

**THE FEDERAL GOVERNMENT LANDS & BUILDINGS  
(RECOVERY OF POSSESSION) ORDINANCE, 1965**

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**An Ordinance to provide for the speedy recovery of possession of  
Federal Government lands and buildings.**

WHEREAS it is expedient to provide for the speedy recovery of possession of Federal Government lands and buildings from outgoing lessees and licensees and unauthorised occupants, and for matters ancillary thereto;

AND WHEREAS the National Assembly is not in session and the President is satisfied that circumstances exist which render immediate legislation necessary;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 29 of the Constitution and of all other powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Federal Government Lands and Building (Recovery of Possession) Ordinance 1965.

(2) It extends to the whole Pakistan.

(3) It shall come into force at once.

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

(a) "building" means a building, or part thereof which vests in, or is in the possession or under the management and control of, the Federal Government and includes the land appurtenant thereto;

(b) "land" means land which vests in, or is in the possession or under the management and control of, the Federal Government and is used or held for purpose other than agriculture;

- (c) "lease" and "lessee" have the same meaning as in the Transfer of Property Act, 1882, and for the purpose of section 3, "lessee" includes his heirs, assigns, legal representatives and all persons inducted by him into the demised land or building;
- (d) "license" and "licensee" have the same meaning as in the Easement Act 1882, and for the purpose of section 4. "licensee" includes all persons inducted by him into the building to which the license relates.
- (e) "unauthorised occupant" means a person who is in occupation of any land or building without the express permission or authority of the Federal Government, and includes—
  - (i) a person inducted into any land or building by the lessee or licensee thereof; and
  - (ii) every member of the lessee's or licensee's family who remains in occupation of any land or building after the determination of the lease or license in respect of the same.

3. If, on the expiry, whether before or after the commencement of this Ordinance of the period of any lease or license in respect of any land or building of which the Federal Government is the lessor or licensor or on the determination of such lease or license on the ground of breach of any covenant imposing an obligation on the lessee or licensee to give up possession of the demised land or building required for any public purpose, the lessee or licensee refused or failed, or refuses or fails, to vacate that land or building and put the Federal Government into possession of the same, any officer authorised by the Federal Government in this behalf may, notwithstanding anything contained in any other law for the time being in force or in any contract, at any time, enter upon the demised land or building and recover, vacant possession of that land or building by evicting the lessee or licensee and may also demolish and remove the structure, if any, erected or built thereon by the lessee or licensee.

\*Provided that such officer shall not enter upon the demised land or building unless the Federal Government has given an opportunity of being heard to the lessee or licensee.

Provided further that such officer shall before demolishing and removing any structure under this section, issue a notice to the lessee or licensee calling upon him to remove such structures within the period specified in the notice.

4. (1) Notwithstanding anything contained in any other law for the time being in force or in any contract, where the licensee of a building is a person in the service of Pakistan, the license in respect of such building shall, in addition to the grounds mentioned in section 62, of the Easements Act 1882, stand revoked on the discharge, removal, dismissal, resignation, retirement or death of such servant or on his transfer from the station in which he employed to any other station, after the expiration of the period for which he or his dependants may retain possession of the building under the rules for the time being applicable to the license.

(2) On the revocation of a license in respect of a building the licensee shall, notwithstanding anything contained elsewhere in the aforesaid Act or in any other law for the time being in force or in any contract, forthwith put the Federal Government into possession of such building or part, failing which any officer authorised by the Federal Government in this behalf may enter and recover possession of the same by evicting the licensee:

+Provided that the licensee shall be given an opportunity of being heard and a notice of not less than fourteen days for vacating such building.

<sup>α</sup>5. (1) if the Federal Government is satisfied after making such enquiry as it thinks fit that a person is an unauthorized occupant of any land, it may after giving such person an opportunity of being heard, by order in writing, direct such person to vacate the land or building within the period specified in the order.

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\* Proviso added by Ordinance X of 1984.

+ *Ibid.*

<sup>α</sup> Amended by Ordinance X of 1985.

(2) If any person refuses or fails to vacate any land or building as directed by an order under sub-section (1) any officer authorised in this behalf by the Federal Government may, notwithstanding anything contained in any other law for the time being in force, enter upon such land or building and recover possession of the same by evicting such person and may also demolish and remove the structure, if any, erected or built by that person.

6. For the purpose of recovering possession of any land or building under the provision of section 3 or section 4 or section 5, an officer authorised by the Federal Government in this behalf may use or cause to be used such force as may be necessary.

7. (1) The cost of demolition and removal of structures under section 3 or section 5, hereafter in this section referred to as the cost, shall be payable to the Federal Government by the lessee or licensee or the unauthorized occupant, as the case may be.

(2) If the cost is not paid on demand, the Federal Government may cause the materials of the structures demolished and removed under section 3 or section 5 to be sold in auction in such manner as may be prescribed by rules.

(3) If the proceeds of the sale under sub-section (2) are not sufficient to cover the cost, the balance shall be recoverable as arrears of land revenue and, if such proceeds exceed the cost, the excess shall be paid to the lessee, licensee or unauthorised occupant.

**Explanation—** In this section, lessee and licensee mean the person in whom the ownership of the structures vested at the time of their demolition and removal under section 3 or section 5.

8. If any rent payable in respect of any land or building has been in arrears on the day of recovery of possession of such land or building the amount due on account of such arrears, with interest, if any, accrued thereon shall be recoverable as arrears of land revenue.

9. The Federal Government may, by notification in the official Gazette, direct that any power exercisable by it under this Ordinance may be exercised also by any officer subordinate to it.

10. No Civil Court shall pass an order in any suit or proceeding granting temporary or interim injunction restraining the Federal Government or any officer authorised by it from taking possession of any land or building under this Ordinance.

11. (1) No suit or legal proceedings shall lie against the Federal Government in respect of anything which is, in good faith, done or intended to be done under the Ordinance.

(2) No suit, prosecution or other legal proceeding shall lie against any person in respect of anything which is, in good faith, done or intended to be done under this Ordinance.

12. If any officer authorised to take action under this Ordinance requires police assistance in the exercise of his powers thereunder, he may send requisition to the officer in charge of a police station who shall on such requisition render the assistance required.

13. The Federal Government may make rules for carrying out the purpose of this Ordinance.