

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

C.P. No.D-527 of 2026

[Abdul Ghaffar and others v. Federation of Pakistan and others]

Before:

Mr. Justice Adnan Iqbal Chaudhry

Mr. Justice Riazat Ali Sahar

Mr. Sajjad Ali Gopang advocate for petitioners.

Mr. Muhammad Ismail Bhutto, Additional Advocate
General Sindh along with Riaz Ahmed Jamali,
Assistant Mukhtiarkar Hala on behalf of Assistant
Commissioner, Hala.

Date of hearing and order: 21.04.2026.

ORDER

RIAZAT ALI SAHAR, J. - Through this constitutional petition, the petitioner has sought the following reliefs:-

- a) *Direct, the respondents to immediately release and pay the awarded compensation amount to the petitioners in respect of land admeasuring 3-24 acres out of Survey Nos.241 and 245 situated at Deh Banglow, Taluka Hala, District Matiari.*
- b) *That, any other relief which this Honourable Court may deem fit and proper to award the petitioners.*

2. The background of the case is that the petitioners are lawful owners and legal heirs. There is an agricultural land bearing Survey Nos.241 and 245 (total admeasuring 13-10 acres) situated at Deh Banglow, Taluka Hala, District Matiari. They have stated their constitutional right to property and due process; out of their total landholding, an area measuring 3-24 acres was acquired by the Government through the Land Acquisition Collector for the construction of the Hyderabad-Sukkur Motorway (M-6) under the Land Acquisition Act, 1894. The acquisition process was completed after fulfillment of statutory requirements, culminating in the announcement of an Award determining compensation in favour of the petitioners. It is stated that possession of the acquired land

has already been taken by the respondents, thereby dispossessing the petitioners from their ancestral property. Despite repeated approaches and applications, the compensation amount determined in the Award has allegedly not been disbursed. The petitioners maintain that such non-payment violates mandatory provisions of Sections 31 and 34 of the Act, which obligate prompt payment along with interest in case of delay. The inaction of the respondents is alleged to be unlawful and violative of fundamental rights guaranteed under the Constitution.

3. Today, parawise comments of Assistant Commissioner, Hala have been filed contesting the petition as misconceived, premature and not maintainable in law. It is submitted that the land acquisition was carried out strictly in accordance with the Land Acquisition Act, 1894 for a lawful public purpose and all statutory obligations were duly fulfilled. The Award under Section 12 was announced in September 2025 and has attained finality. Subsequently, upon the petitioners' own application, the "Foti Khata" of deceased Ahmed Ali Rajput was mutated in favour of his legal heirs and necessary corrections were incorporated in the Award under Section 12-A. The respondent stated that the compensation amount is available and has never been withheld; rather, the petitioners have failed to complete codal and procedural formalities required for disbursement. It is further maintained that payment is subject to submission of requisite documents and handing over of peaceful possession. The respondent denied any *mala fide* or refusal, emphasizing readiness to disburse payment upon compliance by the petitioners. It is also submitted that the petitioners have bypassed available statutory remedies, rendering the petition premature. Accordingly, dismissal of the petition or issuance of appropriate directions to the petitioners is sought.

4. Learned counsel for the petitioners contends that the petitioners are lawful owners who have already been

dispossessed of their land following acquisition for a public project. Despite the Award having been announced and possession taken, compensation has not been paid, which constitutes a clear violation of statutory provisions and fundamental rights. He further contends that under Sections 31 and 34 of the Land Acquisition Act, payment of compensation is mandatory and delay attracts interest. The continued deprivation of property without compensation is unlawful, arbitrary and unconstitutional, warranting immediate intervention of this Court.

5. Learned Assistant Advocate General contends that the acquisition process was completed strictly in accordance with law and the Award has already attained finality. He contends that compensation has not been denied; rather, its disbursement is contingent upon completion of legal formalities by the petitioners, including correction of record and submission of required documents. He further contended that the petition is premature, as the petitioners have not exhausted available remedies. The State remains ready and willing to release payment upon compliance, thus, no constitutional violation is made out.

6. Heard and perused the record.

7. It appears that the controversy primarily revolves around factual aspects, particularly relating to mutation of "Foti Khata" and determination of rightful entitlement of legal heirs. While the petitioners allege non-payment of compensation despite dispossession, the Land Acquisition Officer upon being confronted has submitted that the compensation amount is available and all legal heirs can receive such amount. The record further reflects that the Award has been passed and subsequently corrected following mutation proceedings, thereby necessitating procedural compliance for disbursement.

8. Accordingly, the petitioners are set at liberty to approach the Land Acquisition Officer/Deputy Commissioner Matiari for redressal of their grievance and for receipt of compensation in accordance with law. The concerned authority is directed to ensure that the amended/corrected Award, reflecting the “**Foti Khata Badal**” in favour of legal heirs of deceased Ahmed Ali Rajput, is duly implemented and payment is disbursed upon completion of all codal formalities to the petitioners expeditiously.

9. In view of above facts and circumstances, the petition stands **disposed of** in the above terms.

10. Let a copy of this order be communicated to Land Acquisition Officer/Deputy Commissioner, Matiari for compliance.

JUDGE

JUDGE

Abdullahchanna/PS