

# Protection Thematic Working Group

## Housing, Land and Property Rights Thematic Sub Working Group Meeting

### FAQs (Housing, Land & Property)

#### A. Documentation Issues

##### Question No. 1:

My property (personal/commercial) was damaged by the floods. The boundaries of the land are now indistinguishable and I have also lost all documents related to that property. How I can get my documents back and regain legal possession of the land, which was originally my property?

**Answer:**

1. *The boundaries and records of rights in land are well documented in records of rights documents that are with Patwari/Tapedar. He can demarcate the boundaries with the help of cadastral map that he has.*
2. *Similarly, Patwari can give you the copies of the documents of your property as all owners and their properties are well documented in the revenue record.*
3. *The copies of all revenue records are also available at the district level revenue authorities.*
4. *Any person can apply for the demarcation of the boundaries of the land to Deputy District Officer (Revenue)/ Assistant Commissioner or Tehsildar/Mukhtiarkhar who can authorize and order the Patwari or any other subordinate Revenue Officer to demarcate the boundaries.*
5. *The said revenue officials can put you back in the possession of your property but sometimes a tricky question or controversy may be there. In that case, remedy can be sought from the local civil court.*
6. *In certain cases, the District Judge has the authority to give you immediate relief in case of illegal occupation of your property.*

##### Question No. 2:

Due to the floods, I have lost all property-related documents and my land has been grabbed by certain individuals who are forcibly keeping me away from the premises. How can I reclaim my property?

**Answer:**

1. *The records of rights in land are well documented in records of rights documents that are with Patwari/Tapedar.*
2. *Patwari can give you the copies of the documents of your property as all owners and their properties are well documented in the revenue record.*
3. *The copies of all revenue records are also available at the district level revenue authorities.*
4. *You can apply to Deputy District Officer (Revenue)/ Assistant Commissioner or Tehsildar/Mukhtiarkhar who can put you back in the possession of your property but sometimes a tricky question or controversy may be there. In this case, remedy can be sought from the local civil court.*
5. *In certain cases, the District Judge has the authority to give you immediate relief in case of illegal occupation of your property.*

6. *If it is urban property, then it must have been registered with the Registrar who can provide you copies of your registration papers that can be proof of your ownership.*

### **Question No. 3**

I had rented a piece of land and have been cultivating it. Now, after the floods, my landlord has refused to give me back this land. I had all the relevant documents and the rent agreement with me, but they were lost during the floods. How can I reclaim the land?

#### **Answer**

1. *You can file an application under tenancy laws before the local Tehsildar/Mukhtiarkar who has the powers to put you back in your land.*
2. *The Patwari might register you as a tenant under revenue laws. Do check from him and get a copy of khasra girdawari-cultivation register. The copy will be your proof.*
3. *Even if you have not been registered by Patwari, then try to get copies of the your rent documents if these were registered somewhere or notarized etc. That copy can be used as a proof.*
4. *But if you cannot get copy of any proof by the above-mentioned methods, then even oral evidence is valid. You can file case before Tehsildar if you have two or more witnesses who can give evidence on oath that you were the tenant.*

### **Question No. 4**

I am an agriculturist and owned 100 acres of fertile land in area X, next to the riverbank. Following the floods, all land demarcations were lost and I had no way of distinguishing my land from that of my neighbors. When the Revenue Department's survey team came to visit, the water had reshaped my land. While my property documents can solve the problem, I lost them in the floods.

- a. *How can I claim the original demarcation of my land?*
- b. *Before floods, I purchased a few more acres from a neighboring farmer but couldn't register this purchase with the Revenue Department. I have lost all documents relating to the purchase in the flood. How can I claim my newly acquired land?*

#### **Answer to a:**

1. *The records of rights in land are well documented in records of rights documents that are with Patwari/Tapedar.*
2. *You can apply to Deputy District Officer (Revenue)/ Assistant Commissioner or Tehsildar/Mukhtiarkar who can demarcate the land whose boundaries are destroyed by river action.*
3. *Sometimes a tricky question or controversy may be there. In this case, remedy can be sought from the local civil court. Or the other party can go to the civil court; then u have to defend the case in civil court.*

#### **Answer to b:**

1. *Your documents of sale and purchase might have been registered with the Registrar or notarized with notary public etc. Get copy from them and that copy can be used as a proof.*

2. *But if you have not registered these documents anywhere, then even oral evidence is valid. You can file case before the civil court for declaration and possession of the property if you have two or more witnesses who can give evidence on oath that you have purchased the said property.*

## **B. Issues faced by women**

### **Question:**

I am a widow living in a rented house with my teenage daughters. My husband was killed in the floods. As I am not educated, I don't have any information regarding documentation like CNIC and domicile. My house is completely damaged and we are forced to live in a relief camp. For any compensation, organizations ask for completed documentations. For this I have following concerns:

- a. From where should I get my documents completed?

**Answer a:** *You shall try to get CNIC from NADRA and domicile from the district office/DC/DCO office*

- b. Am I eligible to get compensation on rented house?

**Answer b:**

*It depends on the policy of the government. Normally, the owner of the house gets compensation as it is his permanent loss and tenant can hire another house.*

- c. Can I get loan for the reconstruction of my house?

### **Answer c:**

*No bank or government department has a policy to give loan to the tenant to reconstruct a rented house. Only owner can avail loan against security of the house. You can get a personal loan against some other security if it is feasible in your facts of the case. Sometimes, some help is provided to construct shelter. You may approach the local revenue authorities or local social workers or human rights activists that can guide you.*

## **C. Compensation issues**

### **Question No. 1**

My possession (house, land or farmhouse) was destroyed beyond repair by the floods. How can I claim compensation? If yes, then what is the procedure to claim such compensation?

**Answer:** *Compensation depends on the relevant policy of the relevant government. Normally nominal compensation is provided to construct small shelter or to repair the damage or construct the house. You may approach the local revenue authorities or local social workers or human rights activists that can guide you.*

### **Question No. 2**

In damaged property compensation claim, are there any charges involved in procedure of getting property documentations back? If procedure is too complex for layman then who/what is the concerned person/authority for assistance?

**Answer:** *The charges depend on the relevant policy of the relevant government. Normally, there are no such charges though there are nominal charges to get copies of your land records. You may approach the local revenue authorities or local social workers or human rights activists that can guide you.*