

IN THE SUPREME COURT OF PAKISTAN

(Review Jurisdiction)

PRESENT:

MR. JUSTICE UMAR ATA BANDIAL, CJ

MRS. JUSTICE AYESHA A. MALIK

MR. JUSTICE SYED HASAN AZHAR RIZVI

C.R.P.446/2022 IN C.A.2150/2019, C.R.P.447/2022 IN C.A.2154/2019, C.R.P.448/2022 IN C.A.2155/2019, C.R.P.449/2022 IN C.A.2156/2019, C.R.P.450/2022 IN C.A.2157/2019, C.R.P.451/2022 IN C.A.2158/2019, C.R.P.452/2022 IN C.A.2159/2019, C.R.P.453/2022 IN C.A.2160/2019, C.R.P.454/2022 IN C.A.2161/2019, C.R.P.455/2022 IN C.A.2162/2019, C.R.P.456/2022 IN C.A.2163/2019, C.R.P.457/2022 IN C.A.2164/2019, C.R.P.458/2022 IN C.A.2165/2019, C.R.P.459/2022 IN C.A.2166/2019, C.R.P.460/2022 IN C.A.2167/2019, C.R.P.461/2022 IN C.A.2168/2019, C.R.P.462/2022 IN C.A.2169/2019, C.R.P.463/2022 IN C.A.2170/2019, C.R.P.464/2022 in C.A.2171/2019, C.R.P.465/2022, C.R.P.466/2022, C.R.P.467/2022 IN C.A.2174/2019, C.R.P.468/2022 IN C.A.2175/2019, C.R.P.469/2022 IN C.A.2176/2019, C.R.P.470/2022, C.R.P.471/2022 IN C.A.2178/2019, C.R.P.472/2022 IN C.A.2179/2019, C.R.P.473/2022 IN C.A.2180/2019, C.R.P.474/2022 IN C.A.2181/2019, C.R.P.475/2022 IN C.A.2182/2019, C.R.P.476/2022 IN C.A.2183/2019, C.R.P.477/2022 IN C.A.2184/2019, C.R.P.478/2022 IN C.A.2185/2019, C.R.P.479/2022 IN C.A.2186/2019, C.R.P.480/2022 IN C.A.2187/2019, C.R.P.481/2022 IN C.A.2188/2019, C.R.P.482/2022 IN C.A.2189/2019, C.R.P.483/2022 IN C.A.2190/2019, C.R.P.484/2022 IN C.A.2191/2019, C.R.P.485/2022 IN C.A.2192/2019, C.R.P.486/2022 IN C.A.2193/2019, C.R.P.487/2022 IN C.A.2194/2019, C.R.P.488/2022 IN C.A.2195/2019, C.R.P.489/2022 IN C.A.2196/2019, C.R.P.490/2022 IN C.A.2197/2019, C.R.P.491/2022 IN C.A.2198/2019, C.R.P.492/2022 IN C.A.2199/2019, C.R.P.493/2022 IN C.A.2200/2019, C.R.P.494/2022 IN C.A.2201/2019, C.R.P.495/2022 IN C.A.2202/2019, C.R.P.496/2022 IN C.A.2203/2019, C.R.P.497/2022 IN C.A.2204/2019, C.R.P.498/2022 IN C.A.2205/2019, C.R.P.499/2022 IN C.A.2206/2019, C.R.P.500/2022 IN C.A.2207/2019, C.R.P.501/2022 IN C.A.2208/2019, C.R.P.502/2022 IN C.A.2209/2019, C.R.P.503/2022 IN C.A.2210/2019, C.R.P.504/2022 IN C.A.2211/2019, C.R.P.505/2022 IN C.A.2212/2019, C.R.P.506/2022 IN C.A.2213/2019, C.R.P.507/2022 IN C.A.2214/2019, C.R.P.508/2022 IN C.A.2215/2019, C.R.P.509/2022 IN C.A.2216/2019, C.R.P.510/2022 IN C.A.2217/2019, C.R.P.511/2022 IN C.A.2218/2019, C.R.P.512/2022 IN C.A.2219/2019, C.R.P.513/2022 IN C.A.2220/2019, C.R.P.514/2022 IN C.A.2221/2019, C.R.P.515/2022 IN C.A.2222/2019, C.R.P.516/2022 IN C.A.2223/2019, C.R.P.517/2022 IN C.A.2224/2019,

