

**JUDGMENT SHEET**  
**IN THE ISLAMABAD HIGH COURT, ISLAMABAD**  
**JUDICIAL DEPARTMENT**

Review Application No.03 of 2019

Abdul Qayyum

Versus

Capital Development Authority

Date of Hearing: 30.01.2020 & 10.06.2020  
Applicant by: Syed Asghar Hussain Sabzwari, Advocate,  
Respondent by: Mr. Aamir Latif Gill, Advocate

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**MIANGUL HASSAN AURANGZEB, J:-** Through the instant review application, the applicant, Abdul Qayyum Abbasi, seeks review of the order dated 12.12.2018 passed by this Court whereby I.C.A. No.358/2016 preferred by the applicant against the judgment dated 03.08.2015 passed by the learned Judge-In-Chambers in writ petition No.2823/2013 was disposed of. For the purposes of clarity, the order dated 12.12.2018 which is sought to be reviewed is reproduced herein below:-

*“The learned counsel for the appellant after arguing the matter at length has stated that the latter instead of pressing this appeal would prefer to avail remedies before the appropriate forum in view of the observations recorded by the learned Single Judge in the impugned judgment dated 24.06.2015.*

*This appeal, therefore, stands disposed of in the above terms and to the extent thereof.”*

2. The said order shows that I.C.A. No.358/2016 was disposed of after recording the statement of the learned counsel for the appellant in the said appeal that instead of pressing the appeal, the appellant would prefer to avail remedies before the appropriate forum.

3. The applicant's case in writ petition No.2823/2013 was that he should be allotted a plot of land under clause 6 of the Rehabilitation Policy of 1996 on the ground that a total of 147 kanals and 1 marla had been acquired by the Capital Development Authority (“C.D.A.”) from his father and grandfather for which the applicant was entitled to a plot under the said policy. C.D.A.'s case was that plot No.308 in Sector I-9, Islamabad had already been allotted due to the acquisition of 25 kanals and 17 marlas of land from the applicant's father. The learned Judge-In-Chambers held that for benefit of allotment of agro-form under clause 6 of the Rehabilitation Policy

1996 to be given to any person it had to be established that 100 kanals or more land had been acquired from such a person. Furthermore, it was held that the applicant could file a civil suit in order to prove his entitlement to the benefits under the said policy on the basis of the land acquired from his father.

4. Since the matter agitated by the petitioner in writ petition No.2823/2013 entails disputed questions of fact which could not be resolved without the recording of evidence, the learned counsel for the appellant in I.C.A. No.358/2015 stated that the appellant would prefer to avail his remedy before an appropriate forum. On this basis, the said I.C.A. was disposed of. Since we have not been given any reason to hold that the applicant's case against the C.D.A. is not based on disputed and controversial questions of fact, interference in the order sought to be reviewed is not warranted. Consequently, the instant review application is dismissed.

(CHIEF JUSTICE)

(MIANGUL HASSAN AURANGZEB)  
JUDGE

ANNOUNCED IN AN OPEN COURT ON 11-06- /2020

(CHIEF JUSTICE)

(JUDGE)

*Sultan\**