



THE REQUISITIONED LAND (CONTINUANCE OF POWERS) ORDINANCE, 1969



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PREAMBLE.

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THE REQUISITIONED LAND (CONTINUANCE OF POWERS) ORDINANCE, 1969.

ORDINANCE NO. II OF 1969

[17th February, 1969]

An Ordinance to provide for the continuance of certain emergency powers in relation to requisitioned land.

WHEREAS it is expedient to provide, in relation to land which, when the Defence of Pakistan Ordinance, 1965 (XXIII of 1965), ceases to have effect under clause (7) of Article 30 of the Constitution, is subject to any requisition effected under any rule made under the said Ordinance, for the continuance of certain powers therefor exercisable under the said Ordinance or the said rules;

AND WHEREAS the national interest of Pakistan in relation to the achievement of uniformity within the meaning of clause (2) of Article 131 of the Constitution requires Central legislation in the matter;

AND WHEREAS the National Assembly is not in session and the President is satisfied that circumstances exist which render immediate legislation necessary;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 29 of the Constitution, read with clause (2) of Article 131 thereof, and of all other powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:—

1. Short title and commencement.—(1) This Ordinance may be called the Requisitioned Land (Continuance of Powers) Ordinance, 1969.

(2) It extends to the whole of Pakistan.

(3) It shall come into force on the ¹date on which the Defence of Pakistan Ordinance, 1965 (XXIII of 1965), ceases to have effect under clause (7) of Article 30 of the Constitution.

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

- (a) “appropriate Government” means, in relation to any requisitioned land, the ²[Federal] or Provincial Government by which or under the authority of which the land has been requisitioned;
- (b) “requisitioned land” means immovable property which at the commencement of this Ordinance is subject to any requisition effected under the rules made under the Defence of Pakistan Ordinance, 1965 (XXIII of 1965).

¹ I.e., the 17th February, 1969, the Defence of Pakistan Ordinance, 1965 having ceased to have effect from that day with the revocation of Proclamation of Emergency, see Gaz., of P., 1969, Ext., p. 105.

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

3. Continuance of requisitions. Notwithstanding the Defence of Pakistan Ordinance, 1965 (XXIII of 1965), and the rules made thereunder ceasing to have effect, all requisitioned lands shall continue to be subject to requisition and the appropriate Government may use or deal with any requisitioned land in such manner as may appear to it to be expedient :

Provided that the appropriate Government may at any time release from requisition any requisitioned land.

4. Release from requisition.—(1) Where any requisitioned land is to be released from requisition, the appropriate Government may, after making such inquiry, if any, as it considers necessary, specify by order in writing the person to whom possession of the land shall be given.

(2) The delivery of possession of the requisitioned land 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 land which any other person may be entitled by due process of law to enforce against the person to whom possession of the land is so delivered.

(3) Where the person to whom possession of any requisitioned land is to be given cannot be found and has no agent or other person empowered to accept delivery on his behalf, the appropriate Government shall cause a notice declaring that the land is released from requisition to be affixed on some conspicuous part of the land and publish the notice in the official Gazette.

(4) When a notice referred to in sub-section (3) is published in the official Gazette, the land specified in such notice shall cease to be subject to requisition on and from the date of such publication and be deemed to have been delivered to the person entitled to possession thereof; and the Government shall not be liable for any compensation or other claim in respect of the land for any period after the said date.

5. Power to acquire requisitioned land. —(1) Subject to the provisions of sub-section (3), the appropriate Government may, at any time when any requisitioned land continues to be subject to requisition under section 3, acquire such land by publishing in the official Gazette a notice to the effect that such Government has decided to acquire such land in pursuance of this section.

(2) When a notice as aforesaid is published in the official Gazette, the requisitioned land shall, on and from the beginning of the day on which the notice is so published, vest absolutely in the appropriate Government free from all encumbrances and the period of requisition of such land shall end.

(3) No requisitioned land shall be acquired under this section except in the following circumstances, namely:—

- (a) where any works have during the period of requisition been constructed on, in or over the land wholly or partly at the expense of Government and the appropriate Government decides that the value of, or the right to use, such works should be preserved or secured for the purposes of Government; or