

Form No: HCJD/C-121

ORDER SHEET

IN THE ISLAMABAD HIGH COURT, ISLAMABAD
(JUDICIAL DEPARTMENT)

W.P. No.1614/2015

Sabir Hussain & 5 others

Versus

Capital Development Authority & 6 others

S. No. of order/ proceedings	Date of order/ proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	28-12-2021	Petitioner in person. Mr M. Nazir Jawad, Advocate for respondent.

Athar Minallah, C.J.- The petitioners assert that they are legal heirs of Faqir Muhammad, who had passed away in 1992. It is their case that the latter owned properties which were acquired by the Capital Development Authority.

2. The memorandum of petition and the attached documents therewith have been carefully perused. The Capital Development Authority has described, in detail in its written comments, the status of compensation paid to the predecessor in interest of the petitioners. It has also been stated that the petitioners had filed a review petition before the Deputy Commissioner of the Authority and the

same was dismissed vide order, dated 31-03-2015. The dismissal of the review petition was not agitated by the petitioners by preferring an appeal. However, the petition in hand was filed on 28-05-2015.

3. One of the petitioners has appeared in person. He was asked whether appeal was preferred against dismissal of the review order, dated 31-03-2015. He has stated that the petition in hand was filed for enforcement of the fundamental rights of the petitioners.

4. In order to meet the ends of justice, the petition is disposed-of by directing the Authority to consider the grievances of the petitioners in the light of the directions given vide judgment, dated 14-06-2021, passed in W.P. No.244/2018 titled "*Noman Ahmed and 18 others v. Capital Development Authority, etc.*" The petitioners, if so advised, would be at liberty to file an appeal against the dismissal of the review petition vide order, dated 31-03-2015, alongwith an application for condonation of delay. It appears that instead of filing of the appeal, the petitioners had invoked constitutional jurisdiction of this Court under Article 199 of the Constitution of

the Islamic Republic of Pakistan, 1973. If an appeal is preferred, then the Authority is expected to take into consideration the filing of the instant petition for the purposes of condonation of delay.

(CHIEF JUSTICE)

Luqman Khan.