

HIGH COURT OF SINDH CIRCUIT COURT, HYDERABAD

R.A No.56 of 2025

[The Commandant Indus Rangers Hq. vs. Sirajuddin Sikandar and Others]

Applicant : The Commandant Indus Rangers Headquarter
By Mr. Aqib Hussain advocate assisted by Mr. Faraz Ahmed Abro, Advocate a/w Major Zeeshan and DSR Kamran, Sindh Rangers

Respondent No.1: Sirajuddin Sikandar S/o Shamsuddin Bhatti
By Mr. Muhammad Sachal R. Awan advocate

Respondent No.2: Land Acquisition Officer/A.C Nawabshah
By Mr. Allah Bachayo Soomro Additional A.G Sindh

Respondent No.3: Federation of Pakistan
By Ms. Shamim Mughal Assistant Attorney General

Date of hearing: 24.12.2025

Date of assistance: 14.09.2026 and 21.09.2026

Date of decision: 24.12.2025

Date of Reasons: 09.10.2026

ORDER

JAWAD AKBAR SARWANA J:- The Commandant, Indus Rangers Headquarters, Pakistan Rangers (Sindh)/Applicant, is aggrieved by the Order dated 11.03.2025 passed by the learned Additional District Judge-IV, (MCAC) Shaheed Benazir Abad (Nawabshah), disposing of the application under Section 151 CPC filed by the Respondent no.1/Sirajuddin Sikandar in Execution Application No.4/2020 in Land Acquisition Reference No.4/1997.

2. The background of this matter is that the Land Acquisition Officer/Respondent No.2 acquired the property from Respondent No.1/Sirajudin Sikandar. A dispute followed which was ultimately resolved vide judgment dated 17.03.2020 passed by the Division Bench of this High Court in 1st Appeal No.D-92 of 2002 (available on page 167 of the file). Although the said appeal was challenged by the Pakistan Rangers, Sindh/applicant as opposed to the Land Acquisition Officer/Respondent No.2, however, the said challenge before the Supreme Court was dismissed on the ground of limitation; therefore, the dispute stood settled in terms of the judgment dated 17.03.2020. Thereafter, when execution proceedings ensued against respondent No.2, respondent No.1/Sirajuddin Sikandar filed

an application u/s 151 challenging the calculated amount for recovery from respondent No.2, which included a claim for compensation u/s 28-A of the Land Acquisition Act, 1894 in the mode prescribed therein (page 229-Annexure “Y”).

3. After hearing the parties, which also included the Pakistan Rangers, the Execution Court, i.e. the 4th Additional District Judge, Shaheed Benazirabad passed the impugned order dated 11.03.2025 granting certain reliefs, including directions to the Ministry of Interior, Government of Sindh, for attachment of the accounts through Secretary Finance, on account of Pakistan Rangers. During the hearings, Syed Shahabuddin Shah, Section Officer, Ministry of Interior, clarified to this bench that the Ministry of Interior is not involved in handling this account/payment; in fact, the concerned Department is the Home Department, Government of Sindh. Aggrieved by the impugned order, the Pakistan Rangers have filed this challenge before this bench.

4. During the course of arguments, the learned counsel for the applicant, assisted by Mr. Faraz Ahmed Abro, jointly submitted to this bench that this transaction involved 165.27 acres of land, out of which one of the land consisting of 60-00 acres was also challenged by a landowner and decided in his favour, but the challenge filed in the Supreme Court was found to be time-barred in 2006. The claim was ultimately adjusted, including a component of compensation u/s 28-A, which the Supreme Court awarded to the landowner because he was entitled under the law existing at the material time. Thereafter, another landowner challenged 08-00 acres, and the Supreme Court decided the challenge on merits, remanded the matter to the High Court, and thereafter the matter was further remanded to the trial Court, which ultimately dismissed the lis. He contended that, in this case involving 14.22 acres raised by yet another landowner (the respondent No.1), the High Court’s judgment dated 17.03.2020 confirmed the challenge. Counsel for the applicant contended that essentially the Pakistan Rangers, Sindh are aggrieved by the attachment of their accounts in the impugned order as there is no liability on their part for any amount due as this is exclusively the

liability of respondent No.2. Counsel for the applicant further contended that the impugned order stood finalised to the extent of its effect on respondent No.1 as the said respondent has raised no challenge to the question of the amount due from respondent No.2.

