

JUDGMENT SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

W.P.No.2450 of 2012

Ministry of Interior Employees Cooperative Housing Society
Versus

Capital Development Authority and others

Date of Hearing: 30.09.2024
Petitioner by: Sheikh Muhammad Suleman and Ms. Hifsa Suleman, Advocates.
Respondents by: Hafiz Arfat Ahmad Ch., Mr. Tariq Zaman Ch., and Ms. Kashifa Niaz Awan, Advocates along with Mr. Shahryar Tariq, Legal Advisor, CDA.
Mr. Dawood Iqbal, learned State Counsel for respondent No.4.

MIANGUL HASSAN AURANGZEB, J:- Through this judgment, I propose to decide writ petition No.2450/2012 and writ petition No.1970/2020.

2. Writ petition No.2450/2012 was filed by the Ministry of Interior Employees Cooperative Housing Society (“**MIECHS**”) on 24.07.2012 seeking a direction to the Capital Development Authority (“**CDA**”) to complete the process of acquisition of land pursuant to Directive No.1473/DLR dated 21.08.2008 and pay compensation to MIECHS for the acquisition of 682 *kanals* and 15 *marlas* of land in Revenue Estate Budhana Kalan, District Islamabad. It was also prayed that MIECHS’s land may either be omitted from acquisition, or in the alternative, CDA may allot a suitable piece of land in Sector I-12, Islamabad under the ‘Land Sharing Policy.’

3. Through writ petition 1970/2020, MIECHS seeks the payment of interest etc. on the compensation for the acquisition of its land in said Revenue Estate determined in the award dated 15.01.2009. In the alternative, MIECHS prays for the return of its land.

4. MIECHS's case in writ petition No.2450/2012 was that it purchased 4,200 *kanals* of land in Revenue Estate Budhana Kalan for the purpose of developing a housing scheme for its members. Due to the construction of the link road for the motorway, the said land was bifurcated into two parts on either side of the road. On 21.08.2008, CDA issued Directive No.1473/DLR for the acquisition of land falling in Sector H-16, Islamabad for educational purposes. MIECHS's land measuring 682 *kanals* and 15 *marlas* situated in Revenue Estate Budhana Kalan was also acquired. MIECHS asserts that the market price of the said land at the time of the acquisition was Rs.10,00,000/- to Rs.12,00,000/- per *kanal* but it was acquired for Rs.8,50,000/-; that CDA has 'awarded double benefit in the shape of compensation and allotment of plots' to affectees of the acquisition process in villages situated in Sectors H-16 and I-17, Islamabad for the acquisition of their properties; that the demand made by MIECHS for the payment of adequate compensation was not entertained by CDA; and that vide letters dated 22.06.2009, 09.01.2010, 07.09.2010 and 25.10.2011, MIECHS requested CDA to complete the process of acquisition and pay the compensation, but to no avail. MIECHS also requested for alternate land to be allotted to it under CDA's policy of land sharing but did not receive any reply.

5. Learned counsel for CDA submitted that land in village Budhana Kalan (Sector H-16) was acquired by CDA through award dated 15.01.2009 issued by the Deputy Commissioner, CDA, according to which compensation at the rate of Rs.8,30,000/- per *kanal* was determined; that the said award included land measuring 653 *kanals* and 05 *marlas*, out of which 61 *kanals* and 05 *marlas* was acquired for the construction of a jail; that compensation at the said rate for 61 *kanals* and 05 *marlas* has been paid to MIECHS whereas payment for land measuring 590 *kanals* is yet to be made; that since certain land was

purchased by MIECHS by the entry of its name in the column of cultivation / *khana kasht* in the revenue record, therefore there is a possibility that MIECHS had purchased land beyond the actual entitlement of the seller; that after the exact quantum of the land acquired from MIECHS is determined, it is possible that its share in the acquired land would decrease; and that some land owned by MIECHS is also beyond the limits of the acquired area.

6. Furthermore, in the report submitted by CDA to this Court on 09.04.2013, it has been pleaded that compensation at the rate of Rs.8,30,000/- per *kanal* would be paid after the determination of MIECHS's total ownership of the land acquired through award dated 15.01.2009. Furthermore, it is pleaded that *"after compilation of payment documents and availabl[ity] of funds payment of compensation will be disbursed."* In paragraph 7 of the said report, it is pleaded that CDA is preparing the payment documents and arranging funds and after this process is completed, payment will be made.

7. Learned counsel for MIECHS made submissions in reiteration of the contents of the writ petitions.

8. I have heard the contentions of the learned counsel for the contesting parties and have perused the record with their able assistance.

9. Chapter IV of the Capital Development Authority Ordinance, 1960 ("the CDA Ordinance") deals with the subject of *"acquisition of land."* Section 22 of the said Ordinance provides that all land within the Specified Areas shall be liable to acquisition at any time in accordance with the provisions of Chapter IV. It is not disputed that the land acquired by CDA through the award dated 15.01.2009 is within the area specified in the Schedule to the said Ordinance.

