ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA

Constt. Petition No.D- 1306 of 2025

Date of hearing	Order with signature of Judge

1. For orders on office objection-A.
2. For hearing of main case.

18.11.2026.

Mr. Rafique Ahmed K. Abro, Advocate for the Petitioner.
Mr. Riaz Hussain Khoso, Deputy Attorney General for Pakistan.
Mr. Abdul Waris Bhutto, Astt. A.G. a/w. Mr. Kamran Hussain Shaikh, Deputy Commissioner, Kamber-Shahdadkot and Abdul Salam Mirani, Assistant Commissioner, Qubo Saeed Khan.

The Deputy Commissioner, Kamber-Shahdadkot, present in Court, submits that the record of Entry No.92, dated 12.10.2026, in Village Form No. VII-A, Deh Dhori, Tapo Qubo, Taluka Qubo Saeed Khan, District Kamber-Shahdadkot, has been reconstructed; a copy of the entry has been placed on record and supplied to learned counsel for the petitioner.

Learned counsel for the petitioner submits that, in terms of the liberty granted by the learned Additional District Judge-II, Shahdadkot, vide order dated 27.05.2025, the petitioner has already filed an application under sections 31 and 34 of the Land Acquisition Act, 1894 ("the Act of 1894"), before the Deputy Commissioner/District Collector, Kamber-Shahdadkot, seeking payment of compensation for his land acquired by the District Officer (Revenue)/Land Acquisition Officer for the construction of the Gwadar-Ratodero Road Project, Khuzdar-Shahdadkot Package No.5 (Qubo Saeed Khan-Wango Hill), in terms of Award dated 04.09.2010; however, the application has not yet been decided.

When confronted, the Deputy Commissioner, Kamber-Shahdadkot, assures this Court that the petitioner's application shall be decided expeditiously and strictly in accordance with the law. In view of this statement, learned counsel for the petitioner is satisfied and seeks disposal of the petition with a direction to the competent authority to decide the pending application.

The assurance so extended accords with the mandate of the law. Once an award under section 11 of the Act of 1894 is made, section 31(1) thereof obliges the Collector to tender payment of the compensation to the person entitled thereto according to the award. The non-payment attracts interest under section 34, which is mandatory and cannot be withheld. The Constitution, too, does not countenance the deprivation of a person's property compulsorily acquired for a public purpose without payment of compensation. The petitioner's application, therefore, cannot be left unattended; at the same time, his entitlement and the quantum payable are matters for the Collector to

determine under the Act of 1894 and not for this Court in its constitutional jurisdiction.[1]

In view of the above, the instant petition is disposed of, with a direction to the Deputy Commissioner/District Collector, Kamber-Shahdadkot, to decide the petitioner's application for payment of compensation by a speaking order, strictly in accordance with the relevant laws, rules and prescribed procedure, after affording an opportunity of hearing to the petitioner and all concerned, within thirty (30) days of receipt of a copy of this order. It is needless to observe that nothing contained herein shall be construed as a finding on the entitlement of the petitioner or the quantum payable.

Petition stands disposed of in the above terms along with the pending application(s).

JUDGE

JUDGE

S.Ashfaq/-

[1] *National Highway Authority v. Mazhar Siddique* 2023 SCMR 493.