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SINDH ORDINANCE NO. XIV OF 1999

THE SINDH DISPOSAL OF URBAN LAND ORDINANCE, 1999

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[24th May,1999.]

to regulate the disposal of urban land in the Province of Sindh.

Preamble.

WHEREAS it is expedient to regulate the disposal of urban land and to provide for matters ancillary thereto;

AND, WHEREAS the Provincial Assembly is not in session and the Governor of Sindh is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 128 of the Constitution of the Islamic Republic of Pakistan, the Governor of Sindh is pleased to make and promulgate the following Ordinance:--

Short title and commencement.

1. (1) This Ordinance may be called the Sindh Disposal of Urban Land Ordinance,1999.

(2) It shall come into force at once.

Definitions.

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

(a) "amenity plot" means a plot reserved for parks, gardens, play grounds, graveyards, hospitals, schools colleges, libraries, community centres, mosques or such other purpose in a scheme;

(b) "authority" means a development authority established by Government under a law for the time being in force;

(c) "autonomous body" means an autonomous body under the control of Government and established under any law and includes an authority, a council or society;

(d) "commercial plot" means a plot reserved for commercial or commercial-cum-residential area under the Sindh Local Government Ordinance, 1979;

(e) "council" means a council constituted in an urban area under the Sindh Local Government Ordinance, 1979;

(f) "flat site" means a plot reserved for constructing residential, commercial-cum-residential flats in any scheme;

(g) "Government" means the Government of Sindh;

(h) "incremental housing" means a housing scheme sponsored by Government or an autonomous body for providing plots not exceeding eighty squared yards for housing purpose;

(i) "industrial plot" means a plot reserved for an industry including cottage industry in a scheme;

(j) "land" includes plot in an urban area vesting in Government or an autonomous body;

(k) "market price" means market price at the time of disposal of land under this Ordinance;

(l) "plot" includes a residential plot, industrial plot, commercial plot or flat site in any scheme;

(m) "prescribed" means prescribed by rules or regulations made under this Ordinance;

(n) "regulations" means regulations made under this Ordinance;

(o) "residential plot" means a plot reserved for constructing residential building in any scheme;

(p) "rules" means rules made under this Ordinance;

(q) "scheme" means a housing scheme sponsored by Government or an autonomous body for providing plots to the public for housing, commercial or industrial purpose;

(r) "shiftee" means a person required to be shifted from the land unauthorizedly occupied by him;

(s) "society" shall have the same meaning as in the Sindh Building Control Ordinance, 1979;

(t) "urban area" means any area which is recognized or declared as such under this Ordinance.

Disposal of land.

3. No land shall be disposed of except in accordance with the provisions of this Ordinance.

Disposal by public auction.

4. (1) Save as otherwise provided in this Ordinance, no land shall be disposed of except by open auction at a price which shall not be less than the market price in such manner and on such terms and conditions as may be prescribed:

Provided that the residential plots not exceeding one hundred and twenty square yards including the plots reserved for incremental housing not exceeding eighty square yards shall be disposed of at such price in such manner and on such terms and conditions as may be prescribed.

(2) No land shall be exchangeable with any other land including the land occupied by a shiftee.

Disposal of land to Government, authority, etc.

5. The disposal of land to Federal Government, a Provincial government or any agency of such Government or an autonomous body shall be at the market price in such manner and on such terms and conditions as maybe prescribed.

Disposal of amenity plot.

6. (1) The amenity plot shall be disposed of to such person or body of persons or organization in such manner and on such terms and conditions as may be prescribed.

(2) No amenity plot shall be converted to or utilized for any purpose other than the purpose for which it is

Conversion of residential plot.

7. No residential plot shall be converted for any other purpose except with the prior approval of the prescribed authority and on the prescribed conditions.

Lay out of land.

8. (1) There shall be prepared a general lay out of the land to be disposed of under this Ordinance.

(2) Such lay out shall specify the purpose for which the land shall be used and the class of buildings which shall be constructed on such land.

Sanction of scheme.

9. (1) A scheme dividing the land in block and blocks in plots shall be prepared for approval of Government in the manner and the terms and conditions as may be prescribed.

(2) The scheme along with the sanction order shall be published in the official Gazette and such publication shall be conclusive evidence that the scheme is duly planned, designed and sanctioned.

Supervision of scheme.

10. The implementation of the scheme shall be supervised by the authority which has prepared or sponsored the scheme.

Existing leases.

11. Notwithstanding anything contained in this Ordinance a lease of land existing immediately before the commencement of this Ordinance shall continue on the terms and conditions mentioned therein:

Provided that such lease on the expiry of its term shall be liable to be renewed on payment of ten percent of the reserve price for disposal of land in that area prevalent at the time of renewing.

Disposal of land to be void.

12. The disposal of any land in contravention of this Ordinance shall be void and building or structure if any thereon shall be liable to be forfeited to Government without any compensation.

Payment of charges.

13. All payments under this Ordinance shall be made in the manner as may be prescribed.

Power to make rules.

14. (1) Government may be notification in the official Gazette make rules for carrying out the purposes of this Ordinance.

(2) Without prejudice to the generality of the foregoing provisions, such rules may provide for any of the following matters, namely:-

(a) the determination of market price and mode of payment;

(b) the procedure for disposal of land;

(c) the incremental housing settlements;

(d) the procedure, terms and conditions and supervision of auction;

(e) the prescription of charges in connection with incremental housing;

(f) the non-utilization fee;

(g) any other matter which is required by this ordinance to be prescribed.

Bar on jurisdiction.

15. No court shall have jurisdiction to entertain any proceedings, grant any injection or make any order in relation to any thing done in good faith or purported to have been done or intended to be done under this Ordinance.

Power to make regulation.

16. An autonomous body may make regulations not inconsistent with this Ordinance or the rules.

17. The disposal of land or plots under any law for the time being in force shall be subject to he provisions of this Ordinance and the procedure laid down in or under such law, rules or regulations thereunder shall stand modified to the extend of the provisions of this Ordinance, rules and regulations.

Repeal.

18. The Sindh Disposal of Plots Ordinance, 1980 is hereby repealed.