C.R.P.518/2022 IN C.A.2225/2019, C.R.P.519/2022 IN C.A.2226/2019, C.R.P.520/2022 IN C.A.2227/2019, C.R.P.521/2022 IN C.A.2228/2019, C.R.P.522/2022 IN C.A.2229/2019, C.R.P.523/2022 IN C.A.2230/2019, C.R.P.524/2022 IN C.A.2231/2019, C.R.P.525/2022 IN C.A.2232/2019, C.R.P.526/2022 IN C.A.2233/2019, C.R.P.527/2022 IN C.A.2234/2019, C.R.P.528/2022 IN C.A.2235/2019, C.R.P.529/2022 IN C.A.2236/2019, C.R.P.530/2022 IN C.A.2237/2019, C.R.P.531/2022 IN C.A.2238/2019, C.R.P.532/2022, C.R.P.533/2022 IN C.A.2240/2019, C.R.P.534/2022 IN C.A.2241/2019, C.R.P.535/2022 IN C.A.2242/2019, C.R.P.536/2022 IN C.A.2243/2019, C.R.P.537/2022 IN C.A.2244/2019, C.R.P.538/2022 IN C.A.2245/2019, C.R.P.539/2022 IN C.A.2246/2019, C.R.P.540/2022 IN C.A.2247/2019, C.R.P.541/2022 IN C.A.2248/2019, C.R.P.542/2022 IN C.A.2249/2019, C.R.P.543/2022 IN C.A.2250/2019, C.R.P.544/2022 IN C.A.2251/2019, C.R.P.545/2022 IN C.A.2252/2019, C.R.P.546/2022 IN C.A.2253/2019, C.R.P.547/2022 IN C.A.2254/2019, C.R.P.548/2022 IN C.A.2255/2019, C.R.P.549/2022 IN C.A.2256/2019, C.R.P.550/2022 IN C.A.2257/2019, C.R.P.551/2022 IN C.A.2258/2019, C.R.P.552/2022 IN C.A.2259/2019, C.R.P.553/2022 IN C.A.2260/2019, C.R.P.554/2022 IN C.A.2261/2019, C.R.P.555/2022 IN C.A.2262/2019, C.R.P.556/2022 IN C.A.2263/2019

(Against the judgment dated 24.03.2022 passed by this Court in CA No.2150-2263/2019 and CMA No.5284-5300/2020)

1. C.R.P.446/2022
IN C.A.2150/2019 Federal Govt. of Pakistan thr. M/o. Defence Rawalpindi and another v. Mst. Zakia Begum and others
2. C.R.P.447/2022
IN C.A.2154/2019 Federation of Pakistan and another v. Muhammad Ashraf (decd.) thr. LRs. and others
3. C.R.P.448/2022
IN C.A.2155/2019 Federation of Pakistan and another v. Zumard Khan (decd.) thr. LRs. and others
4. C.R.P.449/2022
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5. C.R.P.450/2022
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6. C.R.P.451/2022
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10. C.R.P.455/2022
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11. C.R.P.456/2022
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12. C.R.P.457/2022
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13. C.R.P.458/2022
IN C.A.2165/2019 Federation of Pakistan thr. Secy. M/o. Defence, Rawalpindi and another v. Muzaffar Khan (decd.) thr. LRs. and others
14. C.R.P.459/2022
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15. C.R.P.460/2022
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16. C.R.P.461/2022
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17. C.R.P.462/2022
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20. C.R.P.465/2022 Federation of Pakistan and another v. Khizar Hayat Khan (decd.) thr. LRs. and others
21. C.R.P.466/2022 Federation of Pakistan and another v. Barkat Ali Khan (decd.) thr. LRs. and others
22. C.R.P.467/2022
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23. C.R.P.468/2022
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- and others
24. C.R.P.469/2022
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 25. C.R.P.470/2022 Federation of Pakistan thr. Secy. M/o. Defence, Islamabad and another v. Sher Afzal Khan (decd.) thr. LRs. and others
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 27. C.R.P.472/2022
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 28. C.R.P.473/2022
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 29. C.R.P.474/2022
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 30. C.R.P.475/2022
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 31. C.R.P.476/2022
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 32. C.R.P.477/2022
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 33. C.R.P.478/2022
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 36. C.R.P.481/2022
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 39. C.R.P.484/2022 Federation of Pakistan and another v. Lal

