

SUPREME COURT OF AZAD JAMMU AND KASHMIR
[Appellate Jurisdiction]

PRESENT:

Raza Ali Khan, J.

Civil PLA No. 43 of 2021
(Filed on 11.03.2021)

WAPDA through Director,

.....PETITIONER

VERSUS

Choudhary Muhammad Masoom & others.

.....RESPONDENTS

[On appeal from the judgment of the High Court dated
22.01.2021 in civil Appeal Nos. 90 & 96 of 2014]

FOR THE PETITIONER:

Ch. Liaqat Afzal, Advocate.

FOR THE RESPONDENTS:

Nemo.

Date of hearing: 17.06.2021.

ORDER:

Raza Ali Khan, J.– The captioned petition for leave to appeal has been directed against the judgment of the High Court of Azad Jammu & Kashmir dated 22.01.2021, passed in civil appeal Nos. 90 & 96 of 2014.

2. The relevant and necessary facts forming the background of the captioned petition for leave to appeal are that WAPDA-petitioner, herein, vide award Nos. 17/2017, dated 14.05.2007, acquired the land of the respondent comprising khewat No. 6, khata No. 24, measuring 10 kanal, 14 marla situated at Mozia Pael Bakshi Molaraj, Tehsil Dadyal, District Mirpur, for up-raising of Mangla Dam Raising project, and the price of the land under reference was fixed kind wise as Rs. 3,50,000/-, Rs. 2,75000/-, Rs. 75000/-,

1,20,000/-, Rs. 50,000/- and 5,00,000/-, respectively for kinds of Maira Awal, Maira Doim, Bajer Qadeem, Ghairmumkin Qabristan, Ghairmumkin, Ghairmumkin Schools etc. As per contents of the reference application, the land under reference was of the superior kind and the same was being used for commercial purpose, as there was bus stand in the acquired land which fetched more income; and in the near future its value would be further increased, however, the petitioners without any reason and justification rejected the objections of the respondent. It was lastly, stated that the compensation of the acquired land may be fixed @ Rs. One Crore and ten lac per kanal, alongwith 15% CAC. On filing of the reference, the petitioners, herein, filed objections and requested for dismissal of the reference application.

The learned Reference Judge after necessary proceedings, vide judgment and decree, dated 29.03.2014, enhanced the compensation of the land at the rate of 8,33,333- per kanal, irrespective of its kinds alongwith 15% CAC. The said judgment and decree was challenged by both the parties before the High Court of Azad Jammu & Kashmir, by filing separate appeals. The learned High Court after necessary proceedings, dismissed the appeal filed by the petitioners, herein, and on appeal filed by the respondent, herein, has enhanced the compensation to the tune of Rs. 10,00,000/- per kanal, alongwith 15% CAC, through the impugned judgment and decree dated 22.01.2021.

3. Ch. Liaqat Afzal, the learned advocate for the petitioners argued the case with vehemence and

submitted that the impugned judgment of the learned High Court is against law, facts and the record. He submitted that the learned High Court has not appreciated the record in its true perspective and has wrongly enhanced the compensation to the tune of Rs. 10,00,000/- per kanal, irrespective of its kinds, through the impugned judgment. He further submitted that against the impugned judgment, the respondent has also filed an appeal titled "*Ch. M. Masoom vs. Collector Land Acquisition*" Civil Appeal Nol. 43 of 2021, filed on 03.04.2021, before this Court which is under completion in the registry office, therefore, proprietary demands that while converting this petition into appeal, both the cases may be clubbed and heard together.

I have heard the learned Advocate for the petitioner. As an appeal against the same impugned judgment, has been filed before this Court, therefore, I deem it appropriate to convert this petition into regular appeal. The petitioner shall deposit security of Rs. 1000/- within one week, failing which, the leave granting order shall automatically be deemed to have been rescinded. The office is directed to club the above-mentioned case with the titled case and fix both the appeals for arguments after seeking approval from the Hon'ble Chief Justice.

JUDGE

Mirpur,
17.06.2021.

Muhammad Ayub VS Manzoor Hussain & others

PRESENT:

Ch. Muhammad Ashraf Ayaz, Advocate for the appellant.

Mr. Kamran Taj, Advocate for the complainant.

Raja Saadat Ali Kiani, Addl. Advocate-General for the state.

ORDER:

For the reasons to be recorded later on, this appeal is dismissed. Consequently, the impugned judgment of the High Court through which the bail granted to the appellant has been cancelled, shall remain intact. The Police is directed to arrest the appellant.

CHIEF JUSTICE

JUDGE

Mirpur:
17.06.2021.