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SINDH ORDINANCE NO. VIII OF 2002

THE SINDH REGULATION AND CONTROL (USE OF PLOTS AND CONSTRUCTION OF BUILDINGS) ORDINANCE, 2002.

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THE SINDH REGULATION AND CONTROL (USE OF PLOTS AND CONSTRUCTION OF BUILDINGS) ORDINANCE, 2002.

[19th March, 2002]

An Ordinance to provide for the regulation and control of the use of plots and construction of buildings in the Province of Sindh.

Preamble.

AND WHEREAS it is expedient to provide for the regulation and control of the use plots and construction of buildings in the Province of Sindh and to provide for the matters ancillary thereto;

AND WHEREAS the Provincial Assembly stands dissolved in pursuance of the proclamation of the fourteenth day of October, 1999, and the Provisional Constitution Order No. 1 of 1999;

AND WHEREAS the Governor of Sindh is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the aforesaid Proclamation and the Provisional Constitution Order read with Provisional Constitution (Amendment) Order No. 9 of 1999, and in exercise of all powers enabling him in that behalf, 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 Regulation and Control (Use of Plots and Construction of Buildings) Ordinance, 2002.

(2) It shall come into force on such date as Government may, by notification, in the Official Gazette appoint.

(3) It shall remain in force for a period of one year from its commencement.

Definitions.

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

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

(b) "building" means a building or portion thereof constructed on a plot;

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

(d) "Ordinance" means the Sindh Buildings Control Ordinance, 1979;

(e) "plot" includes a residential plot, industrial plot, commercial

plot or flat site in a scheme or otherwise but excludes an amenity plot;

(f) "prescribed" means prescribed by rules;

(g) "residential plot" means a plot reserved for construction of residential building in a scheme or otherwise;

(h) "rules" means rules made under this Ordinance; and

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

3. The provisions of this Ordinance shall have effect, notwithstanding anything contained in any law for the time being in force. **Over riding effect.**

4. No plot shall be used for any purpose other than the purpose for which it was granted except with the approval of the authority which granted the plot on the conditions and on payment of the fees as may be prescribed. **Conversion of plots.**

5. Notwithstanding anything contained in any law for the time being in force or judgment, order or decree of any court, any building constructed before the commencement of this ordinance in violation of the provisions of the Ordinance or regulations made thereunder, may be regularized by the authority appointed under the Ordinance on the conditions and on payment of the fees as may be prescribed: **Regularization.**

Provided that no building shall be regularized if such building-

(a) is constructed on a plot reserved for any other purpose until its unauthorized use is approved under this Ordinance;

(b) has environmentally degrading activities such as manufacturing, storage of dangerous or inflammable materials or cater to the service of transport sector until such activities are removed;

(c) uses parking space for other purpose until such space is restored to its original purpose;

(d) has been constructed in violation of the reservation of road widening scheme or property line, is are in any hazardous use; and

(e) has been constructed within 3/4 mile (1.2 km) radius of Quaid-e-Azam's Mausoleum above a podium level of 91 feet (27.72m) from the mean sea level

6. Government may make rules for carrying out the purposes of this Ordinance. **Rules.**