



THE LAND CONTROL (KARACHI DIVISION) ACT, 1952



CONTENTS

1. Short title extent and commencement
2. Definition
3. Declaration of controlled area
4. Plans of controlled area to be deposited at certain offices
5. Restriction on building etc, in a controlled area
6. Application for permission to build etc, and the grant or refusal of such permission
7. Power of removal of un authorized building
8. Power of removal of building under construction
9. Eviction of occupier
10. Removal of building
11. Eviction of persons in unauthorized or wrongful occupation or possession_
12. Entry into premises
13. Penalty
14. Power to try summarily
15. Cognizance of offence
16. Bar to jurisdiction of civil courts
17. Appeal
18. Authorised Officer to be deemed a public servant
19. Indemnity
20. Power to make rules
21. Effect of other laws
22. Cost of removal to be recoverable as an arrear of land revenue
23. Penalty not to prejudice other action under this Act
24. Repeal

THE LAND CONTROL (KARACHI DIVISION) ACT, 1952.

¹ACT No. XI of 1952

[15th April, 1952]

An Act to make provision for the prevention of unauthorised occupation of certain lands in the ²[Karachi Division] and unauthorised building thereon, and for eviction therefrom.

WHEREAS it is expedient to make provision for the prevention of the unauthorised occupation of lands in the ²[Karachi Division] and of unauthorised building on the same, and for eviction from such lands and buildings;

It is hereby enacted as follows:—

1. Short title, extent and commencement—(1) This Act may be called the Land Control ²[Karachi Division] Act, 1952.

(2) It extends to the ²[Karachi Division].

(3) It shall come into force at once.

2. Definitions.—In this Act, unless there is anything repugnant in the subject or context,—

3* * * * *

(ii) “Authorised Officer” means an officer in the service of the Government or a local authority appointed by the ⁴[Commissioner], by notification in the official Gazette, to exercise in any controlled area all or any of the functions of an Authorised Officer under this Act;

¹For Statement of Objects and Reasons, see Gaz. of P., 1952, Ext., Pt. II, pp. 280 and 281.

²Subs. by A. O., 1964, Art. 2 and Sch., for “Federal Territory of Karachi” which had been subs. by the Repealing and Amending Ordinance, 1961 (1 of 1961), s. 3 and 2nd Sch., for “Capital of the Federation”.

³Cl. (i) omitted by A.O., 1964, Art. 2 and Sch.

⁴Subs. *ibid.*, for “Administrator”.

(iii) “building” includes any structure of any kind temporary or permanent, whether used or intended to be used for the purpose of human habitation or otherwise;

¹**(iiia)** “Commissioner” means the Commissioner of the Karachi Division;]

(iv) “controlled area” means an area declared to be a controlled area under section 3 of the Act;

(v) “owner” in relation to a building includes the person at whose expense such building is constructed and who has the right to transfer the same, and includes his heirs, assigns and legal representatives;

(vi) “prescribed” means prescribed by rules made under this Act;

(vii) “unauthorised building” means a building declared by the Authorised Officer or the ²[Commissioner] to be unauthorised;

(viii) the expression “erect or re-erect” in relation to any building includes—

(a) any material alteration or enlargement;

(b) the conversion by a structural alteration of a building not originally constructed for human habitation into a place intended for human habitation;

(c) the conversion of one or more places of human habitation into a greater number of such places;

(d) an alteration of the drainage or the sanitary system, or any alteration

¹ Clause (iiia) ins. by A.O., 1964, Art. 2 and Sch.

² Subs. *ibid.*, for “Administrator”.

materially affecting the building's safety;

(e) the addition of any rooms, buildings, outhouses or other structures; and

(f) the construction, in a wall adjoining any street or land not belonging to the owner of the wall, of a door opening on to such street or land ;

(ix) the word “removal” shall be construed, where necessary, as including references to levelling or filling the ground in after removal;

(x) the expression “to serve notice” shall be construed, where necessary, as including the serving of such a notice on a group of persons living in any locality by publishing it in local newspapers.

3. Declaration of controlled area.—(1) The ¹[Provincial Government] may, by ² notification in the official Gazette, declare any area to be a controlled area for the purposes of this Act.

(2) In every such notification the boundaries and brief description of the area and the name of the Authorised Officer appointed for the area shall be specified.

(3) The Authorised Officer shall publish every such notification or the substance thereof (a) in at least two local newspapers and (b) in such manner as he thinks fit at his office and in every ward or revenue estate of which part is included within the controlled area.

¹ Subs. by A.O., 1964, Art.2 and Sch., for “Central Government”.

² For such notifications, see Gaz. of P., 1952, Pt., I, pp. 23, 47, 102, 103, 165 and 166, and *ibid.*, 1954, Pt. I, P. 112.