

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
HCA No. 92 of 2025

Date

Order with signature of Judge

FRESH CASE.

- 1) For orders on Misc. No. 770/2025.
- 2) For orders on Misc. No. 771/2025.
- 3) For orders on office objection a/w reply as at "A".
- 4) For orders on Misc. No. 772/2025.
- 5) For hearing of main case.
- 6) For orders on Misc. No. 773/2025.
- 7) For orders on Misc. No. 774/2025.

23.05.2025.

M/s. Ayan Mustafa Memon, Hassan Kaleem Qamar
and Asad Jakhrani, Advocates for Appellant.

- 1) Granted.
- 2) Let Court fee be deposited within seven (7) days time.
Application stands disposed of.
- 3) Counsel to satisfy and respond to the office objections
on the next date.
- 4) Granted subject to all just exceptions.
- 5 & 6) Through this High Court Appeal, the Appellant has
impugned Judgment dated 24.02.2025 whereby, while
disposing of Civil Reference No. 01 of 1986 arising from
proceedings under Section 18 of the Land Acquisition Act,
1894, certain directions have been given to the Appellant.
Learned Counsel submits that the present Appellant is
primarily concerned with the findings contained in Paragraph
27 of the impugned Judgment, whereby, the Appellant has
been directed to return the acquired land to the claimants and
so also pay the amount or consideration on which the land in
question was sold or handed over to various allottees by the
Appellant. Learned Counsel submits that insofar as the
jurisdiction conferred upon the Court in under Section 18 of the

Act is concerned, it does not provide return or handing over of the land to a claimant and at best, it is only compensation which could be enhanced. Per learned Counsel, the entire case of the private Respondents was about enhancement in compensation, but they failed to lead any cogent evidence in support thereof, whereas the learned Judge was misdirected in passing the impugned Judgment as above by giving directions to the Appellant to pay the amount on which the acquired land was allotted / leased. According to him, the Judgment of the Indian Supreme Court as well as Supreme Court of AJ&K so relied upon by the learned Judge are not relevant to the present set of facts because this is a Civil Reference wherein, the claimants cannot resile and challenge the Acquisition Notification under Section 4 of the Act *ibid* after receiving compensation. He submits that the Decree is yet to be drawn; however, the Appellant foresees enforcement of the Judgment; sdhence, this Appeal.

Let notice be issued to the Respondents for a date to be fixed by the office after summer vacations. Till then, impugned Judgment dated shall remain suspended.

ACTING CHIEF JUSTICE

J U D G E

Arshad/