

محکمہ مال خیبر پختونخواہ

اسمبلی سوال نمبر-333

منجانب: داؤد شاہ، رکن صوبائی اسمبلی

| نمبر شمار | سوال   | جواب  |
|-----------|--|---|
| الف-      | کیا وزیر مال ارشاد فرمائیں گے کہ آیا یہ درست ہے کہ ضلع کوہاٹ بہت جرم میں سرکاری زمین کو لوکل افراد میں تقسیم کی گئی تھی؟   | جی ہاں۔ یہ درست ہے کہ 21.03.2011 میں صوبائی کابینہ کا اجلاس منعقد ہوا۔ جس میں جرما کی سرکاری زمین کو موجودہ کرایہ داروں میں تقسیم کرنے کی پالیسی بنانے کے لیے کہا گیا (جھنڈی۔ الف)۔ تاہم پالیسی سامنے نہ آنے کی وجہ سے سرکاری زمین کی لوکل لوگوں میں تقسیم نہیں ہو سکی۔   |
| ب-        | آیا یہ بھی درست ہے کہ سال 2017-18 کابینہ میں فیصلہ کیا گیا تھا کہ مذکورہ سرکاری زمین کے متعلق قانون سازی کی جائے گی تاکہ لوگوں کو زمین کے مالکانہ حقوق دیئے جاسکیں؟  | جی ہاں۔ یہ بھی درست ہے کہ سال 2017-18 میں کابینہ نے قانون سازی کے لیے کہا تھا (جھنڈی۔ ب) لیکن ابھی تک اس سلسلہ میں کوئی پالیسی یا قانون سازی نہیں ہوئی۔   |
| ج-        | آیا یہ بھی درست ہے کہ جناب پرویز خٹک صاحب کے دور میں کوہاٹ کے مختلف علاقوں میں سرکاری زمین لوکل افراد کو جرما کے طرز پر تقسیم کرنے کے اعلانات کیے گئے جیسے کہ (شاہ پور، چکر کوٹ، جھسی، توغ، گنڈیالی وغیرہ) | جی ہاں۔ اس سلسلے میں محکمہ مال میں ایک خطاریہ کارڈ پر موجود ہیں۔ جو کہ ڈی سی کوہاٹ سے کمشنر کوہاٹ کو ایڈریس ہے جس میں متذکرہ کا ذکر موجود ہیں (جھنڈی۔ ج)۔   |
|           | اگر (ا) تا (ج) کے جوابات اثبات میں ہوں تو آیا حکومت ضلع کوہاٹ جرما اور دیگر علاقوں میں حکومتی اعلانات کے ضمن میں قانون سازی کرنے کو تیار ہے تفصیل فراہم کی جائے۔   | اس سلسلہ میں وزیر اعلیٰ سکریٹریٹ میں ایک اہم اجلاس مورخہ 14.03.2019 کو منعقد ہوا جس میں اس وقت کے ممبر صوبائی اسمبلی جناب امتیاز شاہد قریشی اور دوسرے متعلقہ اہلکاران کی موجودگی میں یہ فیصلہ کیا گیا کہ جرما کی سرکاری زمین کے لئے ایک علیحدہ اجلاس وزیر اعلیٰ کی سربراہی میں منعقد کی جائے گی جس میں جناب امتیاز شاہد قریشی، SMBR، سیکریٹری لوکل گورنمنٹ، کمشنر کوہاٹ اور ڈپٹی کمشنر کوہاٹ پر مشتمل ہوگی۔ اس مینٹنگ کے بعد پھر اس سلسلے میں کوئی پیش رفت نہ ہو سکی۔ (جھنڈی۔ د) تاہم اس سلسلے میں قانون کے دائرے میں جو بھی ممکن ہو کیا جائے گا۔ |



CABINET BUSINESS  
 GOVERNMENT OF KHYBER PAKHTUNKHWA  
 ESTABLISHMENT & ADMIN. DEPARTMENT  
 (CABINET WING)  
 No. SOC(E&AD) 27-235 /2011  
 Dated Peshawar the 28<sup>th</sup> March, 2011.

REGISTRATION  
 No. 2054  
 Date 29-3-11  
 Gen. M. H. Khan

The Senior Member,  
 Board of Revenue Khyber Pakhtunkhwa.