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40. C.R.P.485/2022 Federation of Pakistan and another v.
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41. C.R.P.486/2022 Federation of Pakistan and another v.
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43. C.R.P.488/2022 Federation of Pakistan and another v.
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44. C.R.P.489/2022 Federation of Pakistan and another v.
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45. C.R.P.490/2022 Federation of Pakistan and another v.
IN C.A.2197/2019 Abdul Khaliq & others
46. C.R.P.491/2022 Federation of Pakistan and another v. Haji
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47. C.R.P.492/2022 Federation of Pakistan and another v.
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48. C.R.P.493/2022 Federation of Pakistan and another v.
IN C.A.2200/2019 Khalid Mehmood & others
49. C.R.P.494/2022 Federation of Pakistan and another v.
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50. C.R.P.495/2022 Federation of Pakistan and another v. Haji
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51. C.R.P.496/2022 Federation of Pakistan and another v.
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54. C.R.P.499/2022 Federation of Pakistan & another v.
IN C.A.2206/2019 Muhammad Nawaz & others
55. C.R.P.500/2022 Federation of Pakistan through Secretary
IN C.A.2207/2019 Ministry of Defence Rawalpindi and
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others
56. C.R.P.501/2022 Federation of Pakistan & another v.
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57. C.R.P.502/2022 Federation of Pakistan & another v.
IN C.A.2209/2019 Ghulab Shah & others
58. C.R.P.503/2022 Federation of Pakistan & another v. Lal
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59. C.R.P.504/2022 Federation of Pakistan & another v. Sher
IN C.A.2211/2019 Afzal & others
60. C.R.P.505/2022 Military Estates Officer (MEO) Hazara
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61. C.R.P.506/2022 Federation of Pakistan & another v. Aslam
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62. C.R.P.507/2022 Federation of Pakistan & another v.
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63. C.R.P.508/2022 Federation of Pakistan & another v. Mst.
IN C.A.2215/2019 Rafia Begum & others
64. C.R.P.509/2022 Federation of Pakistan thr. M/o. Defence
IN C.A.2216/2019 Rawalpindi and another v. Mst. Mumtaz
Begum & others
65. C.R.P.510/2022 Federation of Pakistan thr. M/o. Defence
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66. C.R.P.511/2022 Federation of Pakistan & another v. Umer
IN C.A.2218/2019 Hayat Khan & others
67. C.R.P.512/2022 Military Estate Officer, (MEO) Hazara
IN C.A.2219/2019 Circle, Abbottabad v. Akram Khan &
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68. C.R.P.513/2022 Federation of Pakistan thr. M/o. Defence
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69. C.R.P.514/2022 Federation of Pakistan & another v.
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7. C.R.P.515/2022 Federation of Pakistan & another v.
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71. C.R.P.516/2022 Federation of Pakistan thr. M/o. Defence
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72. C.R.P.517/2022 Federation of Pakistan & another v. Raja
IN C.A.2224/2019 Muhammad & others
73. C.R.P.518/2022 Federation of Pakistan & another v.

