



THE FEDERAL GOVERNMENT LANDS AND BUILDINGS (RECOVERY OF POSSESSION) ORDINANCE, 1965



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THE FEDERAL GOVERNMENT LANDS AND BUILDINGS (RECOVERY OF POSSESSION) ORDINANCE, 1965

¹ORDINANCE NO. OF 1965

[10th December, 1965]

An Ordinance to provide for the speedy recovery of possession of Central Government lands and buildings.

WHEREAS it is expedient to provide for the speedy recovery of possession of Central Government lands and buildings from outgoing lessees and licensees and unauthorized occupants, and for matters ancillary thereto;

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 and of all other powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:—

1. Short title, extent and commencement.—²[(1) This Ordinance may be called the Federal Government Lands and Buildings (Recovery of Possession) Ordinance, 1965].

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

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

- (a) “building” means a building, or part thereof, which vests in, or is in the possession or under the management and control of, the ¹[Federal Government], and includes the land appurtenant thereto;
- (b) “land” means land which vests in, or is in the possession or under the management and control of, the ¹[Federal Government], and is used or held for purposes other than agriculture;
- (c) “lease” and “lessee” have the same meaning as in the Transfer of Property Act, 1882 (IV of 1882), and for the purpose of section 3, “lessee” includes his heirs, assigns, legal representatives and all persons inducted by him into the demised land or building;

¹Approved by the National Assembly of Pakistan on 9th March, 1966, see Gaz. of P., 1966, Ext., pp. 105-108.

This Ordinance and the rules, notifications and Orders made thereunder as in force in N.W.F.P. before the 15th July, 1975, have been applied to all the Provincially Administered Tribal Areas of the N.W.F.P., by Regulation No. III of 1975, s. 2 and the Sch.

²Subs by the Federal Laws (Revision and Declaration) Ordinance, 1981 (27 of 1981), s. 3 and Sch., II, for sub-section (1).

- (d) “license” and “licensee” have the same meaning as in the Easements Act, 1882 (V of 1882), and, for the purpose of section 4, “licensee” includes all persons inducted by him into the building to which the license relates;
- (e) “unauthorized occupant” means a person who is in occupation of any land or building without the express permission or authority of the ¹[Federal Government], and includes—
 - (i) a person inducted into any land or building by the lessee or licensee thereof; and
 - (ii) every member of the lessee’s or licensee’s family who remains in occupation of any land or building after the determination of the lease or license in respect of the same.

3. Eviction of outgoing lessees on licensees from land or building. If, on the expiry, whether before or after the commencement of this Ordinance, of the period of any lease or license in respect of any land or building of which the ¹[Federal Government] is the lessor or licensor or on the determination of such lease or license on the ground of breach of any covenant imposing an obligation on the lessee or licensee to give up possession of the demised land or building required for any public purpose, the lessee or licensee refused or failed, or refuses or fails, to vacate that land or building and put the ¹[Federal Government] into possession of the same, any officer authorized by the ¹[Federal Government] in this behalf may, notwithstanding anything, contained in any other law for the time being in force or in any contract, at any time, enter upon the demised land or building and recover, vacant possession of that land or building by evicting the lessee or licensee and may also demolish and remove the structures, if any, erected or built thereon by the lessee or licensee:

²[Provided that such officer shall not enter upon the demised land or building unless the Federal Government has given an opportunity of being heard to the lessee or licensee]

Provided ²[further] that such officer shall, before demolishing and removing any structures under this section, issue a notice to the lessee or licensee calling upon him to remove such structures within the period specified in the notice.

4. Revocation of license and recovery of possession of building in certain cases.—(1) Notwithstanding anything contained in any other law for the time being in force or in any contract, where the licensee of a building is a person in the service of Pakistan, the license in respect of such building shall, in addition to the grounds mentioned in section 62 of the Easements Act, 1882, stand revoked on the discharge, removal dismissal, resignation, retirement or death of such servant or on his transfer from the station in which he is employed to any other station, after the expiration of the period for which he or his dependents may retain possession of the building under the rules for the time being applicable to the license.

