

**IN THE HIGH COURT OF SINDH,  
CIRCUIT COURT, HYDERABAD.**

**Present**  
**Mr. Justice Muhammad Iqbal Kalhoro**  
**Mr. Justice Adnan-ul-Karim Memon.**

**1<sup>st</sup> Appeal No.D-09 of 2009.**

Province of Sindh through  
Secretary Industries, Karachi .....Appellant  
Vs.  
Muhammad Younis & others .....Respondents

**1<sup>st</sup> Appeal No.D-10 of 2009.**

Province of Sindh through  
Secretary Industries, Karachi ..... Appellant  
Vs.  
Muhammad Yousuf & others .....Respondents

**1<sup>st</sup> Appeal No.D-11 of 2009.**

Province of Sindh through  
Secretary Industries, Karachi ..... Appellant  
Vs.  
Ashrafuddin & others .....Respondents

**1<sup>st</sup> Appeal Nos.D-12 of 2009.**

Province of Sindh through  
Secretary Industries, Karachi ..... Appellant  
Vs.  
Islamuddin & others .....Respondents

**1<sup>st</sup> Appeal No.D-13 of 2009.**

Muhammad Yousif & others .....Appellant  
Vs.  
Land Acquisition Officer/  
Assistant Commissioner and others .....Respondents.

**Dates of Decision: 13.03.2019.**

Mr. Allah Bachayo Soomro, A.A.G. Sindh for the appellants in 1st Appeals No.09 to 12 and for respondents in 1st Appeal No.13/2009.

M/s Imam Bux Baloch & Nusrat Mehmood Gill, Advocates for appellants in 1st Appeal No.13/2009 and for respondents in remaining appeals.

Mr. Bilawal Ali Ghunio, Advocate for respondents No.2 to 4.

**ORDER.**

**ADNAN-UL-KARIM MEMON-J:** - These Appeals filed under Section 54 of Land Acquisition Act, involving common questions of law and facts were taken up for hearing together and are being disposed of by this common judgment.

2. In all these Appeals, the Appellants have questioned a common order dated 22.04.2009 passed by the learned District Judge Sanghar, in Land Acquisition References No.04 to 7 of 2001, whereby compensation amount was re-determined in the sum of Rs.300,000/- per Acre, with interest of 6% from the date of official Notification under section 4 of Land Acquisition Act, till full payment of compensation is made after deducting amount already received by the private Respondents under protest towards compensation of land in question i.e. Survey No's 459/4, 465.1,2 , 466/3 admeasuring 14.26 acres situated in Deh and Tulka Tando Adam District Sanghar.

3. Mr. Allah Bachayo Soomro, Learned Additional Advocate General, Sindh forcefully submits that the subject Land Acquisition References, before the learned District Judge, Sanghar, were time barred and this point has not been dilated by the learned Refree Court and this being the legal question can be raised at any stage of the proceedings. When confronted with such eventuality M/s. Imam Bux Baloch & Nusrat Mehmood Gill, learned counsel for the Appellants in 1st Appeal No.13/2009 and for the Respondents in remaining Appeals have candidly conceded the legal position and has sought remitting the matters to the learned District Judge, Sanghar to decide afresh the subject Land Acquisition References by framing an issue regarding limitation and after affording both the parties an opportunity to adduce evidence, if any, only on the said issue and after hearing the parties decide the same in accordance with law.

4. Accordingly, by consent of the parties, the captioned Appeals are disposed of in the terms whereby setting aside the impugned orders, the matter is remitted to the learned District Judge, Sanghar to frame an issue regarding limitation and allow the parties to adduce evidence, if any on the aforesaid issue and after hearing the parties decide the same afresh in accordance with law within a period of three months from the date of receipt of the order of this Court.

**JUDGE****JUDGE**