- IN C.A.2225/2019 Mushtaq Ahmed Khan & others
74. C.R.P.519/2022 Federation of Pakistan & another v.
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75. C.R.P.520/2022 Federation of Pakistan thr. M/o. Defence
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Khan & others
76. C.R.P.521/2022 Federation of Pakistan and another v.
IN C.A.2228/2019 Naeema Zaid & others
77. C.R.P.522/2022 Federation of Pakistan and another v. Ali
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78. C.R.P.523/2022 Federation of Pakistan and another v.
IN C.A.2230/2019 Mst. Hafizan Sultan & others
79. C.R.P.524/2022 Federation of Pakistan and another v.
IN C.A.2231/2019 Muhammad Saddique & others
80. C.R.P.525/2022 Federation of Pakistan and another v.
IN C.A.2232/2019 Khayzer Hayat & others
81. C.R.P.526/2022 Federation of Pakistan and another v.
IN C.A.2233/2019 Saadat Khan Ali & others
82. C.R.P.527/2022 Federation of Pakistan thr. M/o. Defence
IN C.A.2234/2019 Rawalpindi and another v. Amir Afzal &
others
83. C.R.P.528/2022 Federation of Pakistan and another v.
IN C.A.2235/2019 Samundar Khan & others
84. C.R.P.529/2022 Federation of Pakistan and another v.
IN C.A.2236/2019 Khurshid Khan & others
85. C.R.P.530/2022 Federation of Pakistan and another v.
IN C.A.2237/2019 Sher Bahadur & others
86. C.R.P.531/2022 Federation of Pakistan and another v.
IN C.A.2238/2019 Meer Afzal & others
87. C.R.P.532/2022 Federation of Pakistan and another v. Taj
Muhammad & others
88. C.R.P.533/2022 Federation of Pakistan and another v.
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89. C.R.P.534/2022 Federation of Pakistan thr. M/o. Defence
IN C.A.2241/2019 Rawalpindi and another v. Ghulam
Muhammad & others
90. C.R.P.535/2022 Federation of Pakistan and another v.

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91. C.R.P.536/2022 Federation of Pakistan and another v. Taj
IN C.A.2243/2019 Muhammad & others
92. C.R.P.537/2022 Federation of Pakistan and another v.
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93. C.R.P.538/2022 Federation of Pakistan and another v.
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94. C.R.P.539/2022 Federation of Pakistan and another v.
IN C.A.2246/2019 Masood Khan & others
95. C.R.P.540/2022 Federation of Pakistan and another v.
IN C.A.2247/2019 Amir Afzal & others
96. C.R.P.541/2022 Federation of Pakistan and another v. Rab
IN C.A.2248/2019 Nawaz & others
97. C.R.P.542/2022 Federation of Pakistan and another v.
IN C.A.2249/2019 Mst. Sajida Begum & others
98. C.R.P.543/2022 Federation of Pakistan and another v.
IN C.A.2250/2019 Chan Nawaz & others
99. C.R.P.544/2022 Federation of Pakistan and another v.
IN C.A.2251/2019 Fazal Ahmed & others
100. C.R.P.545/2022 Federation of Pakistan thr. M/o. Defence
IN C.A.2252/2019 Rawalpindi and another v. Mir Afzal Khan
& others
101. C.R.P.546/2022 Federation of Pakistan and another v.
IN C.A.2253/2019 Sadaqat Ali Khan & others
102. C.R.P.547/2022 Federation of Pakistan thr. M/o. Defence
IN C.A.2254/2019 Rawalpindi and another v. Fazal-ur-
Rehman & others
103. C.R.P.548/2022 Federation of Pakistan and another v. Ali
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104. C.R.P.549/2022 Federation of Pakistan and another v.
IN C.A.2256/2019 Mst. Maskeena Jan & others
105. C.R.P.550/2022 Federation of Pakistan and another v.
IN C.A.2257/2019 Akbar Jan & others
106. C.R.P.551/2022 Federation of Pakistan and another v.
IN C.A.2258/2019 Muhammad Ali & others
107. C.R.P.552/2022 Federation of Pakistan thr. M/o. Defence
IN C.A.2259/2019 Rawalpindi and another v. Mst. Anwar
Jan & others