**SUBJECT: DECISION OF 32<sup>ND</sup> MEETING OF THE PROVINCIAL CABINET HELD ON 21<sup>ST</sup> MARCH, 2011.**

**ITEM NO.6.**  
**Report of Cabinet Committee on disposal of Janna State Land in District Kohat.**

Dear Sir,

I am directed to enclose decisions of the 32<sup>nd</sup> meeting of Provincial Cabinet held on 21<sup>st</sup> March, 2011 under the chairmanship of Chief Minister, Khyber Pakhtunkhwa for implementation.

2. I am to request that an implementation report of the above Cabinet decision as required under Rule 25 (2) of the NWFP Government Rules of Business, 1985 may kindly be furnished on top priority basis to the Cabinet Section, Administration Department.

Yours faithfully,

*[Signature]*

( KIBAZ KHAN )

SECTION OFFICER (CABINET)

*Pl forward to Commissioner of the district  
 of Kohat for taking further action in  
 report. Effort be made to complete sale  
 within 4 months.*

*SLR.*

*29-3-2011*

Report of Cabinet Committee on disposal of Jarma State Land in District

Cabinet approved the following modality for disposal of Jarma State Land:-

a) Transaction:

- i) The State Land shall be sold to the sitting tenants so as to settle the issue conclusively;
- ii) The tenants shall be given only one option of full, final and upfront payment of the price to acquire proprietary rights; and
- iii) There shall be no further lease of the State Land in the area.

b) Pricing:

- i) Current One Year Average shall form the basis of sale price for the land;
- ii) Current One Year Average shall be jointly worked out by the Board of Revenue, the local administration and public representatives; and
- iii) The sale price so determined shall also be applicable to land under buildings.

c) Recovery of Arrears of Lease:

An amount of Rs.1000/- per kanal shall be added to the price of salable land as one time lump sum charge to liquidate arrears of lease since 1973.

d) Restriction on Holding:

- i) No individual shall be sold more than 100 kanals land (subsistence holding); and
- ii) In case of individuals having possession of more than 100 kanals land, the excess shall be offered to their children fulfilling eligibility criterion and after verification/ authentication from NADRA record.

e) Exceptions and Exemptions:

- i) Land falling in Chair Mumkin category (Pahar (Mountains), Algal (Ravines), Qabristan (Graveyard) and Rasta (Thoroughfare)) shall not be sold;
- ii) Five mosques and one Madrassa in the area shall be transferred to Auqaf Department for management and maintenance; and
- iii) One private Hujra will be disposed of as per modality for residential houses.

f) Correction of Anomaly:

- iii) The Board of Revenue shall process the transfer and mutation of land to the provincial government which was erroneously transacted to Land Commission as Restored Land; and
- iv) The land so mutated in the name of provincial government shall be disposed off as per criteria laid down in clauses a-l.

g) Timelines:

Timelines for the transaction shall be determined by the Board of Revenue.

IMMEDIATE/SECRET



CABINET BUSINESS  
GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT AND ADMN: DEPARTMENT  
(CABINET WING)  
No.SOC(E&AD)27-312/2018  
Dated Peshawar the 05<sup>th</sup> June, 2018.

PS/SMBR  
No. 312-8  
Date 7/6/18  
Govt of Khyber Pakhtunkhwa

To,  
✓ The Senior Member Board of Revenue (SMBR)  
Revenue & Estate Department.

SUBJECT: DECISION OF MEETING OF THE PROVINCIAL CABINET DATED 24.05.2018.

Dear Sir, I am directed to forward herewith <sup>3-177</sup> the following decision of the meeting of Provincial Cabinet held on 24.05.2018 under the chairmanship of Chief Minister, Khyber Pakhtunkhwa for implementation.

ADDITIONAL ITEM NO. 09  
EXTENSION OF TRANSFER OF JERMA LAND IN DISTRICT KOHAT.

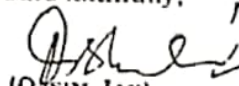
Decision of the Cabinet:

Senior Member Board of Revenue briefed the Cabinet about the salient features of the item. After detailed discussion, the Cabinet approved the extension for one year during which the Department should table the necessary legislation / amendment in this connection in the next Provincial Assembly.

Implementing Department: Board of Revenue

2. I am to request that an implementation report of the Cabinet decision as required under Rule 25 (2) of the Khyber Pakhtunkhwa Government Rules of Business, 1985 may kindly be furnished on top priority basis to the Cabinet Section, Administration Department.

