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GOVERNMENT



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KHYBER PAKHTUNKHWA

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GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE AND ESTATE DEPARTMENT

NOTIFICATION

Dated Peshawar, the 29TH September, 2016.

No.Rev-VII/Amendment/L.Rules/1968/67-A&B/23855-97.--- The following draft of the amendment, which the Board of Revenue, Khyber Pakhtunkhwa, with the prior approval of Government, proposes to make in the West Pakistan Land Revenue Rules, 1968, in pursuance of the provisions of sections 121,122(2),129(1), 148 and 182 of the West Pakistan Land Revenue Act, 1967, (W.P. Act XVII of 1967), is hereby published, as required by section 183 thereof for the information of persons likely to be affected thereby and notice is hereby given that the said draft, together with any objection with respect thereto, which may be received by the Senior Member Board of Revenue, within thirty days of the publication of this notification in the official Gazette, shall be taken into consideration, after the expiry of the said period of thirty days:

1. After "PART-IX", the following shall be inserted, namely:

"PART IX-A

DEMARCATATION OF LAND AND EVICTION OF UNAUTHORIZED LANDOWNERS

67-A. Demarcation of land.---(1) An application under section 117 of the Act for defining the limits of an estate, a holding, field or any portion thereof, shall contain the following particulars:

- (a) Designation of the Revenue Officer to whom it is addressed;
- (b) name, parentage and address of the applicant and if the applicant is minor, or a person of unsound mind, the name, parentage and address of his guardian or of male member of his family;
- (c) name, parentage and address of the person or persons against whom the application is made, and if he or any one of them is a minor or of unsound mind, the name, parentage and address of his guardian or of a male member of his family;

- (d) location and full description of the land to be demarcated;
 - (e) a brief statement of fact and reasons necessitating the making of application;
 - (f) signatures or thumb-impression of the applicant; and
 - (g) any other matter which is necessary for the proper disposal of application.
- (2) An application under sub-rule (1) shall bear the court-fee stamp of rupee one and shall be accompanied by-
- (a) An attested copy of the latest entry in Register Haqdaran-Zamin or Jamabandi relating to the land mentioned in the application; and
 - (b) an attested copy of the portion of the map of the estate showing field numbers mentioned in the application.
- (3) The application shall be presented to-
- (a) Revenue Officer-in-charge of the Circle in case the land to be demarcated is situated within a Tehsil; and
 - (b) the Revenue Officer-in-charge of a Sub-Division, in case the limits of the land to be defined extend to an adjoining Sub-Division or District.
- (4) On the receipt of such application duly accompanied by the attested copies mentioned in sub-rule (2), the Revenue Officer concerned shall-
- (a) cause the application to be registered in the relevant column of the register to be maintained in his office in the Form XXXIII-A;
 - (b) fix time and date for demarcation of boundaries; and
 - (c) cause a notice in Form XXXIII-B to be issued in duplicate to-
 - (i) the parties to the application;
 - (ii) Lambardar of the village in which the land mentioned in the application is situated;
 - (iii) Field Kanungo of the Circle;
 - (iv) Revenue *Patwari* of the village if the notice is not to be served through him; and
 - (v) any other person whose presence at the time of demarcation of boundaries is considered necessary or expedient by the Revenue Officer.
- (5) The notice issued under clause (c) of the sub-rule (4) shall be served on the persons mentioned therein, in the following modes, at least one week before

the date fixed for demarcation of land:

- (a) by delivering a copy thereof to the person mentioned therein and obtaining his signature or thumb-impression on duplicate copy in token of his having received the same;
- (b) in case of refusal to receive the notice or absence of such person, by affixing a copy thereof on the outer-door of his house or place of residence, in the presence of at least one witness and also by beat of drum at the expense of the applicant; and
- (c) if any person to be served is residing at a place, other than the village in which the land is situated, notice shall be served on him, by means of registered post "Acknowledgement Due", or by any other means as the Revenue Officer deems fit. The expenses for such service shall be borne by the applicant.

