

IN THE SUPREME APPELLATE COURT GILGIT-BALTISTAN AT
GILGIT

Before:- Mr. Justice Dr. Rana Muhammad Shamim, Chief Judge.
 Mr. Justice Raja Jalal-ud-Din, Judge.
C.P.L.A. NO. 26/2014

Muhammad Taqi s/o Habib Muzahir r/o Majini Mohallah Gilgit.

Petitioner/Appellant/Defendant

VERSUS

1. Muhammad Ali Khan s/o Ghulam Murtaza r/o Majini
 Muhallah, Tehsil & District Gilgit.

Respondent/Plaintiff

2. Provincial Government through Chief Secretary Gilgit-Baltistan.
3. Chief Engineer PWD Gilgit-Baltistan.
4. Executive Engineer B&R Division PWD Gilgit.
5. Collector Gilgit.
6. Chairman Municipal Committee Gilgit.

Respondents/Defendants

PETITION FOR LEAVE TO APPEAL UNDER ARTICLE 60 OF GILGIT-BALTISTAN(EMPOWERMENT & SELF GOVERNANCE) ORDER 2009, PASSED BY CHIEF COURT GILGIT-BALTISTAN IN CIVIL REVISION 08/2011 WHEREBY THE LEARNED CHIEF COURT HAS DISMISSED THE REVISION PETITION HOLDING THAT PETITIONER HAS FILED TO SHOW ANY IRREGULARATORY IN THE IMPUGNED ORDER PASSED BY THE LEARNED ADDITIONAL DISTRICT JUDGE GILGIT AND TRIAL COURT AS WELL AS THAT PETITIONER HAS GOT NO LOCUS STANDII AT ALL TO QUESTION THE TRANSACTION BETWEEN RESPONDENTS.

FOR SETTING ASIDE THE IMPUGNED JUDGEMNT OF LEARNED CHIEF COURT AND THAT OF SUBORDINATE COURTS HOLDING THE SAME AS DEVOID OF ANY LEGAL SANCTION OF LAW AND FACTS BY ADMITTING THIS PETITION FOR LEAVE TO APPEAL INTO APPEAL AND ACCEPTING THE APPEAL FOR THE ENDS OF JUSTICE, LAW AND EQUITY.

Present:- Malik Shafqat Wali, Senior Advocate for the petitioner.

Mr. Johar Ali Khan, Advocate for respondent No.1.

Advocate General Gilgit-Baltistan for the respondent No. 02 to 06.

Date of Hearing:- 06-10-2015.

JUDGEMENT

RAJA JALAL-UD-DIN, J..... Initially the plaintiff/respondent Muhammad Ali Khan filed a Civil Suit for declaration and consequential relief to the effect that 2 marlas of land under Khasara No. 678, be returned to him by defendants No. 2 & 5.

Secondly that the utilized 2 marlas of the acquired land was being encroached upon by Muhammad Taqi petitioner/defendant and his eviction. During the pendency of civil suit the plaintiff/respondent No.1 was restored with the 2 marlas of acquired piece of land by the respondent No. 2 & 5 after fulfilling the legal formalities required.

In the conclusion the suit was decreed as prayed for.

The petitioner/defendant Muhammad Taqi preferred appeal against order of the Civil Judge on 21/5/2010, who vide its finding dated 08/4/2011, dismissed the same as being meritless.

Again a revision petition was preferred against the concurrent findings of the two lower courts in the Chief Court Gilgit-Baltistan, who vide its findings dated 18/8/2013, dismissed the same as being without any substance.

The petitioner has challenged the findings of the Chief Court Gilgit-Baltistan as being devoid of any merit alongwith the concurrent findings of the two lower courts.

At the outset counsel for the petitioner pleads that the return of the 2 marlas of utilized land to respondent No. 1 by the respondent No.2 & 5 is illegal and the same could not be done

so. The petitioner is agitated by the letter No. RC-2(1)/2004-1, dated 19/5/2005, by the section officer law. It is pleaded that said Section Officer Law had no locus standii to order the return of the same.

In the light of the argument advanced, we have gone through the letter in question alongwith the exhibits placed on file alongwith rule 14 of Punjab Land Acquisition Rules 1983.

We are convinced that the procedure adopted for the unutilized land and its return have properly been followed and the courts have rightly come to the correct conclusion in their findings. There is no infirmity found.

The petitioner/defendant Muhammad Taqi has got no locus standii to contest the matter as he is nobody to prefer a civil suit. He has gone into a wild goose chase for an issue which is no concern of his.

The letter No. RC-2(1)/2004-1, dated 19/5/2005 by the section officer law is also closely perused and we found no substance for interference as it does not suffer from any irregularity.

In the light of above observations petition is converted into appeal and dismissed.

Announced:- 06/10/2015.

Chief Judge

Judge