

GOVERNMENT OF KHYBER PAKHTUNKHWA,
LOCAL GOVERNMENT, ELECTIONS AND
RURAL DEVELOPMENT DEPARTMENT.

NOTIFICATION

Peshawar, dated the 2017.

No. _____, -In exercise of powers conferred by section 112 of the Khyber Pakhtunkhwa Local Government Act, 2013 (KP Act No. XXVIII of 2013), read with sub-sections (4) and (5) of section 9 and Eighth Schedule thereof, the Government of the Khyber Pakhtunkhwa is pleased to make the following rules, namely:

THE KHYBER PAKHTUNKHWA UNIVERSITY TOWN PESHAWAR
(CONVERSION, RESTRICTIONS AND MANAGEMENT
OF BUILDINGS AND LAND) RULES, 2017.

Asst. Secy
Govt. of K.P.
Peshawar

1. Short title and commencement.---(1) These rules may be called the Khyber Pakhtunkhwa University Town Peshawar (Conversion, Restrictions and Management of Buildings and Land) Rules, 2017.

(2) These rules shall be applicable to the buildings and land situated in the University Town, Peshawar.

(3) These rules shall come in to force at once.

2. Definitions.---(1) In these rules the following expressions shall have the same meanings as are assigned to them that is to say-

- (a) "Act" means the Khyber Pakhtunkhwa Local Government Act, 2013 (KP Act No. XXVIII of 2013);
- (b) "Appendix" means Appendix appended to these rules;
- (c) "applicant" means a person, who submits an application to the Town for conversion of his residential land or residential building, to commercial land or commercial building within the area;
- (d) "area" means the area of the University Town Peshawar, administered and controlled by the Town;
- (e) "Town" means the Town-III, as established by Government under sub-rule (1) of rule 9 of the Act;
- (f) "Chairman" means the Chairman of the Scrutiny Committee;

- (g) "commercial building" means the building, other than residential building, used for commercial activities which includes shops, showrooms, stores or godowns, warehouses, shopping centres, hotels, sites reserved for filling stations, private hospitals and clinics, beauty parlours etc;
- (h) "commercial land" means an open space or plot, within the area, which has specifically been allocated and marked by the Town as to be used for commercial activities and does not include residential land;
- (i) "Department" means the Local Government, Elections and Rural Development Department of Government;
- (j) "land" means and includes earth, water and air above, below or on the surface and any improvements in the structure customarily regarded as land and benefit arising out of the land and things attached to earth or permanently fastened to earth;
- (k) "residential building" means the building, other than the commercial building, within the area, used for dwelling and household purposes;
- (l) "residential land" means the land or plot, within the area, which has been allocated by the Town for construction of residential building and does not include commercial land; and
- (m) "Scrutiny Committee" means the committee, constituted under rule 6 of these rules.

Asstt. Commr. Officer
Govt. of Nhyber Pakhtunkhwa
Lau Department

(2) Words and expressions used but not defined in these rules shall have the same meanings as are assigned to them in the Act.

3. **Classification and de-classification.**---(1) The Town, for the purpose of these rules, shall, by notification in the official Gazette, classify the lands or buildings, as the case may be, within the area, as commercial land or buildings and residential land or buildings.

(2) Notwithstanding anything contained in these rules, the Town may, at any time, for reasons to be recorded, by notification in the official Gazette, de-classify the lands and buildings, so classified under sub-rule (1).

(3) The person, who is aggrieved from the decision of the Town, made under sub-rule (2), may file an appeal to Government, within fifteen days time.

(4) The procedure, as prescribed for appeal, under rule 9 of these rules, shall be applicable for appeal made under sub-rule (3) above.

4. **Submission of application for conversion.**---(1) An application, submitted by the applicant for the purpose of conversion of his residential land or residential building, as the case may be, to commercial land or commercial building, within the area, shall be made to the Town through an application as specified in Appendix-I.

