

ORDER SHEET
IN THE HIGH COURT OF SINDH CIRCUIT COURT LARKANA
C.P No.D- 2022 of 2011

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DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For Katcha Peshi.
2. For hearing of MA 672/11 (1 Rule 10)

19.8.2014

Mr. Muhammad Saleem Jessar and Mr. Abdul Razak Jamali, Advocates for the petitioner.

Mr. Ali Raza Pathan, State Counsel.

Mr. Bashir Ahmed Dargahi, Advocate for the respondent No.6.

In this petition, petitioner has claimed the amount of mark up in respect of land acquired under the Land Acquisition Act.

Learned Counsel for the petitioner submits that in earlier C.P No.790/2009 order was passed in respect of claim of the petitioner along with mark up. He further submits that the said amount of mark up has not been paid in compliance of the order passed in earlier petition.

On the other hand, learned Counsel for the respondent has relied upon annexure-B at page 15 wherein entire claim has been settled/calculated with cost of the land and mark up of the period right from the date when the land was acquired.

Learned Counsel for the petitioner submits that the said award is not in consonance with the order passed in C.P No.790/2009.

Heard learned Counsel.

It appears that after passing of the order in C.P No.790/2009 a detailed order was passed by the Deputy District Officer (Revenue) & Land Acquisition Officer Jacobabad, in terms of the award dated 29.12.2010 wherein cost of the land along with other mark up has been mentioned which amount has been paid. The insistence of the learned

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Counsel for the petitioner is that this award/claim is not in consonance with the order dated 17.8.2010 passed in C.P No.790/2009 has no force. Petitioner has not challenged the Award before us. In case amount is not acceptable he could have challenged the Award which has not been done. The remedy to challenge the Award is not by way of filing petition. The recourse is available in terms of the Land Acquisition Act and hence it is not justifiable to challenge the Award by way of writ petition. The Award was passed after passing of order in CP No.790/2009 and include land price and markup. The petition is accordingly dismissed.



Judge



Judge