108. C.R.P.553/2022 Federation of Pakistan and another v.
IN C.A.2260/2019 Munawar Khan (decd.) thr: L.Rs & others
109. C.R.P.554/2022 Federation of Pakistan & another v. Mst.
IN C.A.2261/2019 Inayat Bibi & others
110. C.R.P.555/2022 Military Estates Officer (MEO) Hazara
IN C.A.2262/2019 Circle, Abbottabad v. Manzoor Alam and
others
111. C.R.P.556/2022 Federation of Pakistan thr. M/o. Defence
IN C.A.2263/2019 Rawalpindi and another v. Hamida
Manzoor and others

For the Petitioner(s) : Mr. Rashdeen Nawaz Qasoori, Addl.
AGP assisted by Mr. Muhammad
Ibrahim, Advocate High Court
Mr. Rameez Sarfraz, MEO Abbottabad

For the Respondent(s) : NR

Date of Hearing : 18.07.2023

ORDER

UMAR ATA BANDIAL, CJ: We have heard the learned Addl. Attorney General at length. His principal grievance is that the increase in value of acquired land to the amount that the High Court has ordered is not backed by evidence. Paragraph-05 of the judgment of the High Court records the evidentiary values of the land acquired according to its agricultural/revenue classification. Considering that the land is acquired for a single project, this Court has affirmed the value assigned by the High Court to the acquired land for the reason that the original value as determined by the Collector and the Referee Court was based on revenue classifications which have no relevance for the purposes of calculating compensation. Furthermore, when land is acquired in small parcels, awarding compensation based on revenue classifications to small parcels of land is to the disadvantage of the landowners, because it undermines the potential value of the large

parcels of land acquired for a single project. Consequently, the uniform valuation for the entire land acquired for the project possesses justification. Reference is made to paragraph-17 of our judgment under review reported as **“Federal Government of Pakistan versus Mst. Zakia Begum”** (PLD 2023 SC 277).

2. An important aspect of our judgment under review is that the calculation of potential value of acquired land by a Court of law starting from the referee Court up to this Court cannot be left to their discretionary assessment. There must be guidelines framed by the competent legislative or regulatory bodies for determining the potential value of the land acquired for various types of public purpose projects. To emphasize the point, we reproduce the said observation made in paragraph-18 of our impugned judgment:

“18. Ideally, there should be guidelines to calculate this value, however, since the efforts of the government have been to undervalue the land, no real effort has gone into devising a scheme to calculate potential value over the years. This is why there is so much litigation on just this issue. Under the circumstances, there is a dire need to legislate on the issue and to devise a methodology to calculate potential value and market value so that it is neither arbitrary nor left to the whims of the Collector. This should be a priority for the government as acquisition cannot be at the expense of the financial loss of a landowner. Where there is acquisition for public purpose, the Act mandates that a fair value is prescribed based on the market value and the potential value of the land and the cases of this Court give sufficient guidance on calculating market value and potential value, hence, there appears to be no justification to continue with archaic concepts whilst valuing the land. In these cases, market value and potential value has been assessed at Rs.30,000/- per kanal based on the willing buyer, willing

seller formula as well as on the available amenities such as transport, electricity, urban development and industrialization, which shows there is potential for the area to be fully developed. This is based on the evidence and calculation of future prospects. Unfortunately, a great amount of time was consumed for the land owners to get the worth of their land all of which could have been avoided, had the value been properly assessed."

3. In the light of foregoing, we do not find any ground to interfere with the judgment under review. Dismissed.

Islamabad
18.07.2023
Rashid/*
Not approved for reporting