

**IN THE SUPREME APPELLATE COURT GILGIT-BALTISTAN,
GILGIT.**

Before:-

Mr. Justice Dr. Rana Muhammad Shamim, Chief Judge.

Mr. Justice Javed Iqbal, Judge.

Civil Appeal No. 75/2017.

in

CPLA No. 144/2016.

Provincial Government & others

Petitioners.

Versus

Ulfat Nijat son Muhammad Nijat R/O Gahkuch District Ghizer

Respondent.

PRESENT:-

1. The Advocate General Gilgit-Baltistan alongwith Mr. Saeed, Iqbal Deputy Advocate General Gilgit-Baltistan for the petitioners.
2. Mr. Sabir Ghayas attorney for the respondent is present in person.

DATE OF HEARING: - 20.10 .2017.

JUDGMENT.

Dr. Rana Muhammad Shamim, CJ..... This Civil Petition has arisen out of the impugned judgment dated 24.08.2016 passed by the learned Chief Court whereby the Civil First Appeal No.08/2014 filed by petitioners was disposed of by directing the learned District Collector for correction of the initial award in the name of respondent Ulfat Nijat son of Muhammad Nijat. The District Collector Ghizer was also directed to recover the amounts of initial award (No.DK-1(24)/2181-83 dated 21.07.2007) from Mr. Sabir Ghayas son of Sher Ghayas and pay the same to respondent. The petitioners being aggrieved by and dissatisfied with filed this petition for leave to appeal. This court vide order dated 28.04.2017 issued notice to the respondent and the case is heard today.

2. Briefly, the facts of the case are that the petitioners acquired lands of the respondent measuring 20 Kanal for

construction of City Park in District Headquarter Gahkuch Ghizer. Consequently, the award No. DK-1(24)/2181-83 dated 21.07.2007 was passed. The Revenue Field Staff prepared compensation papers of the acquired land for payment of the same at the rate of Rs. 70,000/- per Kanal alongwith 15% compulsory acquisition charges. The amount of compensation was paid to the respondent in three installments. The amount of compensation was received by the respondent under protest as the respondent was not satisfied with the compensation rate. Later on, the respondent feeling aggrieved filed Reference Petition under Section 18 of the Land Acquisition Act, 1894 in the Court of learned land Acquisition Judge Ghizer which upon hearing was accepted vide judgment dated 28.02.2014. Consequently, the rate of the land was enhanced from Rs. 70,000/- to Rs. 150, 000/- per Kanal. The petitioners being aggrieved by and dissatisfied with the judgment of the learned Land Acquisition Judge filed Civil First Appeal No. 08/2014 in the learned Chief Court which upon hearing was disposed off vide impugned judgment, hence, this petition for leave to appeal.

3. The learned Advocate General submits that the award earlier passed by the learned District Collector was in accordance with the market rate of the land in question. The compensation was accordingly paid to the respondent. Per learned Advocate General, the respondent has no locus standi to file Reference under Section 18 of The Land Acquisition Act, 1894. The learned Courts below failed to appreciate the facts and law while passing the impugned

judgments. He submits that the respondent filed the reference for enhancement of the land belatedly. The learned Chief Court in utter violation of law directed the petitioners to pass a new and fresh award in the name of respondent while recovering the amount from the attorney of the respondent which is not tenable in law. He submits that the learned Chief Court fell in error while passing the impugned judgment, therefore, the same is not sustainable and liable to be set aside.

4. We have heard the learned Advocate General at length, perused the material on record and gone through the impugned judgment passed by the learned Chief Court as well as the judgment dated 28.02.2014 in Civil Suit/Reference No. 01/2008 passed by the learned Land Acquisition Judge District Ghizer. The learned Advocate General could not point out any infirmity or illegality in the impugned judgment.

5. In view of the above discussions, we convert this petition into an appeal and the same is dismissed. Consequently, the impugned judgment dated 24.08.2016 passed by the learned Chief Court is affirmed.

6. The appeal is dismissed in above terms.

Chief Judge.

Judge.