

**THE BALOCHISTAN AUTONOMOUS BODIES
IMMOVABLE PROPERTY
(EJECTMENT OF UNAUTHORIZED OCCUPANTS) ORDINANCE,
1965**

(W. P. Ordinance XXXVII of 1965)

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**¹THE ²[BALOCHISTAN³] AUTONOMOUS BODIES
IMMOVABLE PROPERTY
(EJECTMENT OF UNAUTHORIZED OCCUPANTS)
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(W. P. Ordinance XXXVII of 1965)

[27th November, 1965]

An Ordinance to provide for summary ejectment of unauthorized occupants of immovable property vesting in autonomous bodies.

Preamble.

WHEREAS it is expedient to provide for summary ejectment of unauthorized occupants of immovable property vesting in autonomous bodies;

AND WHEREAS the Provincial Assembly 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 Constitution⁴, the Governor of West Pakistan is pleased to make and promulgate the following Ordinance:—

Short title, extent
and
commencemen
t

1. (1) This Ordinance may be called the ²[Balochistan] Autonomous Bodies Immovable Property (Ejectment of Unauthorized Occupants) Ordinance, 1965.

(2) It extends to the whole of the Province of ²[Balochistan], except the Tribal Areas.

(3) It shall come into force at once.

¹ This Ord. was promulgated by the Governor of W. P. on 20th November, 1965; approved by the Provincial Assembly of W. P. on 3rd December, 1965, under clause (3) of Article 79 of the Constitution of the Islamic Republic of Pakistan (1962); and published in the W. P. Gazette (Extraordinary), dated 3rd December, 1965, pages 5975-5978.

² Subs. by Balochistan Laws (Adaptation) Order, 1975, for the words "West Pakistan". See the Balochistan Gazette (Extraordinary) No. 17, dated 9th May, 1975.

³ Spelling of the word "Baluchistan", wherever it appears in this ordinance, is corrected by insertion of letter "o" instead of "u"; as per Government of Balochistan, S&GAD's Notification No. SORI (4) 6/ S&GAD-89, dated 18th June, 1989.

⁴ That is the Constitution of the Islamic Republic of Pakistan (1962).

Definitions.

2. 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) "autonomous body" means a corporation, institution, undertaking or other body established with the aid of the revenues of the Province of ⁵[Balochistan] but not with the aid of the revenues of the Centre or of the Province of East Pakistan, or which is incorporated under any ¹[Balochistan] law, and includes—
 - (i) A University or Board of Secondary Education established under any ¹[Balochistan] law; ⁶[**]
 - (ii) the West Pakistan Industrial Development Corporation established under the Provincial Industrial Development Corporation (West Pakistan) Ordinance, 1962; *and*
 - ⁷[(iii) a Municipal Committee as defined in the Municipal Administration Ordinance, 1960 (Ordinance X of 1960), a local council as defined in the Basic Democracies Order, 1959 (P. O. No. 18 of 1959), a Town Improvement Trust constituted under the Town Improvement Act, 1922 (Punjab Act IV of 1922) and the Karachi Development Authority constituted under the Karachi Development Authority Order, 1957 (P. O. No. 5 of 1957); *and*
- (b) "Government" means the Government of ⁸[Balochistan].

⁵ Subs. by Balochistan Laws (Adaptation) Order, 1975, for the words "West Pakistan". *See* the Balochistan Gazette (Extraordinary) No. 17, dated 9th May, 1975.

⁶ The word "and", del. by W. P. Ord. XXVII of 1969.

⁷ Add. by W. P. Ord. XXVII of 1969.

⁸ Subs. by Balochistan Laws (Adaptation) Order, 1975, for the words "West Pakistan". *See* the Balochistan Gazette (Extraordinary) No. 17, dated 9th May, 1975.

Eviction of
unauthorized
occupants.

3. (1) Notwithstanding anything contained to the contrary in any law for the time being in force, any person who, without lawful authority enters upon any immovable property vesting in an autonomous body, or wrongfully uses or occupies any such property, to the use or occupation whereof, he is not legally entitled, may, after being given a reasonable opportunity of showing cause against such action, be summarily evicted by such autonomous body, or any officer or authority of such autonomous body authorized by it in this behalf, with the use of such force as may be necessary, and any crop raised on such property and any building, encroachment or other construction erected thereon shall, if not removed by such person after service on him of a notice by such autonomous body, or a person or other authority so authorized by it, requiring him to remove such crop, building, encroachment or other construction within a period of not less than seven days of the service on him of such notice, be liable to forfeiture and removal without payment of compensation after the expiry of the period specified in the notice and any expenses incurred by the autonomous body in the removal of such building, encroachment or other construction, may be recovered from such person on the certificate of autonomous body, or the officer or other authority empowered by it in this behalf, as arrears of land revenue.

(2) A notice under sub-section (1) may be served, as may be directed by the authority or officer issuing the same—

- (a) by giving or tendering to the person upon whom it is to be served, the said notice; *or*
- (b) by affixing it on a conspicuous place on or near the immovable property to which it relates or on any building or other structure on such property.

(3) An order of ejectment made under sub-section (1) shall not be enforced until the expiry of seven days from the date of such order.

Appeal.

4. (1) Any person aggrieved by an order of eviction made under section 3, may, within seven days of the date of

such order, prefer an appeal in writing, either in person or through his duly authorized agent—

- (a) to the autonomous body concerned, where the order is made by an officer or authority empowered by the autonomous body under section 3; *and*
- (b) to Government or an officer or authority authorized by Government in this behalf (other than the autonomous body), where the order is made by the autonomous body itself.

(2) The appellate authority specified in sub-section (1) to whom an appeal is preferred in accordance with the provisions of the said sub-section, namely:—

- (a) admit the appeal; *or*
- (b) after hearing the appellant or his duly authorized agent summarily reject the appeal, if in its opinion it has no merit.

(3) Where the appellate authority admits an appeal it may, after considering the memorandum of appeal and giving an opportunity to the appellant of being heard (if it so considers necessary) confirm, modify or vacate the order appealed from.

(4) The appellate authority may, on an appeal being preferred to it against an order made under section 3, stay the operation of the order until the decision in appeal.

(5) Subject to orders made in appeal under this section an order made under section 3 shall be final.
