

THE WEST PAKISTAN REQUISITIONED LAND (CONTINUANCE) ACT, 1958.

(West Pakistan Act XXX of 1958)

CONTENTS.

PREAMBLE

SECTIONS:

1. Short title, extent and commencement.
2. Definitions.
3. Continuance of requisitions.
4. Release from requisition.
5. Powers to acquire requisitioned land.
6. Payment of compensation.
7. Power to obtain information.
8. Delegation of functions.
9. Protection of action taken under the Act.
10. Repeal and saving.

**THE WEST PAKISTAN REQUISITIONED LAND
(CONTINUANCE) ACT. 1958.**

(West Pakistan Act XXX of 1958)¹

[24th April, 1958.]

*An Act to provide for the continuance of certain powers
in relation to requisitioned land.*

WHEREAS it is expedient to provide for the continuance of certain powers in relation to requisitioned land. Preamble.

It is hereby enacted as follows:—

1. (1) This Act may be called the West Pakistan Requisitioned Land (Continuance) Act, 1958. Short title extent and commencement.

(2) It extends to the whole of ²[Province of the Khyber Pakhtunkhwa] except ³[* . . . * . . . * . . . *] ⁴[the Tribal Areas].

(3) It shall come into force at once.

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

(i) "Government" means the Government of ⁵[Khyber Pakhtunkhwa];

(ii) "Requisitioned land" means immovable property requisitioned under the rules made under the Defence of India Act, 1939, which immediately before the commencement of this Act continues to be under requisition; and

(iii) "State " means the ⁶[Central or the Provincial Government, as the case may be, for whom any land has been requisitioned or is acquired.

3. Notwithstanding the expiration of the Defence of India Act, 1939, and the rules made thereunder, the repeal of the Requisitioned Land (Continuance of Powers) Ordinance, 1946, the repeal of the Requisitioned Land (Continuance of Powers) Act, 1947, the expiration of the Continuance of requisitions.

¹ For Statement of objects and reasons see Gazette of West Pakistan, 1957, Extra-Ordinary, pp. 364 and 265.

² Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

³ Omitted by W. P. Ord. XXXI of 1962.

⁴ Subs. for the words "the Special Areas" by W. PA. Order. 1964, s. 2 (1). Sch. Pt. VIII .

⁵ Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

⁶ Subs. for the words, "Federal" ibid.

Requisitioned Land (Continuance of Powers Ordinance, 1955, and the expiry of the West Pakistan Requisitioned Land (Continuance of Powers) Act, 1957, all requisitioned land shall continue to be subject to requisition and the Provincial Government may use or deal with any requisitioned land in such manner as may appear to it to be expedient:

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

4. (1) Where any requisitioned land is to be released from requisition, the 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. Release from requisition.

(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 State 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) When 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 Government shall cause a notice declaring that the land is released from requisition to be affixed on some conspicuous part of land and publish the notice in the official Gazette ¹[and in two daily newspapers.]

(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 State shall not be liable for any compensation or other claim in respect of the land for any period after the said date.

5. (1) Subject to the provision of subsection (3), the Government may, ²[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 this effect. Power to acquire requisitioned land.

(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 free from all encumbrances in the ³[. . .] Government, as the case may be, and the period of requisition of such land shall end.

¹ In sub-section(3) at the end the words" and in two daily newspapers", ins. by Khyber Pakhtunkhwa Ord. III of 1985 .

² The words, "and when so required by the Federal Government under Article 128 of the Constitution shall" ' omitted by West Pakistan Adaptation Order, 1964, s 2(i) Sch. Part VIII.

³ The words "Federal or the Provincial" omitted by the order ibid.

(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 the State and it is considered necessary by the State that the value of, or the right to use, such works should be reserved or secured for the purposes of the State; or
- (b) where the cost of restoring the land to its condition at the time of its requisition would, in the determination of the State, be excessive having regard to the value of the land at that time and the owner declines to accept the release from requisition of the land without payment of compensation.

Explanation.--"Work" includes buildings, structures and improvements of every description.

(4) Any decision or determination of the State under subsection (3) shall be final and shall not be called in question in any Court.

6. (1) In respect of the continued subjection of requisitioned land to requisition under this Act, compensation shall be determined and paid in accordance with the provisions of section 19 of the Defence of India Act, 1939, and of the rules made thereunder:

Payment of compensation.

Provided that for the words "Central Government" wherever occurring in the said section and the rules the words "Provincial Government" shall be deemed to have been substituted for the purpose of this section:

Provided further that all agreements and awards under the said section in respect of the payment of compensation for the period of requisition before the expiry of the said Act shall continue to be in force and shall apply to the payment of compensation for the period of requisition after such expiry.

¹[(2) In respect of any acquisition of requisitioned land under this Act, the amount of compensation payable shall be determined in accordance with the provisions of the Land Acquisition Act, 1894].

(3) For the purposes of subsection (1) all the provisions of the aforesaid section 19 and of the rules made thereunder, as amended by this section, shall be deemed to be continuing in force.

7. (1) The Government may, with a view to carrying out the purposes

Power to obtain

¹ Sub by W. P. Ord. 31 of 1962.

of sections 3 to 6, by order require any person to furnish to such authority information as may be specified in the order such information in his possession relating to any requisitioned land as may be specified.

(2) Every person required to furnish such information as is referred to in subsection (1) shall be deemed to be legally bound to do so within the meaning of sections 176 and 177 of the Pakistan Penal Code. 1860.

8. The Government may, by order notified in the official Gazette, direct that any power conferred or any duty imposed on it by this Act shall, in such circumstances and under such conditions, if any, as may be specified in the order, be exercised or discharged by such officers as may be so specified. Delegation of functions.

9. (1) 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 in pursuance of this Act or order made thereunder. Protection of action taken under the Act.

(2) No suit or other legal proceeding shall lie against the State for any damage caused or likely to be caused by anything, in good faith, done or intended to be done in pursuance of this Act or any order made thereunder.

10. (1) The West Pakistan Requisitioned Land (Continuance) Ordinance, 1958, is hereby repealed Repeal and Saving.

(2) Notwithstanding the expiry of the West Pakistan Requisitioned Land(Continuance of Powers) Act, 1957, everything done, action taken, obligation, liability or penalty incurred power conferred or exercised, orders issued under the said Act and everything deemed to have been done in exercise of the powers conferred by or under the said Act, shall be continued and be deemed to have been respectively done, taken, incurred, conferred, exercised or issued under this Act.