(6) At the time and on the date fixed for demarcation of boundaries, the Revenue Officer shall, in the presence of the parties and other persons mentioned in clause (c) of sub-rule (4) as may be present in response to the notice served on them, cause the measurement of the land to be taken under his personal supervision, strictly in accordance with the instructions and standing orders on the subject issued by the Financial Commissioner and the Board of Revenue from time to time.

(7) Soon after taking necessary measurement, the Revenue Officer, on the basis of data so collected, shall draw up a plan of the encroached area, if any, and shall prepare a report "inter alia", containing the following details-

- (a) time, date and place of demarcation of boundaries;
- (b) full description of the land measured and demarcated;
- (c) mode and details of the measurements taken;
- (d) persons in whose presence such measurements were taken and other demarcation proceedings took place and the objection, if any, raised by any one or more of them during that time; and
- (e) limits of the existing possession including the exact dimensions of the encroached area, if any, and the names of the persons found in possession thereof.

(8) The Revenue Officer, after preparing the report, shall read out the same to the parties and record their statements as to whether they have understood the proceedings or any party thereof and have any objection against any portion of his report.

(9) After recording such statements and his opinion thereon, the Revenue Officer, on return to his Headquarter, shall place the report, together with the plan of encroached area and statement of the parties, on the file and cause the particulars of the proceedings entered in the relevant columns of Register maintained in office in Form XXXIII-A.

67-B. Eviction of unauthorized land-owners.---(1) An application under section 122 of the Act for the eviction of a land-owner found in wrongful possession of a land as a result of demarcation proceedings taken under rule 67-A, shall contain the following particulars-

- (a) name, parentage and address of the person whose land has been illegally encroached (hereinafter referred to as the applicant) and if he happens to be a minor or a person of unsound mind, the name, parentage and address of his guardian or of any male member of the family;
- (b) name, parentage and address of the person who has been found in wrongful possession of the land (hereinafter referred to as the respondent) and if he happens to be a minor or a person of unsound mind, the name, parentage and address of his guardian or of any male member of the family;
- (c) location and description of the land, the possession of which is required;
- (d) brief statement of demarcation proceedings, its result and reasons for the application; and
- (e) any other fact which may be necessary for the fair disposal of the application.

(2) The application shall bear the court-fee stamp of rupee one and shall be accompanied by-

- (a) a certified copy of the report, including copy of the plan of encroached area, prepared by the Revenue Officer in the demarcation proceedings conducted by him under rule 67-A; and
- (b) as many copies of the application as the number respondents.

(3) The application shall be addressed and submitted to the Collector-in-charge of the Sub-Division in which the land in dispute is situated:

Provided that where the demarcation proceedings are conducted by the Revenue Officer in-charge of the Sub-Division, the application shall be addressed and submitted to the Collector of the District.

(4) On the receipt of the application, the Collector shall fix a date for its hearing and cause its notice in Form XXXIII-C, together with a copy of the application, to be served on the respondent in the manner prescribed in sub-rule (5) of rule 67-A.

(5) On the date fixed for hearing, the respondent may put up his appearance either in person or through an authorized agent and may file his reply to the application. The Collector, on the same date of hearing or on any subsequent date, to which the proceedings may be adjourned, after hearing the parties and examining the record, including the file of demarcation proceedings, may

- (a) direct fresh demarcation proceedings to be taken by the same or any other Revenue Officer, if he is satisfied that the landowner whose eviction from the land has been sought, had no knowledge of the demarcation proceedings as there was some material irregularity committed by the Revenue Officer in such proceedings; or
- (b) accept the application and order eviction of the respondents or any one or more of them who have been found in wrongful possession of the land or any portion thereof:

Provided that where the proceedings substantially involve a question of title or an intricate question of law, the Collector shall not pass any order on the merits of application and shall refer the parties to the Civil Court.

(6) If the Collector orders fresh demarcation proceedings to be taken by the same or any other Revenue Officer, such Revenue Officer shall follow the procedure laid down in rule 67-A to the extent and from the stage it become applicable.