(2) An application, made under sub-rule (1), shall be accompanied the following documents:

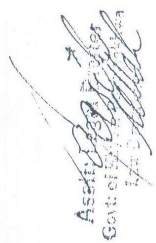
- (a) No Objection Certificate from the owners of the adjoining land or buildings;
- (b) a copy of the Computerized National Identity Card of the applicant; and
- (c) pay order of fee, as specified in rule 5 of these rules, to be deposited in the bank account of the Town.

(3) The Town, after receiving the application, made under sub-rule (1), shall forthwith refer the application along with documents, attached therewith, to the Scrutiny Committee for verification and further process under these rules.

5. **Fee for conversion.**---(1) The fees for the conversion of residential land or residential building, as the case may be, to a commercial land or commercial building, shall be as may be determined by the Town from time to time.

(2) The fee may be paid by the applicant either in lump sum or in two equal instalments to be deposited in the relevant account of the Town and in case of non-payment of fee or instalment within the stipulated time, as specified by the Town, a surcharge at the rate of ten (10) percent of the default amount shall be levied and such application shall not be processed further and if any permission so granted shall liable to be cancelled.

6. **Scrutiny Committee.**---(1) There shall be a committee to be known as the Scrutiny Committee, which shall consists of-


 Asst. Secy.
 Govt. of Peshawar

- | | |
|---|------------------------|
| (a) Secretary to Government Local Government, Elections and Rural Development Department; | Chairman |
| (b) Commissioner, Peshawar Division; | Member |
| (c) Nazim, City District Council, Peshawar; | Member |
| (d) Nazim, Tehsil Council concerned; | Member |
| (e) Town Municipal Officer of Tehsil Council concerned; and | Member |
| (f) Chief Planning Officer of the Department. | Member-cum -Secretary. |

7. **Meetings of the Scrutiny Committee.**---(1) The Chairman shall convene a meeting of the Scrutiny Committee as and when requires.

(2) All meetings of the Scrutiny Committee shall be headed by the Chairman.

(3) The Scrutiny Committee shall take decision by majority of members present and voting.

(4) One half of the total membership of the Scrutiny Committee shall constitute quorum for a meeting.

(5) Any defect in the constitution or composition of the Scrutiny Committee shall not invalidate any proceedings of the Scrutiny Committee.

8. **Functions of the Scrutiny Committee.**---(1) Soon after receiving an application, the Chairman shall convene a meeting of the Scrutiny Committee to scrutinize and consider the application and other documents and shall communicate its decision to the Town within ten(10) working days.

(2) The Scrutiny Committee, while considering the application for conversion, has any objection or observation thereon, it shall be communicated to the Town.

(3) The Scrutiny Committee, if deems it necessary, may call the applicant to appear before it for personal hearing.

(4) The Scrutiny Committee shall, after examining the whole case and hearing the applicant, if any, decide the matter and shall communicate its decision to the Town for implementation.

(5) The Town may, after receiving the decision from the Scrutiny Committee, in case of any ambiguity may request the Scrutiny Committee for clarification or rectification, as the case may be.

9. **Appeal.**---(1) The applicant, aggrieved from the decision of the Scrutiny Committee may, within fifteen(15) days, after receiving such decision, file an appeal to Government on application in writing, as specified in **Appendix-II**.

(2) An appeal, under sub-rule (1), shall be accompanied by, a copy of Computerized National Identity Card of the applicant, impugned notification or order of the Scrutiny Committee, an acknowledgement receipt of the fee so deposited and any other documents relevant to the appeal.

(3) Government shall decide the appeal within thirty (30) days and communicate its decision to the Town and applicant, respectively.

