

ORDER SHEET
HIGH COURT OF SINDH AT KARACHI

High Court Appeal No.168 of 2003

Date	Order with Signature(s) of Judge(s)
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Present

Mr. Justice Muhammad Ali Mazhar
Mr. Justice Abdul Maalik Gaddi

M/s. Pak Maniar Investment (Pvt.) Ltd. Appellant

V E R S U S

Civil Aviation Authority & others Respondents

24.3.2017

None present for Appellant.

Mr. Muhammad Ilyas holds brief of Mr. Suhail Hayat Khan Rana,
Advocate for Civil Aviation Authority.

Mr. Ahmed Ali Ghumro, Advocate for Board of Revenue.

Muhammad Ali Mazhar, J. This High Court Appeal has been preferred against the order passed by the learned single Judge of this court dated 23.4.2003 in the Civil Reference No.02/1990.

2. While impugning the order, the appellant has prayed for the compensation at the rate of Rs.1200 per sq. yard instead of Rs.550 per sq. yard granted earlier for the entire land measuring 10,769 sq. yards.

3. Brief facts of the case are that vide Notification dated 08.8.1989 issued by the Collector, District Karachi, East, under Section 4 of the Land Acquisition Act, the land in question was acquired for Civil Aviation Authority for public purposes for new terminal at Karachi Airport. The appellant raised the objection before the Collector against the quantum of compensation and also submitted an application for the determination of the compensation. The learned single Judge observed in

the impugned order that while determining the amount of compensation, the court has to consider the evidence/material brought on record by the parties and the Land Acquisition Officer, while making determination of the acquired land has to consider the potentiality of future prospective of the land. In this regard, the judgment of the Apex Court reported in 2002 SCMR 407 was also referred to in the impugned order.

4. The learned single Judge was of the view that the objections raised by the appellant were dealt with by the Land Acquisition Officer in just, proper and fair manner and none of the parties produced any additional evidence or fresh material to disturb the award, while the contentions raised by the learned counsel for the parties before the learned single Judge were almost same as raised before the Land Acquisition Officer.

5. After considering the pros and cons, the learned single Judge upheld the award of the Land Acquisition Officer and rejected the reference.

6. Today neither the counsel for the appellant is present nor any intimation is received. The conduct of the appellant shows that they have lost the interest in the matter. The appeal is dismissed for non-prosecution.

Judge

Judge