



THE CANTONMENTS (REQUISITIONING OF IMMOVEABLE PROPERTY) ORDINANCE, 1948



CONTENTS

1. Short titles and commencement.
2. Requisition of immoveable property.
3. Release of requisitioned property and delivery of its possessions, etc.
4. Compensation for requisitioned property.
5. Acquisition of information relating to immoveable property.
- 5 A. Federal government.
6. Powers to secure Compliance with an order.
7. Delegation of powers by Federal Government.
8. Bar of suits or legal proceedings.

**THE CANTONMENTS (REQUISITIONING OF IMMOVEABLE
PROPERTY) ORDINANCE, 1948.**

¹ORDINANCE NO. IV OF 1948

[28th January, 1948]

WHEREAS an emergency has arisen which makes it necessary to requisition immovable property within the limits of Cantonments for purposes other than of the Cantonment Boards.

NOW, THEREFORE, in exercise of the powers conferred by section 42 of the Government of India Act, 1935 (26 Geo. 5.,c.2.) as adapted by the Pakistan (Provisional Constitution) Order, 1947, and of all other powers enabling him in that behalf, the Governor-General is pleased to make and promulgate the following Ordinance :—

1. Short title and commencement. —(1) This Ordinance may be cited as “The Cantonments (Requisitioning of Immoveable Property) Ordinance, 1948”.

(2) It shall come into force at once and shall remain in force till it is withdrawn or ceases to operate.

(3) It extends to all the Cantonments excluding places of religious worship therein, in the territories of Pakistan.

2. Requisition of immovable property. —(1) If in the opinion of the ²[Federal Government] it is necessary or expedient so to do, the ²[Federal Government] may by order in writing requisition any immovable property

¹ The Ordinance has been brought into force in Baluchistan with effect from the 28th day of January, 1948, see Gaz. of P., 1952, Pt. I, pp. 191-192; and extended to the Leased Areas of Baluchistan by the Leased Areas (Laws) Order, 1950 (G.G.O. 3 of 1950).

It has also been applied in the Federated Areas of Baluchistan, see Gaz. of P., 1953, Pt. I, p. 152.

² Subs. by F.A.O., 1975 Art. 2 and Table, for “Central Government”.

(excluding the places of religious worship) and may make such further orders as appear to it to be necessary or expedient in connection with requisitioning.

(2) Where the ¹[Federal Government] has requisitioned any immovable property under the preceding sub-section it may use or deal with the property in such manner as it thinks fit.

2* * * * *

3. Release of requisitioned property and delivery of its possessions, etc. —(1) Where any property requisitioned under section 2 is to be released from requisition, the ¹[Federal Government] may after making such inquiry, if any, as it considers necessary, specify by order in writing, the person to whom possession of the property shall be given.

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

(3) Where the person to whom possession of any property 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 property is released from requisitioning to be published in the official Gazette and to be affixed on some conspicuous part of the property.

(4) When a notice referred to under sub-section (3) is published in the official Gazette, the property specified in the notice shall cease to be subject to requisitioning on and from the date of such publication and shall be deemed to have been delivered to the person entitled to the possession thereof, and the

¹ Subs. by F.A.O., 1975, Art. 2 and Table, for "Central Government".

² Section 2A which was ins. by the Cantonments (Requisitioning of immovable property) (Amdt.) Ordinance, 1959 (57 of 1959), s. 2, have been omitted by the Federal Laws (Revision and Declaration) Ordinance, 1981 (27 of 1981), s. 3 and Sch-II.