

**THE PUNJAB ACQUISITION OF PROPERTY (WAPDA
OFFICE) (SECOND) ORDINANCE, 1963
(XXXII of 1963)**

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SCHEDULE

TEXT

**¹THE ²[PUNJAB] ACQUISITION OF PROPERTY (WAPDA OFFICE)
(SECOND) ORDINANCE, 1963**

(XXXII of 1963)

[9 November 1963]

An

Ordinance

*to provide for the acquisition of certain properties situate in the revenue estate of
Mozang, Lahore, for the purpose of constructing the office of Water and Power
Development Authority and to validate actions taken under the Martial Law Orders
Nos. 92 and 109 issued by the Martial Law Administrator, Zone 'B'.*

Preamble.— **WHEREAS** the properties described in the Schedule were evacuee properties and had been acquired by the Government of West Pakistan in exercise of the powers conferred on it by sub-section (2) of section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1958 (Act No. XXVIII of 1958),— *vide* notification No. U.8-79-59 (3113), dated 1st August, 1959, published in the Gazette of the 28th August, 1959;

AND WHEREAS the Martial Law Orders Nos. 92 and 109 were issued by the Martial Law Administrator, Zone 'B', on 19th July, 1961 and 18th January, 1962, respectively, providing for the acquisition of the said properties for the purpose of constructing the office of the West Pakistan Water and Power Development Authority;

AND WHEREAS the validity of the said Martial Law Orders and actions taken thereunder has been questioned;

AND WHEREAS it is expedient in the public interest to provide for the acquisition of the said properties, for the purpose of constructing the office of the Authority, and to validate the actions taken in pursuance of the said Martial Law Orders Nos. 92 and 109;

AND WHEREAS the Provincial Assembly of West Pakistan 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 and commencement.— (1) This Ordinance may be called the '[Punjab] Acquisition of Property (WAPDA Office) (Second) Ordinance, 1963.

¹This Ordinance was promulgated by the Governor of West Pakistan on November 8, 1963, published in the Gazette of West Pakistan (Extraordinary), dated November 9, 1963, pp. 4337-4340, and also published in the Gazette of West Pakistan (Extraordinary), dated December 28, 1963, pp. 4785-A-4785-C, and approved by the Provincial Assembly of West Pakistan, on December 28, 1963, under clause (3) of Article 79 of the Constitution of the Islamic Republic of Pakistan (1962).

²Substituted for the words "West Pakistan" by the Punjab Laws (Adaptation) Order, 1974 (1 of 1974) (w.e.f. 14.8.1973), published in the Punjab Gazette (Extraordinary), dated November 20, 1974, pp. 1425-A-1425-PP, Article 2(1) read with Schedule, Part III, Serial No. 69.

- (2) It shall come into force at once and shall—
 - (i) in respect of the property referred to in paragraph (A) of the Schedule, be deemed to have taken effect on and from the 19th July, 1961; and
 - (ii) in respect of the property referred to in paragraph (B) of the Schedule be deemed to have taken effect on and from the 18th January, 1962.

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) “Authority” means the West Pakistan Water and Power Development Authority established under the Water and Power Development Authority Act, 1958 (West Pakistan Act No. XXXI of 1958);
- (b) “Government” means the ²[Provincial Government of the Punjab];
- (c) “Martial Law Orders Nos. 92 and 109” means the Martial Law Orders Nos. 92 and 109 issued by the Martial Law Administrator, Zone ‘B’ on the 19th July, 1961 and 18th January, 1962, respectively;
- (d) “property” means a property described in the Schedule; and
- (e) “Schedule” means the Schedule to this Ordinance.

3. Acquisition of property for office of the Authority.— Notwithstanding anything to the contrary contained in the Land Acquisition Act, 1894 (Act I of 1894), the Town Improvement Act, 1922 (Punjab Act IV of 1922), as amended by the Punjab Town Improvement (West Pakistan Amendment) Ordinance, 1962 (West Pakistan Ordinance No. XVIII of 1962), the Municipal Administration Ordinance, 1960 (Ordinance X of 1960), or any other law for the time being in force, or in any decree, judgment or order of any Court or authority—

- (a) Government shall forthwith take possession of the properties, summarily ejecting, if necessary, any person in occupation of any part thereof;
- (b) the compensation for the properties shall be assessed by the Chief Settlement Commissioner, under the law relating to evaluation of evacuee property;
- (c) the compensation so assessed, shall be paid by the Authority to the Rehabilitation Department;
- (d) Government shall transfer the properties to the Authority subject to the provisions of section 41 of the Land Acquisition Act, 1894, so far as applicable, as if the Authority were a company, and shall put the Authority in possession thereof, and thereupon the properties shall be deemed to have been duly acquired by the Authority free from all encumbrances; and

¹Substituted for the words “West Pakistan” by the Punjab Laws (Adaptation) Order, 1974 (1 of 1974) (w.e.f. 14.8.1973), published in the Punjab Gazette (Extraordinary), dated November 20, 1974, pp. 1425-A-1425-PP, Article 2(1) read with Schedule, Part III, Serial No. 69.

²Substituted for the words “Government of West Pakistan” by the Order *ibid*.

- (e) the actions taken under Martial Law Orders Nos. 92 and 109 shall be deemed to have been validly taken under this Ordinance and shall be continued.

SCHEDULE

- (A) Jodha Mal Building No. SE-19-R-85 bearing Khasra No. 1049 of Khasra Amarti, 1957-58, Village Mozang, Tehsil and District Lahore, acquired under Martial Law Order No. 92, dated 19th July, 1961.
- (B) Mela Ram Building No. SE-19-R-83, bearing Khasra No. 1049 of Khasra Amarti 1957-58, measuring, 21 kanals, 5 marlas and 190 square feet, comprising buildings and open site and vacant site measuring 3 kanals and 2 marlas bearing Khasra No. 1044, acquired under Martial Law Order No. 109, dated 18th January, 1962.