GOVERNMENT OF ¹[Khyber Pakhtunkhwa] REVENUE DEPARTMENT.

NOTIFICATION

13th August, 1976.

No. 15870/141/Rev. IV.—In exercise of the powers conferred by section 28 of the ²[Khyber Pakhtunkhwa] Housing Facilities for Non-Proprietors in Rural Areas Act, 1975 (³[Khyber Pakhtunkhwa] Act II of 1976), the Government of the ⁴[Khyber Pakhtunkhwa] are pleased to make the following rules:--

- 1. These rules may be called the ⁵[Khyber Pakhtunkhwa] Housing Facilities for Non-Proprietors in Rural Areas Rules, 1976.
- 2. *Definitions.* (1) In these rules unless the context otherwise requires the Act shall mean the ⁶[Khyber Pakhtunkhwa] Housing Facilities for Non-Proprietors in Rural Areas Act, 1976.
- (2) All expressions used in these rules and defined in the Act shall bear the same means as they bear in the Act.
- 3. *Eligibility.---* A non-proprietor or any other person declared as such by Government or by Member, Board of Revenue shall be eligible for grant of land for residence.
- 4. Application.--- The person eligible for grant of land for residence shall apply for allotment in Form HRA-I annexed to these rules and submit the same to the Collector alongwith in affidavit in support of the contents of the application.
- 5. *Allotment.* After such enquiry as the Collector may consider necessary as to the genuineness of the contents of the application, grant may be made by him on the basis of survey entries in Form HRA-II if applicable to the eligible person, free of cost in Form HRA-V appended to these rules.
- 6. Sanad.--- The Collector shall issue a "Sanad" in Form HRA-III appended to these rules.
 - 7. *Condition of grant.* The grantee—

¹ Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011.

² Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011.

³ Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011.

⁴ Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011.

⁵ Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011.

⁶ Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011.

- (a) shall not use the grant for any purpose other than for his own residence and construction of a house for his own residence:
- (b) shall construct a house according to the scheme notified by the Collector, if it is not already constructed;
- (c) shall construct the house if not already constructed within a period of two years from the date on which the scheme is notified;
- (d) shall not sublet or alienate by sale, gift, mortgage or otherwise the grant, or any portion of the grant during a period of 25 years from the date of grant; provided that for the purpose of obtaining a loan for building a house on the land the grantee may mortgage in favour of ---
 - (i) Government;
 - (ii) the House Building Finance Corporation or any other Government sponsored institution;
 - (iii) a Co-operative Society;
- (e) shall permit, without let or hindrance, the Collector or his representative to enter on the land at all times and to do all sets and things necessary for or incidental to---
 - (i) the purpose of enforcing compliance with any of the provisions of the grants or of ascertaining whether these have been duly performed or observed;
 - (ii) any purpose connected with the full enjoyment discovery and use of the rights re-served to Government;
- (f) shall pay to Government promptly, when due, in respect of the land or any part thereof, all land revenue assessments, occupier's rates, cesses or other charges imposed by competent authority under any law for time being in force:
- (g) shall maintain the premises in a proper state of repairs, cleanliness and sanitation.
- 8. Reservation by Government.--- Government hereby absolutely accepts and reserves to itself in respect of the said land, all existing rights to and over all minerals, coal, gold-washings, earth-oil and quarries of what over nature existing on, over or below the surface of the said land, or any part thereof, together with all easements heretofore enjoyed by Government in

respect of the said lands or any part thereof with full liberty to search for, work remove the same in as full and ample a manner as this grant had not been made.

9. Notice to grantee time for rectification.--- If the Collector is satisfied that the grantee in possession of the land is not eligible to the grant or has committed a breach of any of the conditions of the grant he may, after giving the grantee an opportunity to appear and state his objection, resume the grant;

Provided that if the breach is capable of rectification of the Collector shall not order the resumption of the grant unless he has allowed the grantee an opportunity to rectify the breach within a reasonable period not exceeding 30 days.

