

**¹[Khyber Pakhtunkhwa] LAND
REFORMS (PROCEDURE FOR EJECTMENT SUITS)
RULES, 1975**

(Gazette of²[Khyber Pakhtunkhwa] Extraordinary, 25th October, 1975)

No. 1953/LC.— In exercise of the powers conferred by paragraph 6 of the Land Reforms Regulation, 1972, the Land Commission of the ³[Khyber Pakhtunkhwa] is pleased to make the following rules for carrying out the purposes of sub-paragraph (1) of paragraph 25 of the Regulation:—

1. Short title and commencement.— (1) These rules may be called the ⁴[Khyber Pakhtunkhwa] Land Reforms (Procedure for Ejectment Suits) Rules, 1975.

(2) They shall come into force at once.

2. Cognizance of ejectment suits. — No Revenue Court other than the Court of the Assistant Collector First Grade, hereinafter referred to as the Court, shall take cognizance of any suit of ejectment filed by a landlord against a tenant.

3. Application for ejectment of tenant, — (1) A landlord may make an application with as many copies thereof as is the number of tenants to be ejected, before the 15th day of November in a year for the ejectment of his tenant or tenants on any one or more of the grounds specified in sub-paragraph (1) of paragraph 25 of the Land Reforms Regulation, 1972.

(2) The application under sub-rule (1) shall be accompanied by:--

- (a) an attested copy of latest entry in the Register Haqdaran Zamin relating to land which is subject-matter of the application; and
- (b) an attested copy of entry in the Register Girdawari relating to the latest two harvests.

(3) Every application shall be presented to the Court on any working day during office hours, by the applicant personally or through an authorised agent.

(4) The statements and pleadings made by or on behalf of the landlord shall be as brief as the nature of the case admits and shall not be argumentative but shall be confined, as such as possible to a simple and concise narrative of the facts.

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

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

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

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

4. Rule of procedure. — (1) On receipt of the application of a landlord the Court shall, if the application is in order and not open to objection, cause a notice, with a copy of the application, to be served on every tenant separately to show cause why he should not be ejected from his tenancy or such portion thereof as is mentioned in the application.

(2) The notice shall specify the name of the landlord on whose application it has been issued and described the land to which it relates.

(3) The Court, after hearing both the parties, on a date fixed for the purpose, and after making such enquiries as it may consider necessary, shall pass an order directing the tenant to be ejected or the notice to be discharged as the case maybe.

5. Contents of Order of Court. — In every proceeding in which an order is passed on merits after inquiry, the Court making the order shall also record a brief statement of the reasons on which it is based.

6. Execution of order of ejectment.— (1) In no case shall a tenant be ejected without paying such compensation to him, as he may be entitled to under any law for the time being in force, for the crop if any, or for preparing the land for sowing if it has been so prepared, and for improvement, if any, of his tenancy, as may be determined by the Court.

(2) No order for the ejectment of a tenant shall be executed before the 1st day of May or after the 15th day of June, in a year, unless the Court for reasons to be recorded otherwise directs.

(3) Before the execution of order of ejectment a tenant shall be given an opportunity of delivering the possession of the land to the landlord within a period not exceeding 30 days and if he fails to do so the Court, on an application made by the landlord, shall issue a Warrant of ejectment which shall be executed by an official not below the rank of Kanungo with or without the assistance of police as may be directed by Court according to the circumstances of the case.

7. Appeal, Review and Revision. — The provisions contained in sections 52, 53, 54, 55 and 56 Of the ⁵[Khyber Pakhtunkhwa] Tenancy Act, 1950 (⁶[Khyber Pakhtunkhwa] Act XXV of 1950) regarding appeal, review, revision and period of limitation shall apply *mutatis mutandis* to the orders passed under these rules.

8. Residuary application of C.P.C.--- Subject to these rules, the Code of Civil Procedure, 1908 (V of 1908) so far as it is applicable and is not inconsistent with these rules, shall apply to the proceeding before the Court.

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

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