10. Section 25(1) empowers the Deputy Commissioner to acquire any land for the purposes of the said Ordinance by an

order in writing. In exercise of the powers conferred under Section 51 of the CDA Ordinance, CDA made the Land Acquisition Regulations, 1961 ("the 1961 Regulations"). Regulation 3(1) of the said Regulations provides that no land shall be acquired unless CDA has issued a directive to the Deputy Commissioner in this regard, whereas Regulation 3(2) provides that the directive issued by CDA to the Deputy Commissioner may specify the exact situation and general character of the land to be acquired.

11. On 21.08.2008, the Chairman, CDA issued Directive No.1473/DLR directing the Deputy Commissioner to acquire the land, details and specifications whereof were mentioned in the Schedule to the said Directive. This Directive was for the acquisition of *inter alia* 3,277 *kanals* and 17 *marlas* comprising of 211 pieces of land in village Budhana Kalan.

12. After a directive contemplated by Regulation 3(1) is issued, Regulation 3(5) requires a public notice in terms of Section 27 of the CDA Ordinance to be published at convenient places in the form prescribed in the said Regulation. Section 27(1) of CDA Ordinance requires the Deputy Commissioner to give a public notice at convenient places on or near the land to be taken, stating that the Federal Government intends to take possession of the land, and that claims to compensation for all interests in such land may be made to him. CDA, on 02.09.2008, published the notice as required by Section 27(1) read with Regulation 3(5).

13. Regulation 5(1) provides that any person interested in any land which has been notified under Section 27 of the CDA Ordinance may, on the date specified in the notice, submit in writing the particulars of his claim to compensation and the amount he claims in respect of the interests and objection to the measurement carried out by CDA. The notice published by CDA on 02.09.2008 provides for a period of fifteen days within which such claims or objections could be filed. Learned counsel for CDA

referred to the objections filed by different landowners who were to be affected by the land acquisition process with respect to which public notices were issued on 02.09.2008. Learned counsel for CDA did so to bring home the point that MIECHS was well aware as to the issuance of such notices but did not file any claims or objections to the same. Admittedly, MIECHS did not file objections to the said notice and/or the acquisition process.

14. Section 28 provides *inter alia* that the Deputy Commissioner, after enquiring into the objections as to the market value of the land and into the respective interests of the persons claiming compensation, make an award of (i) the true area of the land; (ii) the compensation which in his opinion should be allowed for the land; and (iii) the apportionment of such compensation among all the persons known or believed to be interested in the land of whom, or of whose claims, he has information, whether or not they have appeared before him.

15. The process initiated through Directive No.1473/DLR culminated in the issuance of award dated 15.01.2009. Paragraph 12 of the said award shows that the acquisition process was carried out in accordance with the provisions of the CDA Ordinance. After the issuance of the said award, there was no communication between MIECHS and CDA until 22.06.2009 when MIECHS requested CDA to complete the acquisition process so that MIECHS is paid compensation enabling it to complete its housing project in Sector G-16. Subsequently on 07.09.2010, MIECHS wrote to CDA complaining that its requests for early payment of compensation for the acquisition of its land had not been responded to and this was causing a delay in the execution of the housing project. MIECHS had also sent a reminder on 25.10.2011 seeking allotment of a suitable piece of land in Sector I-12 on the basis of CDA's 'land sharing policy.'

16. MIECHS had been clamoring for the payment of compensation for a few years after the award dated 15.01.2009. Through writ petition No.2450/2012, the petitioner had sought a direction to CDA to complete the process of acquisition pursuant to the Directive dated 21.08.2008 and pay compensation to MIECHS for the acquisition of its land. Inaction on CDA's part for more than a decade after the award to pay compensation caused MIECHS to file writ petition No.1970/2020 praying for *inter alia* a declaration to the effect that MIECHS's land with respect to which the said award was issued be returned. In these circumstances, the vital question that needs to be determined is whether CDA is justified in withholding payment of compensation to MIECHS for the acquisition of its land under the award dated 15.01.2009.

17. Section 29 of the CDA Ordinance provides that if any land is acquired under the said Ordinance, there shall be paid compensation, the amount of which shall be determined by the Deputy Commissioner. Section 30(1) of the CDA Ordinance provides that in determining the amount of compensation to be awarded for the land acquired under the said Ordinance, the Deputy Commissioner shall take into consideration *inter alia* the market value of the land on the date of the order of its acquisition made under Section 25.

18. The mere fact that Section 29 does not specify the period within which the payment of compensation is to be made to the landowners for their acquired land does not mean that CDA has a free hand to make the payment as and when it takes its fancy. Regulation 15(1) of the 1961 Regulations provides that "*as soon as possible after the award*" the Deputy Commissioner shall proceed to pay the compensation awarded to the interested party. In the case of Allah Ditta Vs. Province of Punjab (PLD 1997 Lahore 499), the Hon'ble Lahore High Court referred to the meaning of the expression "as soon as possible" given in Stroud's Judicial

Dictionary of Words and Phrases (4th Edition) which was that to do something “*as soon as possible*” means to do it within a reasonable time, with an understanding to do it within the shortest possible time. This interpretation of the said phrase has also been adopted by the Delhi High Court in the case of Municipal Corporation of Delhi Vs. J.B. Bottling Company (Pvt.) Ltd. (ILR 1978 Delhi 428).

