

THE SINDH GOTHABAD (HOUSING Scheme) RULES, 2008..

Contents

Rules.

1. Short title and commencement.
2. Definitions.
3. Composition of Allotment Committees.
4. Housing Scheme.
5. Eligibility of allotment grant.
6. Terms and Conditions of allotment grant.
7. Documents.
8. Appeal.

**GOVERNMENT OF SINDH
LAND UTILIZATION DEPARTMENT**

[Dated the 01, December,2008]

Notification No. PD/SGA/-716.- In exercise of the powers conferred by section 12 of the Sind Gothabad (Housing Scheme) Act, 1987, the Government of Sindh are pleased to make the following rules:--

1. Short Title and Commencement.- (1) These rules shall be called Sindh Gothabad (Housing Scheme) Rules, 2008.

(2) They shall come into force at once.

2. Definitions.- (1) In these rules unless there is anything repugnant in the subject or context-

(a) "Act" means the Sind Gothabad (Housing Scheme) Act, 1987;

(b) "Board" means the Board of Revenue, Sindh;

(c) "Deh" means a deh declared through a notification as "rural area" for the purpose of the Act;

(d) "Family" means husband, wife and their minor children, below the age of eighteen years;

(e) "Grantee" means the allottee who has been given proprietary rights by a grant under section 5 of the Act;

(f) "Project Director" means the officer appointed as Project Director Sindh, Gothabad, Board of Revenue by Government; and

(g) "Mukhtiarkar Gothabad" means any Mukhtiarkar as notified by the Board under these Rules.

(2) The words and expressions used but not defined in these rules shall have the same meaning as assigned to them respectively in the Act.

3. Composition of Allotment Committees.- (1) One or more Allotment Committee(s) for dehs in a Taluka or Town, as the case may be, shall be set-up in the following manner:-

- | | | |
|-------|-----------------------------------|-----------|
| (I) | Project Director or any Officer | Chairman. |
| | Nominated by him. | |
| (II) | Deputy District Officer (Revenue) | Member |
| (III) | Mukhtiarkar (Gothabad) of the | Member |
| | concerned District. | |
| (IV) | Mukhtiarkar (Revenue) of | Member. |
| | concerned Taluka or Town, as | |
| | the case may be. | |
| (V) | Three Nek Mards of the area to | Members. |
| | be nominated by the Competent | |
| | Authority. | |

Explanation.- The Competent Authority for the purpose of these rules means the Minister (Revenue) or any officer authorized by him in this behalf.

4. Housing Scheme.- (1) The Project Director shall constitute a Survey Team for one or more dehs in Taluka or Town, as the case may be, to carry out the Survey or demarcation in the deh or dehs for the purpose of Allotment of land under the Act.

(2) The Survey Team shall carry out the survey of the house already constructed and existing in the deh. The Survey Team shall also carry out the survey and demarcation of the open state land suitable for allotment under the Act and shall record the result of the survey and demarcation of the houses and the open state land, in a Register.

(3) The open state land shall be allotted under the Act in the shape of plots and not exceeding two ghuntas with separate numbers:

Provided that the aforesaid limit shall not apply to the land or Asaish whereupon a deserving person has built a house before the coming into force of the Act with a view to make up permanent residence in the existing villages.

(4) After completion of survey and demarcation of houses and land under these rules, the District Officer (revenue) may prepare a housing Scheme for the establishment of a new village or conferment of proprietary rights to a deserving person who has already built a house in an existing village:

Provided that no such Scheme shall be prepared on any private land which has not been acquired under section 8 of this Act or Government land has already reserved for any other purpose.

(5) Layout plan or sketch of the Housing Scheme prepared under sub-rule (4) shall be prepared and approved by the District Officer (Revenue).

(6) The allotment shall only be made after verification as well as on the recommendation of the Allotment Committee.

(7) After allotment is made under the Act, the allottee shall be issued a "Sanad" in the Form attached to these rules.

(8) A deed of conveyance conferring proprietary rights shall then be executed, stamped and registered at the cost of allottee which shall be termed as land grant document. On the basis of this deed an entry shall be made in Village Form-II.

5. Eligibility of allotment grant.- One deserving Member of a Family holding identity card shall be eligible for issuance of allotment of plot.

6. Terms and Conditions of allotment grant.- (1) Allottee of an open plot shall construct the House within period of three years from the date of issuance of Sanad:

Provided that the period of three years may from time to time be extended by the District Officer (Revenue).