- 10. Resumption.--- Subject to the provision of appeal, the grantee shall within 30 days of the order of resumption leave the land and surrender it peacefully to the Collector and if so required by the Collector, the grantee shall pull down and remove any structure existing thereon and deliver the possession of the land in a level state or in its former condition. If the grantee fails to deliver possession of the land to the Collector within the prescribed period, the Collector may enter upon the resumed site or building constructed thereon and recover possession of the same by evicting the occupant and may also demolish and remove the structures, if any, erected or built by the person. The Collector may in doing so evict the grantee with the use of such force, including Police force, as may be necessary.
- 11. *Appeal.*--- Any person aggrieved by an order made by the Collector under rules 9 and 10 may, within 30 days of the order, prefer an appeal to the Deputy Commissioner and the decision of the Deputy Commissioner thereon shall be final:

Provided that where the order is made by the Collector of a District the appeal shall lie to the Commissioner whose decision thereon shall be final.

12. *Im Plementation and Supervision.---* The scheme envisaged in the Act, shall be implemented under the overall supervision and control of Member, Board of Revenue.

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⁷ Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011.

تریب کیم محربیزیر و فدیم و ۱) قانون طودت مودیسری سیدلت مرکانات برار در دیب آن هسکا قرمات معدد در <u>۱۹۵۹</u> و ا عزالت ورخوارت دست و صب فیلیل -۱۱ عزالت مام درخوارت دست وجد ولدین اور قومیت ومطور والعريف فالالالمعين وعسيده مع و _ تعقیل احا طرحات ولشجول مرکانا شد ، بجوسائل ما إس ك كنب كيكني ولكرفرو كمانام الاس إلى ال قبعندين ونام الان غراحاط متيم إحاطر وف سيدويكن ورواريد والعقيم العالم وكم كون سيد) ۵۰۰ کی تغییل دنام فرد کنیدمر توهیت در شد ند براحاله متم احاله رفتب وعنید می ا کی تغییل دنام فرد کنیدمر توهیت در شد کنام با دس فنیس می ده کنیدی /کراف و علیت / ۲۵۰ کفیل الاش کو در و است دم ست می کنام با دس فنیس می ده کنیدی /کراف و علیت / ور المعالف كيم لا رسامًا وكارى / زير بيت بالطور مزارعة تابعرني وغسيده معد كوالفة فمراره بمراج متب ر- روتب والعضاع عال مت رجومني عشوالا ين وميه في الم من ريد مِنْ من الله كي عدلاده ملك عبرين وموروالدنام موضع تحفيل ادنسكع) ، در کوالف احاطم س کے ملے درخواست بالگذاری مے -ومنراطاط فيسم اعاطر عدود اربعه روني وفليسره والغيت انتخاب أول دعوي انتاب دولم ديعي انتخاب سوتم

سے کوئی انکسا احساطہ یاکوئی و نگر سرائٹط/ قوالدکا باست در جعتیا ۔	مایا حاف ہے۔ مالا سیصنعلق عسد کرنے	فردائس عطافر ت تحت بجم تحوله	سأ لم جوالنب إن عجب إن مناسب فوانست وتب قد و تقييسم احساطه با
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HRA-III خرسطروساحاطهات

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فت میکم مجربه زمیرد فدم دا، قانون موبرسره کرسرولت میکانامت برار میخورسده ایکان در دیرسیا تی عسلا قدجات معدده می ایماری	1
برگاه کرمشی ساکن نظیل نے فیلے نے درخواست برائے نعب ماطار تھے کیم محولہ بالا لذاری متی -	
لبنا اسے ایک اصاطربرے دواد لیہ ویلی دیمیشہ اُسط مرد برآغشہ کمی جاتا ہے۔ ان منبراصاط مطابق طباکہ اصاطرحات من حدد و اربعہ سنترق عرب میشمال ، جنوب ،	ادا ورز
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