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PART-I

GOVERNMENT OF SINDH

LAW DEPARTMENT

NOTIFICATION

Karachi the 24 May, 1999.

No. S.LEGIS:1(14)/99 The following Ordinance made by the Governor of Sindh is hereby published for general information:-

THE SINDH DISPOSAL OF URBAN LAND ORDINANCE, 1999

SINDH ORDINANCE NO. XIV OF 1999

AND

ORDINANCE

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

Law Secretary
S.No. 4347
Dated: 24/5/99

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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 any thing 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 purpose in any scheme;
- (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 unauthorisedly 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 auc-
tion.

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 may be 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 reserved.

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.

Conversion of residential plot.

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

Lay out of land.

(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.

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.

Sanction of scheme.

(2) The scheme alongwith 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.

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

Supervision of scheme.

11. Notwithstanding any thing 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:

Existing leases.

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 by 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.

15. No court shall have jurisdiction to entertain any proceedings, grant any injunction 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.

Bar on jurisdiction.

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

Power to make regulations.

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

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 The Sindh Disposal of Plots Ordinance, 1980 is hereby repealed.

Repeal.

Karachi

Lt. Gen Moin Ud din Haider (Retd)
HI(M)
Governor of Sindh

Karachi the 20 May, 1999.

GHULAM NABI SHAH
Secretary Law Department