(2) Grantee shall permit, without any hindrance, the District Officer (Revenue) or Project Director or his representative or all of them to enter upon the plot or house at reasonable hours for the purpose of survey demarcation or measurement or for the purpose of variety compliance or non-compliance of any of terms and conditions of the allotment or grant.

(3) The plot shall be non-transferable for a period of ten years and the allotment and grant shall be deemed to be held on restricted tenure and right title and interest of Grantee shall not be transferred or changed by any sale, gift, sub-lease or otherwise except the foti khata badal in favour of legal heirs of deceased Grantee, with the prior permission of the District Officer (Revenue) of the concerned strict or on attachment by the Bank or Financial Institution for the recovery of the loan:

Provided that the Grantee may mortgage his lot or house, as the case may be, for obtaining loan from the House Building Finance Corporation or any Bank or Financial Institution.

(4) No amalgamation of plot shall be permitted without prior permission of the Competent Authority.

(5) The Grantee shall not remove Sands, Murmar, Bajri, Stones or any mineral from the area under the allotment or grant, as the case may be.

(6) The Grantee shall abide by the directions or instructions issued by Government from time to time; provided that such directions or instructions are not inconsistent with the Act and these rules.

(7) In case the plot is abandoned by the Grantee, it shall revert to Government for further disposal.

(8) Notwithstanding the allotment of land or conferment of proprietary rights in respect thereof, the District Officer (Revenue), may after giving the Grantee an opportunity of being heard, cancel the allotment or grant and resume the plot, if, he is satisfied that the Grantee-

- (a) has furnished wrong information for securing allotment or grant; or
- (b) has committed a breach of the conditions of the allotment or grant; or
- (c) has failed to fulfill or perform any condition of the allotment or grant:

Provided that before the land is resumed for any of the reasons mentioned at clauses (b) and (c) above, the Grantee shall be given reasonable time to rectify such breach.

7. Documents.- (1) The following documents shall be prepared and treated as part of the record of Sindh Gothabad and the record of rights under section 39(d) of the Sindh Land Revenue Act, 1967:-

- (a) "Survey Register" in the prescribed form attached herewith as appendix-1, which shall be prepared for each village on the site indicating the number of plots and houses, boundaries and area there-under and each entry shall be duly authenticated by the Mukhtiarkar Gothabad.
- (b) "Map" shall be prepared for the village on farrow print papers, indicating the number of houses or plots in each village duly verified by the Mukhtiarkar Gothabad, including the streets and amenities on a prescribed scale.
- (c) "Village Form-II" shall be prepared by the Tapedar by filing all relevant columns with signature on each entry which shall be verified by the Supervising Tapedar and authenticated by the Mukhtiarkar Gothabad and the Deputy District Officer (Revenue).
- (d) All Grantee shall execute a separate agreement with regards to terms and conditions of allotment or grant in the prescribed form in Appendix-II:

Provided that the Registrar i.e. Survey Register and Village Form-II shall be given proper page numbers and office stamp, followed by a certificate of the Mukhtiarkar Gothabad on the last page of each register showing the total number of houses or plots, total number of amenity plots, alongwith area under possession.

(2) For any document, prepared and issued under the Act or these rules, the documentation fee shall be charged from each Grantee, as the case at the rate of Rs. 5/-(five) per sq. yard subject to maximum of Rs.5000/- (five thousand).

8. Appeal.- (1) An appeal under sub-section (1) of section 9 of the Act shall be presented before the District Officer (Revenue) or as the case may be, before the Executive District Officer (Revenue) which shall be accompanied by certified true copy of the impugned Order and the copies of other documents intended to be filed in support of version of the appellent.

(2) The period of filing an appeal before the District Officer (Revenue) shall be 30 (thirty) days and for of filing an appeal against the order of the District Officer (Revenue) before the Executive District Officer (Revenue) shall be 60 (sixty) days.

(3) The appeal, after it has been admitted for regular hearing to notices has to be issued to the parties which shall be served in accordance with the procedure laid down in section 24 of the Sindh Land Revenue Act, 1967.

(4) Appropriate orders on Stay application shall be passed accordance with the procedure laid down in Civil Procedure Code.

(5) The Appellate Authority shall, on receipt of an appeal, and after perusal of record, give a reasonable opportunity of being heard to the appellant make such order as it deemed fit.

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