5. Counsel for the respondent No.1 has contended that the liability and the amounts due and payable are essentially the responsibility of respondent No.2 and the respondent No.2 has been dilly-dallying the matter. Thus, the amount remains unpaid, with proper calculation still pending. He contended that the liability u/s 28-A cannot be excluded and the respondent No.1 is liable for such compensation based on the reported judgment of the Supreme Court in PLD 2016 Supreme Court Page-514.

6. I have read Section 54 of the Land Acquisition Act, 1894 (as amended up-to-date), which is a special law, that essentially provides that an appeal shall lie in any proceedings under this Act to the [Division Bench of] High Court from the award or from any part of the award. The IVth Addl. District Judge Order dated 11.03.2025 in Civil Misc. Appln. in Execution Application No.4/2022 in Land Acquisition Reference No.04/1977 (allowed on 09.02.2022),¹ impugned in this revision, prima facie, are proceedings arising out of and/or in connection with and/or in relation to a part of the Award under the Land Acquisition Act, 1984. Furthermore, the prayer clause (b) of the revision seeking recalculation of the compensation amount payable to the decree-holder/respondent no.1, viz. reference to Section 28-A of the Act of 1984, potentially appears variation of the concluded Award (the respondent no.2/Land Acquisition Officer acquired the property from respondent no.1/Sirajuddin Sikandar on 16.03.1995), vide this Court's Division Bench Judgment dated 17.03.2020 passed in 1st Appeal No.D-92/2002 (*Sirajuddin Sikandar v. Land Acquisition Officer and Others*),² confirmed by the Supreme Court in Civil Appeal No.35-K/2020 vide its Order dated 06.01.2020,³ notwithstanding the Supreme Court's reported judgment on Section 28-A in *Dilawar Hussain and Others v. The Province*

¹ Available on pages 215 - 217

² Available on pages 167 – 173 of the revision

³ Available on page 175 of the revision

of Sindh and others.⁴ Therefore, the Pakistan Rangers (Sindh)/Applicant cannot re-agitate a past and closed transaction/matter before this Court's single bench in revision when the Division Bench has already resolved the matter in appeal, and, as per statute, grievances under the land acquisition hierarchy lie before the Division Bench.

7. The Pakistan Rangers (Sindh)/Applicant, as per its own pleading, has contended that the impugned Order attempts to freeze its account per the execution proceedings under the Land Acquisition Act, 1894, but the applicant is merely the beneficiary/acquiring agency in the transaction between the respondent no.1/Sirajuddin Sikandar and respondent no.2/Land Acquisition Officer; therefore, it has preferred this revision.⁵ In such a case, as nothing can be done indirectly, as in the instant case, which could not be done directly by the beneficiary, in light of judgments of the Supreme Court (footnote #5), this Revision is not maintainable, within the framework of the special law that provides only the right of appeal and not revision and what should be the alternative forum in the facts and circumstances of the case (Re: 1988 MLD 980).

8. Given the above discussion, this Civil Revision is/was dismissed subject to all legal consequences vide my Short Order dated 24.12.2025 and the above are my reasons. The Pakistan Rangers (Sindh)/Applicant is at liberty to agitate its grievance before the proper forum.

9. On the oral motion made by learned Counsel for the Applicant, the operation of this Order is suspended for a period of twenty (20) days from the articulation of the reasons for this Order. Office to notify the parties about the announcement of this Order with reasons.

JUDGE

Sajjad Ali Jessar

⁴ PLD 2016 SC 514

⁵ The Supreme Court has also observed in the two cases of (i) *Province of Punjab through the Deputy Commissioner/Collector District Gujranwala and others*, 2024 SCMR 22 and (ii) *the Water and Power Development Authority*, 2009 SCMR 1051, that a beneficiary of acquired land has no right and locus standi to either file a reference against the award of compensation or appeal against a judgment arising out of the reference under Section 18 of the Act of 1894.