

The Punjab Package Deal Properties (Disposal) Amendment Act, 2009

February 18, 2013

Punjab Govt. GAZ. (Extra.) April 1, 2009

(CHTR 11, 1931 SAKA)

Part-1

Department of Legal and Legislative Affairs, Punjab

Notification

The 1st April, 2009

No.6-Leg./2009- The following Act of the Legislative of the State of Punjab received the assent of Governor of Punjab on the 24th March, 2009, and is hereby published for general information:-

The Punjab Package Deal Properties (Disposal) Amendment Act, 2009

(Punjab Act. No. 5 of 2009)

An

Act

Further to amend the Punjab Package Deal Properties (Disposal) Act, 1976

Be it enacted by the Legislature of the state of Punjab in the Sixtieth Year of the Republic of India, as follows:-

1. (1) This Act may be called the Punjab Package Deal Properties (Disposal) Amendment Act, 2009.

Short title and Commencement

(2) It shall come in to force at once.

2. In the Punjab Package Deal Properties (Disposal) Act, 1976 (hereinafter referred to as the Principal Act,) in Section2-

Amendment in Section 2 of Punjab Act 21 of 1976

(a) the existing clause (I-A) shall be re-numbered as clause (I-d) and before clause (I-d) as so re-numbered, the following clauses shall be inserted, namely:

(1-a) "Claims Commissioner" means an officer of the Indian Administrative Service of the Punjab Civil Service working in the Department of Revenue, who is not below the rank of an Additional Secretary and is duly appointment as such by the State Government.

(I-b) "Claims Officer" means the Tehsildar (Sales), appointment under section 3 of the Act;

(I-c) "displaced person" means any person, who on account of the setting up of the Dominions of India and Pakistan, or on account of civil disturbances or the fear of such disturbances in any area, now forming part of Pakistan, has after the first day of March, 1947, left or been displaced from his place of residence in such area, and who has been subsequently residing in India, and includes any person, who is resident of any place, now forming part of India, and who for that reason is unable or has been rendered unable to manage, supervise or control any immovable property belonging to him in Pakistan and also includes the successors-in-interest of any such persons."

(b) In clause (I-d) as re-numbered, in item (iii), for the words "but excluding", the word "including" shall be substituted; and

(c) for clause (3), the following clause shall be substituted, namely-

(3) "standard acre" means a measure of land equal to 4840 (four thousand eight hundred and forty) square yards irrespective of any kind of land."

(4)

3. In the Principal Act, after section 4, the following section shall be inserted, namely:-

Insertion of new sections 4-A, 4-B, 4-C, 4-D and 4-D and 4-D in Punjab Act 21 of

"4-A. The package deal property may also be transferred to a displaced person in accordance with the provision of sections 4-B, 4-C, 4-D and 4-E of the Act.

Power to transfer package deal property to displaced persons

Application for allotment

4-B (I) A displaced person in whose favour, an order regarding entitled to property in lieu of the property, left in Pakistan, was passed by any authority, appointed under the Displaced Persons (Compensation and Rehabilitation) Act, 1954 since repealed (hereinafter referred to as the repealed Act of 1954) up to the 5th day of September, 2005, but the property was not allotted or the possession of the allotted property was not given to him, or in whose case, proceedings were pending before any authority for allotment or possession up to the said day, may apply, within a period of ninety days from the date of commencement of the Punjab Package Deal Properties (Disposal) Amendment Act, 2009, to the following authorities, namely:-

(a) the Financial Commissioner, Revenue if the order was passed by the State Government under the repealed Act of 1954; and

(b) the Claims Commissioner, if the order was passed by an authority, other than the State Government.

(2) The person, who could not exercise right of appeal or review on account of the repeal of the repealed Act, 1954, shall also be eligible to submit their applications to the claims Commissioner for settlement.

(3) The person, whose claims for allotment were rejected by any officer, appointment under the repealed Act, 1954, and who had not filed any appeal, review or revision within the stipulated period up to the 5th day of September, 2005, shall not be eligible for allotment of property.

4-C. The application referred to in Section 4-B, shall inter alia contain the following particulars namely:-

Particulars of application

- (a) the name and address of the applicant;
- (b) the details of the property held in Pakistan and the name of its owner.
- (c) the number and date of order referred to in section 4-B; and
- (d) the description of the property, allotted, if any, and the name of the allottee.

4-D (I) On receipt of the application, the Financial Commissioner, Revenue or the Claims Commissioner, as the case may be, shall make an enquiry in such manner, as may be necessary to determine the quantum of property to which the applicant is entitled and pass an order of allotment of property available at the nearest place of permanent residence of the applicant, and send a copy of the order to the concerned Claims Officer under intimation to the applicant:

Disposal of the application

Provided that no order under this section shall be made without giving an opportunity of being heard to the applicant and the authorized representative of the State Government.

(2) After the order of allotment is passed under sub-section (1) the Claims Officer shall allot a specific property to the applicant and given him its possession.

(3) Where an order of allotment referred to in sub-section (1) of section 43-B was passed, but the possession was not given to the displaced person, the Claims Commissioner shall direct the concerned Claims Officer to give possession of the allotted property to the displaced person.

Appeal

4-E. Any person, aggrieved with the order of the Claims Commissioners, passed under section 4-D, may refer an appeal to the Financial Commissioner, Revenue within a period of sixty days from the date of the order.”

Rekha Mittal

Secretary to Government of Punjab,

Department of Legal and Legislative Affairs.
