

THE SINDH CITY SURVEY RULES, 1988.

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**THE SIND GOVERNMENT GAZETTE
GAZETTED ON MONDAY, JULY 24, 1989.**

FORM- "A" (See rule 6) PUBLIC NOTICE

FORM "B" (See sub-rule (1) of rule (1))

FORM "C" (See Rule 33) Form of Sanad for Building Site.

PART-I
GOVERNMENT OF SINDH
BOARD OF REVENUE
Hyderabad the 26th June, 1989.

NOTIFICATION

Karachi, dated the 29th September , 1988.

No. 4/78/Rev-1(iv)/273.- In exercise of the powers conferred by section 7 of the Sindh City Survey Act, 1987, the Government of Sind are pleased to make the following rules:-

PART-I
Preliminary

1. (1) These rules may be called the Sindh City Survey Rules, 1988. **Short title and commencement.**
 - (2) They shall come into force at-once.
2. In these rules unless there is anything repugnant in the subject or context— **Definitions.**
 - (a) "Act" means the Sindh City Survey Act, 1987;
 - (b) "Board of Revenue" means the Board of Revenue established under the Sindh Board of Revenue Act, 1957;
 - (c) "Director" means the Director Settlements, Survey and Land Records;
 - (d) "form" means a form appended to these rules or specified by the Director;
 - (e) "section" means a section of this Act;
 - (f) "traverse station" means any stone, iron peg or any other mark whether natural or artificial erected, buried setup, employed or specified by a Survey Officer or any official working under him, for the purpose of indicating angular points of the base line taken for the purpose of any survey.

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3. Subject to the general control and superintendence of the Board of Revenue Government, the Director shall exercise control over the Survey Officer and the staff working under him in relation to survey matters. **Power of the Director.**
4. The Survey Officer in conducting survey, be assisted by such staff as may be appointed by the Director in accordance with the relevant rules. **Staff for survey operation.**

**PART-II
SURVEY OPERATIONS**

5. The survey operations of a city shall consist of-- **Survey Operation.**
- (i) traversing of the land with the odolite and establishing traverse station in such a way that the stones, iron pegs or other devices used are not exposed to any damage by the inhabitants or cattle and the next station in any direction can easily be sighted from such station with the help of the odolite;
 - (ii) holding of enquiry for the purpose of determining the correct limits and frontages of building sites and their ownership, careful attention being given to the encroachments and casements;
 - (iii) mapping indicating detailed of survey work.
6. (1) Where a survey is directed by the Board of Revenue to be made under sub-section (1) of section 3, the Director, shall cause to be issued a notice in Form "A", to the inhabitants of the city informing them about the introduction of the survey. **Director to issue a notice of survey operations.**
- (2) The notice under sub-rule (1) shall, in addition to any other manner prescribed by these rules, be given by proclamation and by getting it published in recognized local newspapers.
7. (1) For the purpose of holding enquiry— **Preparation of records for enquiry.**
- (a) maps of building sites under survey shall be drawn to a scale as may be laid down, from time to time, by the Director;

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(b) the particulars of the building sites and names of the land owners and persons having interest therein shall be recorded in an enquiry register maintained in the form specified by the Director;

(c) every building site shall be separately measured and defined by boundaries and all measurements shall be recorded in a book and embodied in a plane table map, in the form specified by the Director.

(2) The maps, registers prepared and measurements made under sub-rule (1) shall be handed over to the Survey Officer for holding enquiry.

8. (1) Before an enquiry is held under rule 9, the Survey Officer shall issue a notice inform 'B' which shall be affixed not less than ten days before the enquiry at some public place in the city and at a conspicuous place on the building site with respect to which the enquiry is to be held.

Notice of enquiry to individual claimants.

(2) The notice shall also be served not less than ten days before the enquiry, on all persons who are known or believed to have or have made any claim in the building site.

9. (1) The Survey Officer shall in relation to a building site enquire and determine---

Enquiry.

- (a) the ownership, its tenure and liability;
- (b) the extent of encroachment;
- (c) the extent of easement;
- (d) whether it vests in Government or a local body;
- (e) whether it is unclaimed.

(2) The Survey Officer shall send a list of building sites and claimed by any person to the Director who shall, on receipt of such list, cause a public notice to be issued and affixed on each such site, requiring any person desiring to claim any interest in the site, to appear before the Survey Officer within the period specified in the notice, with documentary evidence of title to the site and if any interest in claimed within the specified period, the Survey Officer shall enquiry into the claim.