(2) On the revocation of a license in respect of a building the licensee shall, notwithstanding anything contained elsewhere in the aforesaid Act or in any other law for the time being in force or

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

²Ins. by the Federal Government Lands and Buildings (Recovery of Possession) (Amdt.) Ordinance, 1984 (10 of 1984), ss 2 and 3.

in any contract, forthwith put the ¹[Federal Government] into possession of such building, or part, failing which any officer authorized by the ¹[Federal Government] in this behalf may enter and recover possession of the same by evicting the licensee:

Provided that the licensee shall be given ²[an opportunity of being heard and a] notice of not less than fourteen days for vacating such building.

5. Eviction of unauthorized occupants.— (1) If the ¹[Federal Government] is satisfied after making such enquiry as it thinks fit that a person is an unauthorized occupant of any land or building, it may, ²[after giving such person an opportunity of being heard,] by order in writing, direct such person to vacate the land or building within the period specified in the order.

(2) If any person refuses or fails to vacate any land or building as directed by an order under sub-section (1), any officer authorized in this behalf by the ¹[Federal Government] may, notwithstanding anything contained in any other law for the time being in force, enter upon such land or building and recover possession of the same by evicting such person and may also demolish and remove the structures, if any, erected or built by that person.

6. Mode of recovery of possession. For the purpose of recovering possession of any land or building under the provisions of section 3 or section 4 or section 5, an officer authorized by the ¹[Federal Government] in this behalf may use or cause to be used such force as may be necessary.

7. Recovery of cost of demolition and removal of structures.— (1) The cost of demolition and removal of structures under section 3 or section 5, hereafter in this section referred to as the cost, shall be payable to the ¹[Federal Government] by the lessee or licensee or the unauthorized occupant, as the case may be.

(2) If the cost is not paid on demand, the ¹[Federal Government] may cause the materials of the structures demolished and removed under section 3 or section 5 to be sold in auction in such manner as may be prescribed by rules.

(3) If the proceeds of the sale under sub-section (2) are not sufficient to cover the cost, the balance shall be recoverable as arrears of land revenue and, if such proceeds exceed the cost, the excess shall be paid to the lessee, licensee or unauthorized occupant.

Explanation.— In this section, lessee and licensee mean the person in whom the ownership of the structures vested at the time of their demolition and removal under section 3 or section 5.

8. Recovery of arrears of rent. If any rent payable in respect of any land or building has been in arrears on the day of recovery of possession of such land or building, the amount due on account of such arrears, with interest, if any, accrued thereon shall be recoverable as arrears of land revenue.

9. Power to delegate. The ¹[Federal Government] may, by notification in the official Gazette, direct that any power exercisable by it under this Ordinance may be exercised also by any officer subordinate to it.

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

²Ins. by the Federal Government Lands and Buildings (Recovery of Possession) (Amdt.) Ordinance, 1984 (10 of 1984), ss. 2 and 3.

10. Jurisdiction of Civil Court barred. No Civil Court shall pass an order in any suit or proceeding granting a temporary or interim injunction restraining the ¹[Federal Government] or any officer authorized by it from taking possession of any land or building under this Ordinance.

11. Indemnity.—(1) No suit or legal proceeding shall lie against the ¹[Federal Government] in respect of anything which is, in good faith, done or intended to be done under this Ordinance.

(2) No suit, prosecution or other legal proceeding shall lie against any person in respect of anything which is, in good faith, done or intended to be done under this Ordinance.

12. Requisition of police assistance. If any officer authorized to take action under this Ordinance requires police assistance in the exercise of his powers thereunder, he may send requisition to the officer in charge of a police station who shall on such requisition render the assistance required.

13. Power to make rules. The ¹[Federal Government] may make rules for carrying out the purposes of this Ordinance.

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