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SINDH ORDINANCE NO. X OF 2002

THE SINDH DISPOSAL OF URBAN LAND ORDINANCE, 2002.

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SINDH ORDINANCE NO. X OF 2002

THE SINDH DISPOSAL OF URBAN LAND ORDINANCE, 2002.

[26th March, 2002]

An Ordinance 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 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 Disposal of Urban Land Ordinance, 2002.

(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 or site reserved for parks, gardens, play grounds, graveyards, hospitals, schools, colleges, libraries, community centers, mosques or such other purpose in a scheme;

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

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

(d) "builder" shall have the same meaning as assigned to it in the Sindh Buildings Control Ordinance, 1979;

(e) "commercial plot" means a plot reserved for commercial or commercial-cum-residential purpose in a scheme;

(f) "council" means a council constituted under the Sindh Local Government Ordinance, 2001;

(g) "developer" shall have the same meaning as assigned to it in the Sindh Buildings Control Ordinance, 1979;

(h) "flat site" means a plot reserved for constructing residential or commercial-cum-residential flats in a scheme;

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

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

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

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

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

(n) "plot" includes a residential plot, industrial plot commercial plot, of flat site in a scheme;

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

(p) "regulation" means regulations made under this Ordinance;

(q) "reserve price" means the value of land determined under this Ordinance;

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

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

(t) "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;

(u) "shiftee" means a person who is in unauthorised possession of land and is required to be shifted from such land;

(v) "society" shall have the same meaning as assigned to if in the Sindh Buildings Control Ordinance, 1979; and

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

3. **Disposal of land.** (1) No land shall be disposed of except in accordance with the provisions of this Ordinance.

(2) 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.

4. **Void Disposal.**

The disposal of any land otherwise than in accordance with this Ordinance shall be void building or structure if any thereon shall be liable to be forfeited to Government without any compensation.

5. **Lay out of land.**

(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.

6. **Disposal of plot by public Auction.**

Save as otherwise provided under this Ordinance or rules-

(a) no plot or flat site shall be disposed of except by open public auction at a price not less than the market price;

(b) no land shall be exchangeable with any other land;

7. **Disposal of land to Government etc.**

The disposal of land by Government to an authority a council, a society, the Federal or a Provincial Government or its agency, or by an authority to a council, a society, the Federal or a Provincial Government or its agency shall be at the market price through an agreement.

8. **Reserve price.**

(1) For the purpose of determining the reserve price, Government shall take into consideration-

(i) the transfer of land similarly situated and in similar use during the past twelve months.

(ii) the valuation tables notified under the Stamp Act for the purpose of levy of stamp duty at the time of registration of a sale deed; and

(iii) such other modes as deemed fit to provide a fair basis for assessment of such price.

(2) The reserve price determined under sub-section (1) shall be notified in the official gazette.

9. **Market price.**

Government shall determine and notify the market price and occupancy value for different areas and for different land use in the prescribed manner after every two years.

10. **Disposal of amenity plot.**

(1) Amenity plots 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; provided that the amenity plots reserved for health and educational institutions shall be disposed of through open public auction at a price not less than the market price.

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

11. 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 plot.**

12. Notwithstanding anything to the contrary 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 terms shall be liable to be renewed on payment of the occupancy value determined under section 9.

13. (1) A scheme dividing the land in blocks and blocks into plots shall be prepared for approval by Government if such scheme is not sponsored by Government, in such manner as may be prescribed. **Scheme for providing plots for various purpose.**

(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.

(3) A scheme may be prepared for shiftees and incremental housing settlements in such manner as may be prescribed.

14. The implementation of the scheme shall be supervised by the authority which has prepared or sponsored the same. **Supervision of scheme.**

15. All payments under this Ordinance shall be made in the manner as may be prescribed. **Payment of charges.**

16. (1) Government may by notification in the official Gazette make rules for carrying out the purposes of his Ordinance. **Power to make rules.**

(2) No rule under sub-section (1) shall be made so as to provide for exercise of discretionary power to dispose urban land nor shall the rules contain any provision of relaxation thereof.

17. Subject to approval of Government, an authority, or autonomous body may make regulations not inconsistent with this Ordinance or rules. **Power to make regulation.**