(7) On the acceptance of the application, the Collector shall afford the respondent an opportunity of delivering possession of the disputed land to the applicant within a period not exceeding one month and if he fails to do so, the Collector, on an application made by the applicant, shall issue a warrant of eviction in Form XXXIII-D which shall be executed by an official not below the rank of a *Kanungo*, with or without police assistance, according to the circumstances of each case.

(8) In the Appendix 'A', after Form XXXIII, the following new Forms shall be inserted, namely:

Secretary to Govt: of Khyber Pakhtunkhwa
Revenue & Estate Department

2034

KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 24TH JUNE, 2021

[FORM XXXIII-A]

(See RULE 67-A (4) (a))

Revenue Officer

	Serial No.	
	Date of filing the application	
	Name of Estate	Particulars of Boundaries to be demarcated
	Khewat Nos. and Killa/Khasra No.	
	Whether the boundaries to be demarcated are situated within the Tehsil or on boundary line between two Tehsils or two Districts	
	Name of applicant with description	
	Purpose of application	
	Name and description of persons against whom application has been made	
	Date of demarcation and the name of officer making the demarcation of the spot	Demarcation of Boundaries Proceedings
	Brief abstract of demarcation proceedings	
	Date and brief abstract of final order	
	Date of sending the file to Record Office and signatures of record-keeper	
	Remarks	

FORM XXXIII-B
(See RULE 67-A (4)(e))

To

(Name, parentage and address of the person to be served).

Where an application has been made by _____ for defining the limits of land measuring _____ acres _____ kanals _____ marlas, bearing Khewat / Khata No. _____ Khasra / Killa No. _____ situated in the area of village _____ Tehsil _____ District _____;

And, whereas, _____ day of _____, 19____ about _____ a.m./p.m. has been fixed for demarcation of the boundaries of the said land and your presence there shall be necessary;

Now, therefore, you are hereby directed to appear and be present at the date, time and land.

* In case you fail to appear and be present there in person or through a duly authorized agent in the manner indicated above, the demarcation proceedings shall be taken in your absence.

Date: _____

Signature and Seal of
Revenue Officer

***Strike out if the notice is addressed to the Revenue Patwari, Circle Kanungo, Lambardar or any other person who is not a party to the proceedings.**

FORM XXXIII-C
(See RULE 67-B (4))
NOTICE OF EVICTION

In the Office of Collector:-

_____ **VERSUS** _____
(Applicant) (Respondent)

To _____
(Name and full address of the land-owner/respondents)

Whereas _____ has/have made an application for your eviction from the land described in the application (copy enclosed herewith) which, as a result of demarcation proceedings conducted by Revenue Officer _____ on _____ Has been found to be wrongfully in your profession;

Now, therefore, you are hereby called to appear before me either in person or through a duly authorized agent on _____ day of _____, 19____ at _____ a.m. and to show cause, in writing as to why you should not be evicted from the said land.

Date: _____

Signature and Seal of the
Collector

**FORM XXXIII-D
WARRANT OF EVICTION
(See RULE 67-B (7))**

In the Office of Collector _____

_____ VERSUS _____
(Applicant) (Respondent)

To _____
(Name and Designation of the official who has to execute the warrant)

Whereas _____ having been found to be in wrongful possession of the Land measuring _____ Acres _____ Kanals _____ Marlas, bearing Khata/Khewat No. _____, Killa / Khasra No. _____ situated in the area of village _____ Tehsil _____ District _____ has / have failed to Vacate possession within the period specified in my order _____ dated.

Now, therefore, you in pursuance of my order, dated _____ are hereby authorized to evict the aforesaid land-owner/land-owners from the said land within/without police assistance and deliver its possession to _____ forthwith who has / have been found to be its rightful owner/owners.

This warrant shall be returned on or before _____ with a report supported by an affidavit as to whether it has been duly executed and if it is not executed, with reasons for its non-execution.

Date: _____

Signature and Seal of the
Collector