

**IN THE SUPREME APPELLATE COURT GILGIT-BALTISTAN,  
GILGIT.  
CPLA No.50/2011.**

**Before:-**

1. Mr. Justice Dr. Rana Muhammad Shamim, Chief Judge.
2. Mr. Justice Muzaffar Ali, Judge.
  
1. Faqir Shah.
  
2. CPLA.01/2012  
Provincial Government & 2 others

**PETITIONERS/APPELLANT.**  
**VERSUS**

1. Provincial Government & 02 others
2. Faqir Shah

**RESPONDENTS**

**PETITION FOR LEAVE TO APPEAL AGAINST THE IMPUGNED JUDGMENT/DECREE DATED 20.09.2011 PASSED BY THE DIVISION BENCH CHIEF COURT GILGIT-BALTISTAN WHEREBY THE LEARNED HAS PARTIALLY DISMISSED THE JUDGMENT/DECREE PASSED BY THE LAND ACQUISITION /ADDITIONAL DISTRICT JUDGE TO THE EXTENT OF COMPOUND INTEREST AND GRANTED COMPOUND INTEREST FROM THE DATE OF TAKING OF POSSESSION OF LAND TILL PAYMENT OF COMPENSATION AND DISMISSED THE CLAIM OF PETITIONER TO THE EXTENT OF PRICE OF LAND.**

**FOR PARTIALLY SETTING ASIDE THE IMPUGNED JUDGEMENT/ORDER TO THE EXTENT OF RATE OF ACQUIRED LAND AND MAY KINDLY BE GRANTED ENHANCE RATE OF ACQUIRED LAND RS. 1, 20,000 PER KANAL TO MEET THE ENDS OF JUSTICE, LAW AND EQUITY.**

**Present:-**

1. Mr. Sharif Ahmed Advocate for the petitioner in CPLA No.5/2011 and for respondent in CPLA No. 01/2015.
  
2. Mr. Sher Madad, Advocate General GB for the respondents in CPLA No.50/2011 and for petitioners in CPLA No.01/2012.

**DATED OF HEARING: - 17-09-2015.**

**JUDGMENT.**

**Dr. Rana Muhammad Shamim, CJ.....**The learned counsel for the petitioner submits that in the year 1997 the valuable land of the petitioner and 03 others persons have been acquired by

the respondent No. 03 i.e. the Director Education Gilgit-Baltistan for construction of High School in Jalalabad Tehsil and District Gilgit which was adjacent to the land of two others persons near main road. He further submitted that at the time of acquiring of land the Revenue Field Staff assessed the price of the land of the petitioner and one Syed Muhamad Hussain @ Rs. 60000/- per kanal whereas, the land at the adjacent land of one Ghullam Jan and Ibrahim Shah was assessed @ Rs. 1,20,000/- per kanal inspite of the fact that all the lands are adjacent to each others and situated at the same place have said potential value yet the price of the land of the petitioner was less assessed. He further submits that the petitioner has filed a reference under Section 18 of Land Acquisition Act before the Land Acquisition Judge, who consequently, pleased to grant relief to the petitioners partially and dismissed the reference. The petitioner being aggrieved by and dissatisfied with the order of the learned Land Acquisition Judge filed appeal before the learned Chief Court Gilgit-Baltistan on 20.09.2011. Upon hearing the learned chief Court Gilgit- Baltistan vide impugned judgment/order dated 20.09.2011 in CFA No. 21/2006 granted partial relief to the petitioner to the extent of compound interest from the date of acquiring the land i.e. with effect from 1980 to till the date of possession i.e. 2005 and declined to enhance the rate of the land of the petitioner as prayed. The learned counsel for the petitioners also contends that the petitioner was also entitled to be paid the rate which has already been paid to the other lands owner adjacent to his land as such he has been

discriminated without showing any cause and reasons. Finally he prayed that he may be compensated equally amongst the equals.

2. On the other hand, the learned Advocate General GB on behalf of the respondent No. 1 to 3 in the instant petition and a connected appeal No. CPLA 01/2012 on behalf of the Provincial Government being petitioner contended that the impugned judgment passed by the learned Chief Court Gilgit-Baltistan in CFA No. 21 /2006 dated 20.09.2012 and the judgment passed in Reference No. 03/2006 dated 28.10.2006 passed by the Refree Judge, as both are illegal and unjustified and according to him, the same are liable to set aside. He further submits that in the year 1980 on the demand of the people of Jalalabad a Boys High School has been established at Jalalabad Tehsil and District Gilgit. For this purpose the barren land 05 Kanals 02 Marlas of the petitioner was included as he gifted the same for school. Provision of land for construction of school was undertaken by the School Committee themselves with the demand that employment of grade-1 in the school shall be given to the person who donated land for the school. He further added that the barren land measuring 05 Kanals 02 Marlas was provided by Faqir Shah as gifted to the School in collusion with the Revenue Field Staff succeeded in including his name/gifted barren property, in the award and after being paid compensation, filed the Reference Petition under Section 18 of Land Acquisition Act, for enhancement of rate of compensation. He contended that none of the persons whose land was included by the committee in the School construction raised no

objections against the award of the Collector except the petitioner who despite of obtaining employment and compensation filed Reference Petition in the Court against the award dated 28.06.1997, the same reference was partially accepted against which, he filed appeal in the Chief Court. In the impugned judgment dated 20.06.2011 by modifying the judgment of Referee Court i.e. the compound interest be paid to the petitioner w.e.f. 01.01.1980 till 13.05.2005 instead of 28.06.1997 to 13.05.2005.

3. We have heard both the learned counsels for the petitioners as well as the respondents, perused the record and gone through the impugned judgments of both the Courts below. In our considered view the arguments advanced by the learned Advocate General GB has force, as the petitioner namely Faqir Shah donated land measuring 05 (Five) Kanals and 02 (two) Marlas from his barren land for the construction of School at Jalalabad Gilgit and in lieu thereof he was compensated as agreed by giving employment to him in Grade-01 in the said School. He further submitted that the petitioner in CPLA No.50/2011 and respondent in CPLA No.01/2012 , subsequently, he manovered and succeeded with the collusion of Revenue Field Staff obtained award and compensation thereto of his barren land admeasuring 04 (four) Kanals and 11 (eleven) Marlas @ Rs. 60,000/- per Kanal.

4. In view of the above, both the petitions i.e. 51/2011 filed by the petitioner Faqir Shah and the civil Petition No. 01/2012 filed by the Provincial Government etc are converted into appeals and

disposed of with the modification i.e. the impugned judgment in CFA-21/2006 dated 20.09.2011 passed by the learned Chief Court Gilgit-Baltistan to the extent of the compound interest payable to Faqir Shah Petitioner/Respondent @ 8% per annum with effect 28.06.1997 to 13.05.2005 (from the date of Acquisition Of Land to the date of payment of award only) by agreeing with the judgment in Reference Petition No.03/2006 dated 28.10.2006 passed by the learned Additional District Judge Gilgit.

Both appeals are disposed of in the above terms with or no order to cost.

**Chief Judge.**

**Judge.**

**Whether the case is fit to be reported or not?**