

**THE KHYBER PAKHTUNKHWA REQUISITIONING OF
BUILDINGS (RATIONING), ACT, 1947.**

(ACT IX of 1947).

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**THE ¹[KHYBER PAKHTUNKHWA] REQUISITIONING
OF BUILDINGS (RATIONING) ACT, 1947.**

ACT IX OF 1947.

(Received the assent of the Governor on the 1st April, 1947).

*An Act
to provide the Provincial Government with powers to
requisition buildings for rationing purposes.*

WHEREAS it is necessary to provide the Provincial Government with powers to requisition buildings for rationing purposes or for purposes connected with rationing; it is hereby enacted as follows:—

Preamble.

1. (1) This Act may be called the ²[Khyber Pakhtunkhwa] Requisitioning of Buildings (Rationing) Act, 1947.

Short title, extent and commencement.

(2) It extends to the whole of the ³[Province of the Khyber Pakhtunkhwa].

(3) It shall come into force on ⁴[21st April, 1947].

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

Definitions.

(i) ⁵[.....].

(ii) "Buildings" includes any godown, serai or shop has been used, is being used or can be used for rationing purpose or purposes connected with rationing in the ⁶[Khyber Pakhtunkhwa], but shall not include any property used for the purpose of religious worship.

3. (1) If in the opinion of the Provincial Government any building is required for rationing purposes connected with rationing, it may by order in writing requisition that building and may make such further orders as appears to it to be necessary or expedient in connection with the requisitioning.

Requisitioning of Buildings.

(2) Where the Provincial Government has requisitioned any building under sub-section (1), it may use or deal with the building in such manner as may appear to it to be expedient.

(3) The Provisions of the ⁷[Khyber Pakhtunkhwa] House Rent

¹. Subs vide the Khyber Pakhtunkhwa Act. IV of 2011.

². Subs vide the Khyber Pakhtunkhwa Act. IV of 2011.

³. Subs vide the Khyber Pakhtunkhwa Act. IV of 2011.

⁴. Inserted vide Notification No. 1(352-1134/L.D.. dated 14-4-1947.

⁵. Omitted by W. P. L. A. Order 1964, Part—III.

⁶. Subs vide the Khyber Pakhtunkhwa Act. IV of 2011.

⁷. Subs vide the Khyber Pakhtunkhwa Act. IV of 2011.

Control Act, 1946 (XV of 1946), shall not apply to any building requisitioned by an order under this section.

¹[4]. (1) Whenever the Provincial Government requisitions any building under this Act, there shall be paid to the owner compensation for its use and occupation, the amount whereof shall be determined in the manner and in accordance with the principles hereinafter set out: Compensation to be paid to owners.

- (a) Where the amount of compensation can be fixed by agreement, it shall be paid in accordance with such agreement.
- (b) Where no such agreement can be reached, the Provincial Government shall by a general or special order, for any case or class of case, appoint as arbitrator a person qualified under Article 193 of the Constitution for appointment as a Judge of a High Court.
- (c) The Provincial Government may, in any particular case, nominate a person having expert knowledge as to the nature of the building requisitioned to assist the arbitrator and where such nomination is made, the owner may also nominate an assessor for the said purpose.
- (d) On the commencement of the proceeding before the arbitrator the Provincial Government and the owner shall state what in their respective opinions is a fair amount of compensation.
- (e) The arbitrator in making his award shall take into consideration the initial cost of construction of that building including the land and the prevailing rate of rent of similar building in the locality.

(2) An appeal shall lie to the High Court against an award of an arbitrator.

(3) Save as provided in this section and in any rules made under this Act nothing in any law for the time being in force shall apply to the arbitration under this section.

(4) An award given by the arbitrator, subject to the result of the appeal, if any, shall be conclusive and final between the parties and shall not be called into question by means of a suit or otherwise except as provided by this Act.

(5) The award may, on an application being filed in the Court, be executed as if it were a decree of a Civil Court].

¹. Substituted by Khyber Pakhtunkhwa Act. No. II of 1985.

¹[4-A. (1) When the amount of compensation of the building has been determined under section 4, no further increase shall, during the continuance of requisitioning, be permissible within a period of three years from the date of determination of compensation, except in cases where some addition, improvement or alteration has been carried out at the owner's expense at the request of the Provincial Government.

Cases in which increase of compensation per miscible.

(2) The amount of compensation if increased on grounds of addition, improvement or alteration made permissible under this section shall not exceed the fair rent payable under this Act for a similar building in the same locality with such addition, improvement or alteration and it shall not be chargeable until such addition, improvement or alteration has been completed.

(3) Any dispute between the owner and the Provincial Government with regard to any increase claimed on grounds of addition, improvement or alteration made permissible under this section shall be decided by the Court.].

5. The Provincial Government may, with a view to requisitioning any building under this Act or determining the ²[.....]. compensation payable under Section 3 by order:—

Procedure for determining compensation.

- (a) require any person to furnish to such authority as may be specified in the order such information in his possession relating to the building as may be so specified;
- (b) direct that the owner, occupier or person in possession of the building shall not without the permission of Government dispose of it or structurally alter it till the expiry of such time as may be specified in the order;
- (c) direct that the person in occupation or possession of the requisitioned building shall vacate it and hand it over in the such date, not less than ³[30] days from the date of service of the order, to such officer as may be named in the order, and the person in occupation or possession of the building shall thereupon hand the building over in accordance with the terms of the order.

6. Any person authorized in this behalf by the Provincial Government, may enter any premises and inspect such premises, for the purpose of determining whether, and, if so, in what manner an order under this Act should be made in relation to such premises or building or with a view to securing compliance with any order made under this Act.

Power to enter and inspect premises.

7. If any person contravenes any order made under this Act, he shall be punishable with imprisonment for a term which may extend to three

Penalty.

¹. Inserted by Khyber Pakhtunkhwa Act No II of 1985.

². Omitted by Khyber Pakhtunkhwa Act No. II of 1985 Act *ibid*.

³. Substituted by Khyber Pakhtunkhwa Act No. II of 1985 Act *ibid*.

years or with fine or with both.

8. No Court shall take cognizance of any alleged contravention of this Act, except on a report in writing of the fact constituting such contravention, made by a public servant. Cognizance.

9. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act. Bar of Legal proceedings.

10. Any building in use for Rationing purposes or for purposes connected with Rationing at the time of the commencement of this Act shall be deemed to have been requisitioned under the relevant provision of this Act and it shall be open to the Provincial Government to revise the rent of such building: Saving.

Provided that the rent of building shall not be reduced with out first giving an opportunity to the owner thereof to show cause why it should not be reduced.

11. The Provincial Government may make rules for any incidental and supplementary matters including in particular:-- Rules.

- (a) the method of service of an order under this Act;
- (b) the method of assessing rent and compensation payable to the owner of the requisitioned building;
- (c) the terms under which repairs or alterations to a requisitioned building shall be carried out while in Government possession.

12. All orders issued, rents of requisitioned buildings fixed, rules framed and other action taken under the ¹[Khyber Pakhtunkhwa] Requisitioning of Buildings (Rationing) Ordinance, 1947, and in force at the time of the commencement of this Act, shall respectively be deemed to have been issued, fixed, framed and taken under this Act. Continuance of Orders issued under the Ordinance,

13. The ²[Khyber Pakhtunkhwa] Requisitioning of Buildings (Rationing) Ordinance, 1947, is hereby repealed. Repeal.

¹. Subs vide the Khyber Pakhtunkhwa Act. IV of 2011.

². Subs vide the Khyber Pakhtunkhwa Act. IV of 2011.