

IN THE SUPREME APPELLATE COURT GILGIT-BALTISTAN
CPLA NO. 07/2010

Before: Mr. Justice Muhammad Nawaz Abbasi, Chief Judge.
Mr. Justice Syed Jaffar Shah, Judge.
Mr. Justice Muhammad Yaqoob, Judge.

1. Jumma Syed s/o Essa, 2. Gul Muhammad s/o Noor
Muhammad, 3. Muhammad Hussain s/o Ali Hoor r/o Lose Tehsil
& District Astore.

Petitioners.

Versus

Provincial Government through Chief Secretary Gilgit Baltistan and
09 others

Respondents.

**PETITION FOR GRANT OF LEAVE TO APPEAL AGAINST
THE IMPUGNED JUDGMENT/ORDER DATED 02-04-2010**

Advocate General Gilgit Baltistan
Mr. Johar Ali Advocate for petitioner

Date of hearing: 23-06-2010

Order

Muhammad Nawaz Abbasi, CJ: The perusal of report (Mark A) submitted by the Local Commissioner would show that road was being constructed without feasibility or survey report or layout plan, instead the department on the basis of site plan annexed with approved PC-1 started the construction and subsequently the road was diverted through the land of petitioner. The local Commission has concluded in the report as under: -

“However the dispute can be settled once for all if this Hon’ble Court may consider the points mentioned below:-

- i. The Road may be constructed on the lay out shown by the appellant/petitioners subject to feasibility on engineering point of view and after making payment to the contractor for work done on spot.
- ii. If the construction of road is continued as proposed by the respondents then the petitioners may be given equal land in the vicinity”.

Having considered the matter in the light of the report of local commissioner and respective contentions of the learned counsel for the petitioner and department, *prima facie* we find that the property rights of the petitioner have been infringed for which compensation may not be sufficient. Consequently we without commenting upon the merits in either manner, lest it should not prejudice any party before the trial court direct that the learned trial judge after framing specific issue on the layout plan of the road will decide the main suit within a period of three months to avoid delay in the construction of the road and meanwhile the status quo shall be maintained. The parties however may settle the dispute amicably to avoid unnecessary litigation in the construction of public road.

This petition with above direction is converted into an appeal and disposed of with no orders as to the costs.

Chief Judge

Judge

Judge