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(3) Where the claim under sub-rule (2) is not proved or no interest is claimed, the building site shall vest in Government.

(4) The relevant maps and the registers shall be corrected in accordance with the decision of the Survey Officer or where an appeal is filed in accordance with the final order passed in appeal.

(5) The final results of the enquiry shall be recorded for each building site separately in a card, the form whereof shall be specified by the Director and such card shall be called the property card and shall be deemed to be the record of rights for such site.

10. After recording the final results under sub-rule (5) of rule 9, a Sanad shall be issued by the Collector in Form "C". **Sanad.**

PART-III
PROCEDURE BEFORE SURVEY OFFICER

11. Appearance before a Survey Officer, and applications to, and acts, to be done before him, may be made or done---
- (a) by the parties themselves; or
 - (b) by their authorized agents or legal practitioners; provided that the employment of an authorized agent or legal practitioner shall not excuse the personal attendance of a party to any case in which personal attendance is specially required by the Survey Officer.
12. (1) Except as provided in section 132 and 133 of the Code of Civil Procedure, 1908, the Survey Officer may summon any person whose attendance he considers necessary for the purpose of any business before him. **Reasons by whom appearance and applications may be made before and to survey officer.**
- (2) The person attending in obedience to the summons shall be bound to state truth upon any matter respecting which he is examined or make the statements, and to produce such documents and other things relating to any such matter as the Survey officer may require. **Power of Survey Officer to summon persons to give evidence and produce documents.**

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13. (1) A summons issued by Survey Officer shall if practicable, be served personally on the person to whom it is addressed, or failing him, on an adult male member of his family usually residing with him, or on his authorized agent. **Mode of service of summons.**
- (2) If service cannot be effected in the manner provided in sub-rule (1) or if acceptance of service is refused, the summons may be served by affixing a copy thereof at the usual or last known place of residence of the person to whom it is addressed, or, if that person does not reside in the District in which the survey is being conducted the summons may be served by—
- (a) sending it by post to the Collector of the District in which that person has his usual residence, and the Collector shall cause it to be served in accordance with the provisions contained in sub-rule(1); and
 - (b) affixing copy of the summons on some conspicuous place in or near the mohallaha or street wherein the building site is situate.
- (3) If the summons relates to a case in which the persons having the same interest are so numerous that personal service on all of them is not reasonably practicable it may, if the Survey Officer so directs, be served by delivery of a copy thereof to such of those persons as the Survey Officer nominates in this behalf and by proclamation of the contents thereof for the information of the other persons interested.
- (4) A summons may, if the Survey Officer so directs, be served on person named therein, either in addition to, or in substitution for any other mode of service forwarding the summons by registered post to the persons concerned.
- (5) When a summons is forwarded as aforesaid, the Survey Officer may presume that the summons was served at the time when the letter would be delivered in the ordinary course by post.
14. The statements and pleading made by or on behalf of, parties to any proceedings before a Survey Officer whether oral or written, shall be filed as the nature of the case admits and shall not be argumentative but shall be confined as much as **Statements and pleading to be brief.**

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possible, to a simple and concise narrative of the facts which the party by whom or on whose behalf the statement of pleading is made, believes to be material to the case and which such party either admits or believes that it will be able to prove.

15. Every written application or statement filed by a party to a proceeding before a Survey Officer shall be drawn up and verified in the manner provided by Code of Civil Procedure, 1908 for written statement in suits. **Verification of application etc.**
16. The death of one of the parties to a proceeding before a Survey Officer or in a proceeding to which a female is a party, her marriage, shall not cause the proceedings to abate and the Survey Officer before whom the proceeding is held shall have the power to make the successor in interest of the deceased person or of married female, a party thereto. **Proceeding not to abate on death or marriage of party.**
17. In fixing dates for the hearing of parties and their witnesses, in adjourning proceedings, and in dismissing applications for default or for other sufficient reasons, a Survey Officer, shall, so far as the nature of the case may require or permit, be guided generally by the principles laid down in the Code of Civil Procedure, 1908 and procedure of commission provided in the said Code shall also apply to the proceedings. **Procedure in fixing dates etc.**
18. A record of statements of parties and witnesses shall be maintained by the Survey Officer under his own hand and his order shall state briefly the persons examined by him, the facts stated and the grounds of the order. **Record of proceedings.**
19. In every proceedings in which an order is passed on merits after enquiry, the Survey Officer making the order, shall also record a brief statement of reasons on which the order is based. **Contents order**

**PART-IV
APPEALS**

20. The Director shall be appellate authority for the purposes of section 6. **Appeal against the order of Survey Officer.**
21. (1) Every appeal shall be made in the form of petition addressed to the appellate authority and shall be drawn up in concise, intelligible and respectful language: and shall bear the signature **Form issued contents of appeal.**

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or thumb mark of the appellant or of his duly authorized agent.

