

**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. 15/2018
In
CPLA No. 05/2016**

Provincial Government & others

Petitioners.

Versus

Taj Alam

Respondent.

PRESENT:-

1. The Advocate General alongwith Mr. Ali Nazar Khan Advocate-on-Record for the petitioners.
2. Mr. Muhammad Jan Advocate alongwith Mr. Muhammad Abbas Khan Advocate-on-Record for respondent.

DATE OF HEARING: - 17.05.2018.

JUDGMENT.

Dr. Rana Muhammad Shamim, CJ..... This petition has been directed against the impugned order dated 23.06.2015 in Civil First Appeal No. 08/2012 passed by the learned Chief Court whereby the said Civil First Appeal filed by the petitioners was dismissed holding the same as baseless, hence, this petition for leave to appeal. This court vide order dated 12.04.2017 issued notice to the respondent and the case is heard today.

2. Briefly, the facts of the case are that an award dated 05.07.2006 has passed by the Land Acquisition Collector Ghizer for an area of 15 Kanals situated near main Ghizer Road Gahkuch. The suit land was owned by the petitioner which was acquired by GB PWD department for the purpose of construction of Government

quarters at District headquarter Gahkuch. The compensation at the rate of Rs. 150,000/- per kanal was paid to the petitioner. The said compensation amounting to Rs. 25,87,85/- vide cheque No. A629135 dated 15.07.2006 was received by the petitioner under protest stating therein that the learned Collector has not fixed compensation amount at prevailing market rate. Being aggrieved by and dissatisfied with, the respondent filed Civil Suit/Reference No. 02/2009 under Section 18 of the land Acquisition Act in the learned District Judge/Land Acquisition Judge District Ghizer which upon hearing was allowed by enhancing the rate of Rs. 150,000/- per Kanal to Rs. 290,000/- per Kanal and directed the petitioners to pass revised/additional award which was subsequently upheld by the learned Chief Court vide impugned order dated 23.06.2015.

4. The learned Advocate General submits that the DC/Collector, District Ghizer had granted award to the respondent at the prevailing market rate i.e. Rs. 150,000/- and the same has been received by the respondent. He also submits that later on the respondent raised objections and demanded Rs. 320,000/-per Kanal as compensation which was refused. Per learned Advocate General, the price of the acquired land to the land owner is much higher than the prevailing market rate at the time of acquiring land of the respondent. He further submits that the learned DC/Collector had rightly granted compensation to the tune of Rs. 150,000/- per Kanal. He submits that the concurrent findings of the learned Courts below are the result of mis-appreciation of

evidence and misreading/non-reading of the facts of the case and the same are not maintainable. He prays that the concurrent findings of the Courts below may graciously be set aside.

5. On the other hand, Mr. Muhammad Jan, learned counsel for the respondent supports the impugned order passed by the learned Chief Court. He contends that the Land Acquisition Collector had not passed the award by fixing compensation amount at the prevailing market rate rather he has fixed less price of the acquired land. Per learned counsel, the respondent has submitted objections to the Collector but no action has been taken. He further contends that prior to acquiring of land of the respondent by petitioners, the respondent had sold his land to one Muhammad Gul at the rate of Rs. 290,000/- per kanal. He contends that at the time of acquiring the land of the respondent, the rate of land in neighboring was Rs. 300,000/- but the learned Collector did not assess market value of acquired land. He submits that the learned Courts below have rightly enhanced the rate of Rs. 150,000/- per Kanal to Rs. 290,000/- per Kanal. He prays that the concurrent findings of the learned Courts below may pleased be maintained being well reasoned and well founded.

6. We have heard the learned counsel for the respective parties at length, perused the material on record and gone through the concurrent findings of the learned Courts below. In our considered view, the concurrent findings of the learned Courts

below are well reasoned and well founded, hence, no interference is warranted into it by this court.

8. In view of the above discussions, we convert this petition into an appeal and the same is dismissed. Consequently, the impugned order dated 23.06.2015 in Civil First Appeal No. 08/2012 passed by the learned Chief Court as well the judgment dated 12.05.2012 in Civil Suit/Reference No. 02/2009 passed by the learned District Judge/Land Acquisition Judge , District Ghizer are affirmed.

9. The appeal is dismissed in above terms.

Chief Judge.

Judge.