

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
Constitutional Petition No.D-467 of 2014.

Date of Hearing	ORDER WITH SIGNATURE OF JUDGE
13.09.2018.	

1. For hearing of M.A. No.1658/18.
2. For hearing of main case.

Mr. Ashfaque Hussain Abro, advocate for the petitioner.
Mr. Shafi Mohammad Chandio, Addl. Advocate General.

ORDER

The instant petition has been filed by the petitioner with the following prayers:

- a) *Direct the respondents to make payment to petitioner as per law and without further loss of time.*
- b) *Direct the respondents to make payment as per current rate of the land as per market value, the current market value per Acre is Rs.8 lac.*
- c) *or direct the respondents to free the petitioner from such accord as, thereafter, he can sale his land in open market.*

2. It is alleged that the petitioner is owner of land bearing survey Nos.332/1 to 4, 333/1 to 4, 334/1 to 4, 335/1 to 4 and 336, total area 63-26 Acres, situated in Deh Bello Sultan Kot, Taluka and District Shikarpur. It is further alleged that District Officer, Revenue, Shikarpur (respondent No.1) required the aforesaid land of petitioner for public purpose, namely, Construction of landfill site of TMA, Shikarpur, hence he issued a Notification dated 7th December, 2010 under Section 4 of the Land Acquisition Act, 18976 (hereinafter referred to as "the Act") and thereafter Commissioner, Larkana Division, Larkana (respondent No.5) issued a letter in the light of aforesaid Notification to the effect that the land was needed for public purpose. It is the grievance of the petitioner that even after lapse of many years no single rupee has been paid to the petitioner despite making demands, hence the petitioner has invoked the

Constitutional jurisdiction of this Court under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973.

3. It appears that this petition was filed by the petitioner on 22.4.2014 and thereafter he admittedly entered into an agreement with the Assistant Commissioner, Shikarpur/Land Acquisition Officer (respondent No.4), thereby he agreed to sell out his land admeasuring 14.25 acres at the market value of Rs.4,02,500/- per acre. Copy of the said agreement/ undertaking is annexed with the parawise comments of respondents No.6 and 7 filed on 27.1.2016 as Annexure 'R'.

4. Learned Counsel for the petitioner states that at the time of issuance of Notification under Section 4 of the Act the rate of the land was about Rs.400,000/- per acre, while after passing six years it increased upto Rs.800,000/- per acre, therefore, if the respondent No.4 needed the land for the public purpose, then they have to proceed with fresh proceedings at fresh rate. We are afraid, the contention of learned Counsel for the petitioner is bereft of any reasons, as once the petitioner entered into an agreement voluntarily in respect of his land and settled the sale price after filing of this petition, he is estopped from claiming enhanced rate of his land. It also transpires from the letter dated 27.1.2016 filed by the respondents No.6 and 7 through statement dated 17.2.2016 that an amount of Rs.58,92,399/- is already lying with the Assistant Commissioner/Land Acquisition Officer, Shikarpur since December, 2011 for making payment to the petitioner. Hence, this petition being devoid of merit is dismissed accordingly along with listed application.