

From No:HCJD/C-121
ORDER SHEET
IN THE LAHORE HIGH COURT, RAWALPINDI BENCH, RAWALPINDI
JUDICIAL DEPARTMENT

Case No. **CrI. Org. No.57-W/2016**

Mst. Falak Naz

Tariq Mehmood Khan, LAC

S. No. of order/ Proceeding	Date of order/ Proceeding	Order with signature of Judge, and that of Parties or Counsel, where necessary.
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04.10.2016	Malik Muhammad Nawaz Khan, Advocate for the petitioner. Mr. Khurshid Ahmed Satti, AAG. Raja Hameed, Collector, Ghazi Barotha and Abdul Aziz, Girdawar, WAPDA, Ghazi Barotha.
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This petition has been moved for initiating criminal proceedings against the respondent for non-compliance of the order passed by this Court on 08.04.2010 in its true wisdom, which was clarified on C.M.No.618/2011 on 04.04.2012.

2. The facts relevant for disposal of this petition are that the petitioner filed Writ Petition No.2585/2009 alleging that the respondent acquired her land for construction of Power Channel of Ghazi Barotha Hydropower Project but the compensation has not been released to her and for this purpose she sought indulgence of this Court for issuance of direction to the respondent to pay compensation @ Rs.40,000/- per kanal alongwith compulsory acquisition charges as well as compound interest totaling Rs.33,58,460/-. This Court while deciding aforesaid writ petition on 08.04.2010 mentioned compensation amount as Rs.4,26,000/- according to Award No.89, in para No.1 whereas in

ultimate paragraph of the order, the direction was issued in the following manner:-

“In this view of the matter, this writ petition is allowed and Land Acquisition Collector is directed to pay the compensation due to the petitioner in accordance with the relevant provisions of Land Acquisition Act, 1894 within a period of two months from today.”

Consequently, the petitioner filed C.M.No.618/2011 for correction/clarification of order dated 08.04.2010 inasmuch as the compensation amount of Rs.4,26,000/- mentioned in para No.1 of the order was sought to be corrected as Rs.33,58,460/-. Said application was accepted in the terms that the amount mentioned in para No.1 was corrected from Rs.4,26,000/- to Rs.33,58,460/- but with regard to para No.4, it was observed:-

“As far as the operative para i.e. para No.4 of the order dated 08.4.2010 is concerned, this correction would have no bearing upon the operative part.”

3. The respondent has been summoned in this case and his stand is that the Award has been announced and they are ready to make payment according to the amount mentioned in the Award, but when the petitioner was confronted with this statement, she contended that she approached this Court with the claim of specific amount of Rs.33,58,460/-, therefore, the respondent is bound to pay this amount to the petitioner, failure of which amounts to violation of order of this Court; hence, the proceedings may be initiated against him.

4. I have heard the learned counsel for the petitioner and examined the orders so passed.

5. I am not persuaded to initiate any process of contempt proceedings as the petitioner had approached this Court for issuance of direction to the respondent to

pay the compensation amount of her acquired land. The amount mentioned in the writ petition cannot be considered as price of the land, as it was not fixed by this Court after adjudication. It was just a claim of the petitioner, which was incorporated in the order by this Court on her assertion, which in no way can be termed to be the amount determined by this Court. If anybody is not satisfied with the compensation amount, mentioned in the Award, he/she has been given a remedy before the Referee Court according to the mechanism provided in the Land Acquisition Act, 1894. It was neither the intention of this Court to direct the respondent to pay specified amount, as claimed by the petitioner, nor it could be, as it would have been without adjudication. Even otherwise, the petitioner is entitled to recover the amount from the respondent whatever mentioned in the Award announced by the Land Acquisition Collector published in the official Gazette. If she is not satisfied with the amount so mentioned in the Award, as stated earlier, she is at liberty to approach the Referee Court for its enhancement.

6. In view of the above, this petition has no merits; hence, dismissed. However, before parting with this order, I deem it appropriate to direct the respondent to disburse the compensation amount, determined in the Award qua acquired land of the petitioner, forthwith.

(MUHAMMAD AMEER BHATTI)
JUDGE.

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