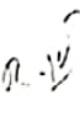
Yours faithfully,

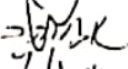
  
(QASIM JAN)  
SECTION OFFICER (CABINET)

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OFFICE OF THE  
DEPUTY COMMISSIONER  
POLITICAL AGENT, FR KOHAT

No. 476 / DOKT  
Dated 23/04/2018

To

The Commissioner,  
Kohat Division, Kohat

SUBJECT: BRIEF ON ALLOTMENT OF STATE LAND IN DISTRICT KOHAT.

A brief on present status and issues in respect of State Land of district Kohat is attached herewith for favour of perusal and onward submission to Board of Revenue for guidance/policy decisions please.

*ACR*  
*JV*

*24/5/2018*

*RA*  
*24/5/18*

*[Signature]*  
Deputy Commissioner  
KOHAT

Subject:- BRIEF ON ALLOTMENT OF STATE LAND IN DISTRICT KOHAT.

On 24.3.2018, the honourable Chief Minister Khyber Pakhtunkhwa visited District Kohat and issued directives regarding allotment of state land in moza Jerma, Chambai, Behzadi Chakar Kot ( Khwaja Khyzaar), Shahpur, Gandynali, and Togh:

JERMA STATE LAND

Background

- 1) The land measuring 36157 Kanals 04 Marlas was allotted to the Bannori Family of district Kohat on lease basis.
- 2) The said lease expired in the year 1973. No further extension was granted by the Competent Authority. Later on most of the Bannori families started migration from Kohat and started selling the said Jerma state land to private individuals on stamp papers.
- 3) In 2011, the then government developed an idea for allotment of Jerma state land to the sitting tenants. In this regard a committee was constituted, comprising the following to determine the rates, kind of land as well as transfer of land to the genuine Tenants/Mustajiran as per revenue record :-
  - a. MPA of PK-38. ( Minister for Revenue )
  - b. MPA of PK 37. ( Minister for Housing )
  - c. MPA of PK-39.
  - d. Additional Commissioner, Kohat Division Kohat.
  - e. District Coordination officer, Kohat.
  - f. District officer Revenue & Estate Kohat.
- 4) Besides as per directions of the then Commissioner, Kohat Division, Kohat the rates average Yuksala of the adjacent Mauzas was determined and sent to the Board of Revenue Khyber Pakhtunkhwa as during the year 2011 no mutation transaction was entered/made in Mauza Jerma Kohat. In response, as per decision of the Cabinet the following rates were fixed:
  - a) Rs.58530/- (Abi Yak Fasli Nehri) in addition Rs.1000/- as lease amount per kanal.

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- b) Rs.27621/- (Nul Chahi) in addition Rs.1000/- as lease amount per kanal.
  - c) Rs.32000/- (Harani) in addition Rs.1000/- as lease amount per kanal.
- 5) In view of the above, the process of transferring of state land in moza Jerma was started and state land was allotted to various individuals/tenants and after the lapsed of allotment period further extension of one year upto 31.12.2014 was made.

Present Status

- 1) It is mentioned that the honourable Chief Minister Khyber Pakhtunkhwa during his visit to Kohat on 10.2.2018 made announcement of allotment/transfer of Jerma state land to the sitting tenants/Mustajiran. But so far neither the cabinet decisions nor any policy/mechanism is intimated/received to proceed further. This office time and again approached the Board of Revenue, Khyber Pakhtunkhwa to provide policy/mechanism to process allotment proceedings but no response in this respect is received so far (Annexed A)
- 2) As the Ehtesab Commission Khyber Pakhtunkhwa had taken the entire record of Jerma state land, however, now the same has been returned. But most of the entries in the Khasra Girdawri and Mutations Register (received from Ehtesab Commission) were found changed / ambiguous due to over writings, as such the revenue staff are facing hardship in finding the actual Tenants/Mustajiran. Furthermore, no entry was also found in the Roznamcha Waqiyati and the Register-e-Taghyurat, even the Roznamcha Waqiyati was found blank for the period 2009 - 2010.
- 3) As per directions of the undersigned, the revenue staff assessed/determined 130 cases of the individuals in moza Jerma which are 100% clear and their possession is continuously intact since 1981, which will be considered for allotment in the 1<sup>st</sup> phase when clear policy on subject is received.
- 4) It is also to be mentioned that as per request of this office for provision of the services of the revenue staff from other districts for facilitation of the revenue staff of Kohat to determine/assess the original Tenants/Mustajiran, so far only one Girdawar and 02 Patwaris (from district Tank) reported for the purpose though they have also left for their home district due to unknown reasons.

