

**Punjab Autonomous Bodies Immovable Property (Ejectment
Of Unauthorized Occupants) Ordinance, 1965**

37 of 1965

[27 November 1965]

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An Ordinance to provide for summary ejectment of unauthorized occupants of immovable property vesting in autonomous bodies

Preamble.- WHEREAS it is expedient to provide for summary ejectment of unauthorized occupants of immovable property vesting in autonomous bodies; AND WHEREAS the Provincial Assembly is not in session and the Governor of West Pakistan is satisfied that circumstances exist which render immediate legislation necessary; Now, THEREFORE, in exercise of the powers conferred on him by clause (1) of Article 79 of the Constitution, the Governor of West Pakistan is pleased to make and promulgate the following Ordinance:-

1. Short Title, Extent And Commencement :-

(1) This Ordinance may be called the [3][Punjab] Autonomous Bodies Immovable Property (Ejectment of Unauthorized Occupants) Ordinance, 1965.

(2) it extends to the whole of the Province of [4][the Punjab], except the Tribal Areas.

(3) It shall come into force at once.

2. Definitions :-

In this Ordinance, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say-

(a) "autonomous body" means a corporation, institution, undertaking or other body established with the aid of the revenues of the Province of [5][the Punjab] but not with the aid of the revenues of the [6][Federation] [7][* * *], or which is incorporated under any [8][Punjab law], and includes-

(i) A University or Board of Secondary Education established under any [9][Punjab Law]; [10][* * *]

(ii) the West Pakistan Industrial Development Corporation established under the Provincial Industrial Development Corporation (West Pakistan) Ordinance, 1962; [11][*]

[12][(iii) a Municipal Committee as defined in the Municipal Administration Ordinance, 1960 (Ordinance X of 1960), a local council as defined in the Basic Democracies Order, 1959 (P.O. No. 18 of 1959), a Town Improvement Trust constituted under the Town Improvement Act, 1922 (Punjab Act IV of 1922); [13][*]

[14][(iv) the Punjab Government Servants Benevolent Fund established under section 3 of the Punjab Government Servants Benevolent Fund Ordinance, 1960 (Ordinance No. XIV of 1960) including any Board of Management established under section 6 of the said Ordinance].

(b) "Government" means the [15][Provincial Government of the Punjab];

[16][(c) "Immovable Property" means an immovable property which is owned by or vests in or is in possession or under management or control of an autonomous body and includes any part of such property;]

[17][(d) "Unauthorised Occupant" means a person who is in occupation of any immovable property without the express permission or authority of the autonomous body or remains in occupation of any immovable property after the expiration or determination of lease or licence, as the case may be, without the express permission or authority of the autonomous body and includes-

(i) any person inducted into any immovable property by the lessee or licensee thereof; and

(ii) every member of the lessees or the licensees family who remains in occupation of any immovable property after the expiration or determination of the lease or licence in respect of the same.

3. Eviction Of Unauthorized Occupants :-

[(1) Notwithstanding anything contained to the contrary in any law for the time being in force, an autonomous body or any officer or authority of such autonomous body authorised by it in this behalf, may, after giving a reasonable opportunity to show cause, evict or cause to be evicted any unauthorised occupants from an immovable property through its own agency with the use of such force as may be necessary and any crop raised on such property and any building, encroachment or other construction erected thereon shall, if not removed by such person after service on him of a notice by such autonomous body, or an officer or other authority as authorised by it, requiring him to remove such crop, building, encroachment or other construction, within a period of not less than seven days of the service on him of such notice, be liable to forfeiture and removal without payment of compensation after the expiry of the period specified in the notice, and any expenses incurred by the autonomous body in the removal of such building, encroachment or other construction may be recovered from such person on the certificate of autonomous body, or the officer or other authority empowered by it in this behalf, as arrears of land revenue.]

(2) A notice under sub-section (1) may be served, as may be directed by the authority or officer issuing the same-

(a) by giving or tendering to the person upon whom it is to be served, the said notice; or

(b) by affixing it on a conspicuous place on or near the immovable property to which it relates or on any building or other structure on such property.

(3) An order of ejectment made under sub-section (1) shall not be enforced until the expiry of seven days from the date of such order.

4. Appeal :-

(1) Any person aggrieved by an order of eviction made under section 3, may, within seven days of the date of such order, prefer an appeal in writing, either in person or through his duly authorised agent-

(a) to the autonomous body concerned, where the order is made by an officer or authority empowered by the autonomous body under section 3; and

(b) to Government or an officer or authority authorised by Government in this behalf (other than the autonomous body), where the order is made by the autonomous body itself.

(2) The appellate authority specified in sub-section (1) to whom an appeal is preferred in accordance with the provisions of the said sub-section, namely:-

(a) admit the appeal; or

(b) after hearing the appellant or his duly authorised agent summarily reject the appeal, if in its opinion it has no merit.

(3) Where the appellate authority admits an appeal it may, after considering the memorandum of appeal and giving an opportunity to the appellant of being heard (if it so considers necessary) confirm, modify or vacate the order appealed from.

(4) The appellate authority may, on an appeal being preferred to it against an order made under section 3, stay the operation of the order until the decision in appeal.

(5) Subject to orders made in appeal under this section an order made under section 3 shall be final.

5. 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 autonomous body or any authority or officer authorised by it in this behalf from evicting the unauthorised occupant from the immovable property under this Ordinance.

6. Requisition Of Police Assistance :-

If an autonomous body or any authority or an officer authorised by it to take action under this Ordinance requires police assistance for evicting an unauthorised occupant, a requisition in this behalf may be sent to the officer incharge of a police station, who shall on such requisition render the assistance required.