- (2) The petition shall contain-
- (i) the name, father's name, occupation and place of residence or address of the appellant;
 - (ii) a brief and unexaggerated statement of the facts on which the appellant relies, in support of his appeal; and
 - (iii) the grounds of the appellant's objections to the order or decision appealed against.

22. Appeals may either be presented in person or be forwarded by registered post. **Presentation of appeals.**

PART-V MISCELLANEOUS

23. In the case of default in respect of the provisions of rule 21, the appeal shall be liable to rejection without enquiry into the merit of the case. **Rejection of appeals without enquiry into their merits.**
24. (1) A notice order or proclamation or a copy of any such documents issued by a Survey Officer for service on any person, shall be served in the manner provided in rule 13 for service of summons. **Mode of service of notice order or proclamation or copy thereof.**
- (2) No such notice, order or proclamation or copy thereof, shall be deemed void on account of any error in the name or designation of any person referred to therein, unless such error has occasioned substantial injustice.
25. When a proclamation is issued by Survey Officer it shall, in addition to any other mode of publication under these rules, be made by beat or drum or other customary method and by affixing a copy thereof on a conspicuous place in or near the building site to which it relates. **Mode of making proclamation.**
26. Every hearing and decision in an inquiry under these rules shall be in public and the parties or their authorized agents shall have due notice to attend. **Hearing and decisions in inquiries under these rule.**

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27. It shall be lawful for the Survey Officer and the officials working under him, at any reasonable time to enter upon any land or promises, whether belonging to Government or to private individuals, when necessary for the purpose of measurement, demarcation, fixation or inspection of the boundary line or for any other purpose connected with lawful exercise of their office under these rules; Provided that no premises used as human dwelling shall be entered upon except with the consent of the occupier thereof or without serving on the occupiers a notice in this regard, of not less than seven days and that due regard shall always be paid to the social and religious traditions of the occupiers. **Power of Survey Officer and officials working under him to enter upon any lands or premises for purpose of measurement. etc.**
28. Any proceedings held before a Survey Officer under these rules on a day notified as a holiday, shall not be invalid by reasons of such proceedings having been held on that day. **Proceedings held on holidays.**
29. For all building's sites which have been surveyed it shall be the duty of the Director to intimate any arithmetical or clerical error discovered after completion of the survey, to the Collector for necessary correction. **Maintenance of survey record.**
30. The survey record shall be open to inspection and copies thereof may be granted in accordance with section 91 of the Registration Act, 1908 and rules made thereunder. **Inspection and grant of copies of survey record.**

**FORM 'A'
(see rule 6)
PUBLIC NOTICE**

All inhabitants of the city of _____ are hereby informed that the Board of Revenue, Sind, has by its notification No. _____ dated _____ directed under sub-section (1) of section 3 of the Sindh City Survey Act, 1987, the survey of building Sites and, the Survey Officer is likely to start work from _____.

Director Settlements, Survey
And Land Records. Sindh.

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FORM 'B'
(See sub-rule (1) of rule (1))

To,

Whereas rights in or over the property there describe the property) is to be determined;

NOW, THEREFORE, notice is hereby given that any person claiming any right is hereby required to appear before me either in person or by a duly authorized agent, together with document or evidence such person may wish to produce on _____ at _____ O'Clock at the site/my office failing which the matter will be decided in his absence.

Signature
Designation of Officer.

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FORM 'C'
Form of Sanad For Building Site.
(See Rule 33)

The Government of Sindh.

To,

Whereas a survey has been made under the provisions of the Sindh City Survey Act, 1987 in relation to building site details of which are given below:-

AND WHEREAS Mr. /Miss/Mrs. _____ has applied for a Sanad in respect of the said building site;

NOW, THEREFORE, this Sanad is hereby granted to the said _____ confirming the _____ in the Occupation/possession of the said building site with the condition that occupation/possession of the said _____ shall be both transferable and heritable and shall be continued by the Government of Sindh, without any objection or question as to title, to whosoever shall, from time to time, be its lawful holder.

SIGNATURE OF THE COLLECTOR
Secretary to Government of Sindh

Additional Secretary (Rev.)
Board of Revenue Sindh
Hyderabad.