GHAMBAL STATE LAND

Total 20968 Kanals state land exists in Moza Chambai out of which 13458 Kanals is cultivated land and 7080 Kanals is uncultivated land. An area measuring 14956 Kanals is in possession of Dakhilkarani while 5160 Kanals in possession of Ghair Dakhilkarani. It is also to be pointed that an area of 832 Kanals is in possession of various Govt. departments.

The locals tenants had filed a civil suit for allotment and the learned court granted ownership decree to tenants in 2015. Now the said order has been challenged by the Collector Kohat in the court of Distt. & Sessions Judge Kohat which is still under trial.

BEHZADI CHIKARKOT/KHWAJA KHIZAR STATE LAND

Total 560 Kanals state land is available in the moza Behzadi Chikarkot/Khwaja Khizar, out of which 299 Kanal and 10 Marlas is with Govt. departments. Total Ghairmumkin land is 8 Kanal 10 Marlas and Mazroa Apash land is 260 Kanal. Revenue record has been checked and found that 6 Kanal and 7 Marlas land is clear since 1973 and is under occupation of 94 sitting Tenants. Moreover, on the remaining land permanent structures exist and transaction of the said land has been made on Stamp Paper time and again. Proper guidelines/policy in this regard is required to be solicited from Board of Revenue.

SHAHIPUR STATE LAND STATE LAND

Total 50600 Kanals state land is available in the moza, out of which 473 Kanal and 19 Marlas are under the occupation of Govt. departments. Total Ghairmumkin land is 7088 Kanals and 10 Marlas. Mazroa Apash land is 23037 Kanal and 11 Marlas. Revenue record has been checked and found that 112 Kanal and 3 Marlas land is clear since 1973 which is under the occupation of 11 sitting Tenants/Dakhilkarani. Moreover, most of the Kashi Karan (cultivators) have been given Haqooq-e-Dakhilkarani in Khana Kasht (column of Cultivators) under Section-5 & 8 and are genuine. Guidelines / policy in this regard is required to be solicited.

GANDYALI STATE LAND

Total 19192 Kanals state land is available in the moza, out of which 1084 Kanal are under the occupation of Govt. departments. Total Ghairmumkin land is 9524 Kanals. Mazroa Apash land is 8584 Kanal. Revenue record has been checked and found that 165 Kanal and 9 Marlas



land is clear since 1973 which is under the occupation of 31 sitting Tenants/Dakhtkaran. Moreover, most of the Kashtkaran (cultivators) have been given Haqqoq-e-Dakhtkari in Khana Kasht (column of Cultivation) under Section-5 & 8 and are genuine. Guidelines / policy in this regard is required to be solicited.

TOGH

Total 6352 Kanals and 5 Marlas state land is available in the moza Togh, out of which 1141 Kanal and 08 Marlas are with Govt. departments. Total Ghairmumkin Land is 1133 Kanals and 07 Marlas. Mazroa Apash land is 4072 Kanal and 10 Marlas. Moreover, approx: 600 Kanals state land has proposed for Housing Scheme of PKHA. In this connection guidelines are awaited.

Issues needing guidelines:

In view of the above description, the following issues/problems are submitted for guidelines by Board of Revenue:

- i. As per previous cabinet decision (Annexed B), a committee regarding the subject matter is required to be constituted.
- ii. Approval of the Cabinet will also have to be obtained for the purpose.
- iii. Whether allotment will be made under the previous policy of 2011 or a new policy will be formulated by Board of Revenue.
- iv. On the directions of Board of Revenue, the revenue field staff from other districts did not report timely to facilitate the incumbent Patwari/Girdawar circles Jerna. It may be ensured that they report to help with this mammoth task.
- v. Previously in 2011, the allotment to the lease holders/permanent possessors was made on fixed rates as per policy. Whether the present allotment will be made/considered on the previous rates or new rates will be fixed by the Board of Revenue.
- vi. Most of the tenants of Jerna state land do not have any documentary proof of being legal tenants or lease holders rather they rely on the entries of the revenue record. Clear Guidelines in this regard are solicited from the Board of Revenue.

