amarti of 1957-58 situated in the revenue estate of Mozang, Tehsil and District Lahore, consisting of buildings bearing property No. S.E. 27 R.11 and open space, formerly belonging to Rai Bahadur Gopal Das.