

**BEFORE THE SUPREME APPELLATE COURT GILGIT –BALTISTAN,  
GILGIT**

**Before: - MR.JUSTICE JAVED IQBAL, JUDGE.  
MR.JUSTICE SHABAZ KHAN, JUDGE.**

**C. MISC. NO.10/2016 IN CPLA.NO.83/2015.**

1. Provincial Government through Chief Secretary Gilgit –baltistan
2. Collector District Astore.
3. Assistant commissioner Baltistan.
4. Secretary works Gilgit –baltistan.
5. Superintending Engineer Astore.
6. Executive Engineer NAPWD Astore.

**Petitioners.**

**VERSUS**

1. Sajid Ullah s/o Sher Muhammad.
2. Muhammad Nazim.
3. Gul Sana.
4. Shah Sayar sons of juma khan.
5. kousar Hayat s/o Azmat khan.
6. Gul zaman s/o pakhtoon wali r/o Gorikote Tehsil Astore.

**Respondents/plaintiffs.**

**PETITION FOR LEAVE TO APPEAL UNDER ARTICLE 60 OF GILGIT–  
BALTISTAN (EMPOWERMENT & SELF GOVERNANCE) ORDER 2009  
AGAINST THE IMPUGEND JUDGMENT DATED 18.05.2015 passed by  
learned chief court GILGIT–BALTISTAN IN CFA NO. 04/2014,  
WHEREBY APPEAL OF THE PETITIONERS HAS BEEN DISMISSED AND  
IMPUGEND JUDGMENT/DECREE DATED 04-12-2013 PASSED BY  
LAND ACQUISITION JUDGE ASTORE IN REFERENCE NO.29/2011 HAS  
BEEN MAINTAINED.**

**Present:-**

Advocate General, Gilgit- Baltistan on behalf of the petitioners.

Mr. Ali Zazar Khan, Advocate on record.

**Date of Hearing :-26-08-2016.**

**JUDGMENT**

**JAVED IQBAL, J.....** Through Civil petition NO. 83/2015, the petitioners through Advocate General seeks leave to appeal against the judgment dated 18-5-2015, passed by the learned Division Bench Chief Court Gilgit–Baltistan, whereby civil 1<sup>st</sup> Appeal NO. 04/2014 of the petitioners was dismissed.

2. Before facts are that the above petitioners got acquired the land for construction of Civil Court and residential quarters/houses in Sub-division Shounter. The land in question was initially acquired from Pakora Dass in 2008 later on the project was shifted to Gorikot Astore in the year 2010, on the basis of enhancement through civil reference/objection under section 34 of Land Acquisition Act, 1984 before Referee Judge, District Astore on 22-11-2010, holding that the respondents/objectors are entitled to receive compensation on the prevailing rates of Rs. 300,000/-(three lac

only) per kanal plus 15% compulsory charges with interest at the rate of 8% compound interest per annum.

3. Present petitioners filed their written reply refuting the claim of present respondents/objectors before starting the development scheme notice to persons interested in the case were issued under section 4 Land Acquisition Act vide notification dated 10-06-2008, subsequently notices followed thereof and final notice under section 12, was issued on 29-05-2010, and fulfilled all the mandatory provisions of Land Acquisition Act.

4. In the light of pleadings issues have been framed by the Referee Judge. Parties of Suit produced their respective evidence pro and contra, ultimately the Referee Court passed a decree in favour of present respondents Felling aggrieved by the judgment the petitioners filed Civil 1<sup>st</sup> Appeal before the learned Chief Court, Gilgit-Baltistan the learned Chief Court upholding the judgment of Referee Court and dismissed the appeal of the petitioners. Hence this petition for leave to appeal.

5. We have carefully examined the contentions as agitated on behalf of the petitioners by the learned Advocate General Gilgit- Baltistan, in the light of relevant provisions of law and record of the case. Moreover

the concurrent judgments passed by learned Division Bench and Referee Judge Astore, has been perused with care and caution. The entire documentary evidence also been thrashed out with arguments advanced by the learned Advocate General.

6 It has been also observed by this Court, that, all notice were issued in the year 2008 for land situated in pakora Dass and scheme has been shifted to Gorikot. The present petitioners in the year 2010 have completed the acquisition proceedings, without giving fresh notice under Section 4 of Land Acquisition Act. Hence the present petitioners clearly violate the mandatory provisions of land Acquisition Act.

7. What we have observed from available record, is that the award dated 29-05-2010 has been prepared on old rates of compensation, and the notices under sections 12(2),-9-A,5 A, and notice under section 4 Land Acquisition Act, would reveals that present petitioners have done nothing after issuance of notice under section 4 in the year 2008 to 2010. In the year 2010 the petitioners have acted in hurry to acquired the Land without proportionate the shares of respondents, this has been confirmed by the petitioner's representative.

8. We also observed that notice served by collector under Land Acquisition, are general notices, in which no specific names are mentioned of owners. Moreover, the representative of petitioners during cross examination confirmed that enhanced up to Rs. 3,00,000/- ( three lac only ) per kanal in the year 2008.

The present petitioners have badly failed to challenge this admission Before the Referee Judge.

For what has been discussed above, we have not been able to find out any substantial grounds or reasons for interference in the judgment of Chief Court, Gilgit-Baltistan and Referee Court, and consequently dismissed this petition.

Leave to appeal refused.

PETITION DISMISSED

Judge

Judge