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- vi. Most of the mutations were attested against the previous Cabinet decision/policy in respect of Jerma State land. So the new allotment will be difficult as now the provincial govt. and the private individuals have been entered as co-owners.
- vii. Previous Khasra Girdawari Rabi 2011 (registered Girdawari received from Khirab Commission) is doubtful / ambiguous. There is numerous differences in the register Haqdarun-e-Zameen, Khasra Girdawari and the spot possession of the Sitting Tennants in moza Jerma, therefore, the allotment process cannot be made until its correction. In this connection proper guidelines may be intimated.
- ix. It is also to be cleared that mutation/transfer of the state land Jerma may be made to the Mustajereen or Sitting permanent possessors as both are continuously registered in the same column of Cultivation.

Para wise guidelines on the above issues is in order so that the process commences smoothly and culminates without a hiccup please.

  
Deputy Commissioner  
Kohat



**CHIEF MINISTER'S SECRETARIAT  
KHYBER PAKHTUNKHWA**

NO.SOV/CMS/KPK/Rev/R.N/2019  
Dated Peshawar the 19.03.2019

Immediate / Out Today

To

The Senior Member Board of Revenue,  
Revenue & Estate Department  
Khyber Pakhtunkhwa.

1538  
(19/3/19)

Subject:-

RECORD NOTE OF THE MEETING REGARDING ISSUES RELATING  
TO DISTRICT KOHAT HELD ON 14-03-2019 AT 11:30 AM UNDER THE  
CHAIRMANSHIP OF HON'ABLE CHIEF MINISTER, KHYBER  
PAKHTUNKHWA AT CHIEF MINISTER'S SECRETARIAT.

Dear Sir,

I am directed to refer to the subject noted above and to enclose herewith a copy of Record No. of the meeting held under the Chairmanship of Hon'able Chief Minister, Khyber Pakhtunkhwa on 14-03-2019 at 11:30 AM in Chief Minister's Secretariat duly approved by the Competent Authority for further necessary action on the items pertains to your Department, under intimation to this Secretariat at the earliest please.

Encl: As above

Yours faithfully,

*ESU*  
(Usman Ali Shah)  
SECTION OFFICER-V

*sy-III*

Endst No and Date Even:

Copy forwarded for information to the:-

PS to Principal Secretary to Chief Minister, Khyber Pakhtunkhwa, Peshawar.

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*ESU*  
SECTION OFFICER-V

*09-2019 through the  
members of SOMBR*

*Asstt. Secy IV do as*  
*[Signature]*

*[Signature]*  
*20/3/19*

|    |   |  |  |   |  |
|----|---|--|--|---|--|
|    | <p>Department explained to the chair that IT Park was established in Kohat on land owned by Local Government Department. He further explained that if Board intends to start the said IT Park for which the permission of Local Government Department will be required.</p>   | <p>summary for the approval of Local Government Department.</p>  | <p>and IT Board</p>  | <p>time</p>   |  |
| 7. | <p>The issues in functionalization of industrial zone Kohat were discussed in detail.</p>   | <p>It was decided that Secretary Industries will submit a complete report on the issues and progress made so far to the Advisor to HCM on E&amp;SE Department.</p>   | <p>Industries Department</p>   | <p>One week time</p>                                      |  |
| 9. | <p>Advisor to HCM on E&amp;SE Department highlighted the long standing issue of boundary line between District Kohat and District Orakzai and requested the chair that the issue may be resolved at the earliest.</p> <p>Local MPA, Mr. Imtiaz Shahid Qureshi requested the chair that the issue of allotment of state land situated in Jorma and Chambai etc occupied by local people since long may be settled through legislation as per previous cabinet decision. SMBR opined that the allotment through legislation</p> | <p>It was decided that Commissioner Kohat Division will convene meeting of the Jajra already constituted for this purpose and will submit options and recommendations.</p> <p>It was decided that this issue will be discussed in a separate meeting to be chaired by HCM including Advisor to HCM on E&amp;SE Department and Imtiaz Shahid Qureshi Local MPA, SMBR, Secretary Local Government, Commissioner Kohat Division and DC Kohat.</p> | <p>Commissioner Kohat</p> <p>SMBR, Secretary LG &amp; RD, Commissioner Kohat Division and DC Kohat</p> | <p>Three weeks time</p> <p>To be decided by the chair</p> |  |