10. **Restrictions on commercial land and commercial buildings.**--- For the purposes of these rules, the commercial land and commercial buildings shall be regulated and controlled with the following restrictions:

- (a) the commercial land and commercial building shall be used for the purpose for which it is allowed by the Town;
- (b) no construction shall be allowed on the commercial land or a commercial building, as the case may be, which is in deviation from the approved site plan or master plan to be issued by the Town;
- (c) no structural changes shall be made in the commercial building which is in violation of the building bye-laws for the time being in force:

Provided that the Town, where special circumstances exist, may grant permission for such structural changes, on payment of extra fee at the rate of forty (40) percent of the total value of the fee so determined by the Town from time to time;

Asstt. Legal Officer
Govt. of Karnataka
Land Department

- (d) in case of any structural changes in the commercial building, on permission so granted under clause (c) above, the applicant shall count back the structure of such commercial building into its original structure or position on expiry of the time limit, specified in the Act;
- (e) no land or building, as the case may be, shall be converted in to commercial land or commercial building, reserved for educational institution, healthcare institution, post office, police station and place of worship, sold by the Town at reserved price, for specific use;
- (f) minimum ten feet setback or building line shall be required for land above twenty(20) Marlas or as may required under the relevant building bye-laws of the Town for the time being in force ;
- (g) no conversion in respect of residential land or residential building, as the case may be, shall be allowed which may cause to create nuisance and inconvenience for the residents or dwellers of the area;
- (h) no vehicles shall be parked in front of the commercial buildings, which may cause hindrance in the smooth flow of traffic; and
- (i) any other restriction as the Town may impose from time to time in best public interest.

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11. **Cancellation.**---(1) In case of any violation of these rules, especially the conditions and restrictions as specified in sub-rule (2) of rule 4 and clauses (a) to (i) of rule 10 of these rules, the Town may, by its own or on the direction of the Scrutiny Committee, order for cancellation of permission of conversion, granted under sub-rule (4) of rule 8 of these rules.

(2) The applicant, within fifteen (15) days, after the cancellation order under sub-rule (1), may file an appeal with Government against such cancellation.

(3) The procedure, as prescribed for appeal, under rule 9 of these rules, shall be applicable for the appeal made under sub-rule (2) above.

Secretary to
Government of Khyber Pakhtunkhwa,
Local Government, Election and
Rural Development Department.

APPENDIX - I
APPLICATION FOR CONVERSION

[see rule 4 (1)]

To,

The Nazim,
Tehsil Council,
Peshawar.

I/We _____ hereby apply for permission to erect/re-erect/make/convert/addition to or alternation in the residential building/land, mutation, khasra No. _____ situated at _____ in accordance with these rules and the building byelaws for the time being in force, for approval.

Necessary particulars and attachments are given below which are certified to be true:

1. Khasra No.....
2. Mutation / Ownership Documents.
3. Intended use of proposed building/land.
4. Specification of foundation.
5. Specification of Plinth.
6. Specification of Super-structure.
7. Specification of floor.
8. Specification of roof.
9. Method of drainage and sewerage.
10. Particulars of Architect employed to prepare the plan.
11. No Objection Certificate from the owners of adjacent land/building.

It is acknowledged that I have studied the rules and shall ensure compliance, failing which I shall have no objection to any penal action initiated by the Town against me under these rules.

Yours faithfully,

Name.....

Address.....

CNIC No.

Other relevant documents.

Asst. Dir. P. & S.
Govt. of Peshawar
P. & S. Deptt.
Peshawar

APPENDIX - II
APPLICATION FOR APPEAL
[see rule 9]

To,
The Secretary,
Government of the Khyber Pakhtunkhwa,
Local Government, Elections and
Rural Development Department.

Dear Sir,

1. Whereas I/We am/are willing to make any alternations/conversions, required to be made in the said building/land, so as to make it consistent with the provisions of these rules and building byelaws for the time being in force.
2. Whereas I/We have applied for the conversion of residential building/land bearing Khasra/Mutation No. _____, as shown on the plan attached herewith, situated at _____ which has been rejected by the Scrutiny Committee.
3. Whereas I/We have made no deviations from these rules, approved building plan, building byelaws for the time being in force at other instructions, issued in this behalf.
4. Whereas I/We am/are willing to pay any cost/penalty/fee as determined under these rules.

It is, therefore, requested that on acceptance of this appeal, I/We may be authorized to convert our residential building or land, as the case may be, to commercial building or land.

Yours faithfully,

Name.....

Address.....

CNIC No.

Other relevant documents.

Asst. Secretary
Govt. of Khyber Pakhtunkhwa
Local Government, Elections and
Rural Development Department