19. As mentioned above, the compensation awarded to the landowners affected by the award dated 15.01.2009 was Rs.8,29,150/- per *kanal*. Had this compensation been paid to MIECHS within a reasonable time after the award, MIECHS would have no reason to complain. The State has no business to expropriate from a citizen his property if an award has been made and the necessary steps to complete acquisition have not been taken for more than fifteen years. The acquisition proceedings have to be completed within a reasonable time after pronouncement of the award. Acquisition proceedings cannot be held to be completed unless compensation is paid to the affected landowners. Neither do the provisions of the CDA Ordinance nor the 1961 Regulations contemplate a scenario where an award has been issued but no funds have been made available for payment of compensation to the landowners.

20. Regulation 15(2) provides *inter alia* that the amount payable to the persons who refuse to accept the award may be kept for payment for thirty days and thereafter it may either be refunded to the funds of CDA or invested in the manner prescribed by the Rules. The spirit of Regulation 15(2) is that funds have to be made available for payment as compensation to the landowners when the award is made and if the landowners refuse to accept the payment, the amount cannot be kept by the Deputy Commissioner, CDA beyond thirty days. The instant case is not one where the compensation amount was made available to the Deputy

Commissioner for onward payment to MIECHS or that MIECHS had disputed the adequacy of the compensation. There is nothing on the record to show that MIECHS was offered payment of compensation for its land acquired under the award dated 15.01.2009.

21. In terms of Section 32 of the CDA Ordinance, immediately on the making of the award, the land vests in CDA free from all encumbrances. CDA's case is that upon making of the award on 15.01.2009, ownership of the entire land with respect to which the said award was made vested in CDA. However, about the payment of the compensation, CDA has been non-committal. In other words in the year 2009, CDA became the owner of land for which compensation has not been paid fifteen years thence. Where an award is issued, but no compensation is paid to the landowners, the process can aptly be termed as expropriation instead of acquisition. In the case of Dr. M. Aslam Khaki Vs. Muhammad Hashim (PLD 2000 SC 225), it has been held that from the point of view of *Shariah*, acquisition is a compulsory purchase of a property from the owner and the compensation awarded to him is the price of such purchase.

22. On 29.01.2020, the Deputy Director (Lands), CDA tendered appearance before this Court and submitted that compensation for the acquired land could not be paid due to paucity of funds. This Court, after observing that the submission made by him defied all norms of justice and equity, directed the Chairman, CDA to tender appearance before this Court and explain as to why compensation for the land in question had not been paid. On 06.02.2020, the Chairman, CDA appeared in person and submitted that he will personally look into the matter and ensure that *bona fide* landowners whose lands were acquired by CDA are paid compensation in accordance with law. No effort was made by the Chairman, CDA to fulfill the commitment he had made before this

Court. This Court, in its order dated 06.07.2020, observed *inter alia* that since the affectees had not been paid compensation since more than a decade, the compensation determined through the award dated 15.01.2009 had lost its efficacy. Furthermore, it was observed that the payment of compensation determined more than a decade ago but not paid to the affected landowners cannot, by any stretch of imagination, be termed as adequate compensation in view of the law laid down in the cases of Federation of Pakistan Vs. Shaukat Ali Mian (PLD 1999 SC 1026) and Quzalbash Waqf Vs. Federal Land Commissioner (PLD 1990 SC 99). Learned counsel for CDA was asked to have a final discussion with the Chairman, CDA so as to take a definitive position whether CDA intended to keep the land in question or return it to its original owners. On 22.07.2020, the position taken by the learned counsel for CDA was that according to the record, 619 *kanals* and 15 *marlas* of land was acquired from MIECHS for which CDA was ready to pay compensation. This statement proved to be nothing but an eye-wash since till date, MIECHS has not been paid compensation for the acquired land.

23. Vide order dated 11.09.2023 passed in writ petition 2450/2012, this Court directed CDA to submit a report clearly identifying the land which was acquired from MIECHS but its possession was not delivered. In compliance with the said order, CDA submitted report dated 14.11.2023 according to which, MIECHS's total land acquired by CDA was 641 *kanals* and 13 *marlas*, out of which possession of 59 *kanals* and 5 *marlas* was given to CDA whereas possession of 582 *kanals* and 8 *marlas* has not been given to CDA.

24. During the course of the arguments, learned counsel for CDA tried to justify the non-payment of compensation to MIECHS by stating that possession of the acquired land had not been given to CDA. Additionally, in paragraph 5 of CDA's written submissions,

it is stated that CDA is *“committed and ready to discharge its obligation mentioned in the award and CDA Ordinance 1960 and clear the remaining compensation as soon as the petitioner society hands over possession of the acquired land.”* My understanding of this submission is that compensation would be paid to MIECHS once it hands over possession of the acquired land to CDA. The said submission is baseless and not in consonance with the law. To begin with, how is MIECHS expected to obtain possession of land, the ownership whereof presently vests in CDA. Unlike Section 16 of the Land Acquisition Act, 1894 by virtue of which the acquired land vests in the government upon possession being taken of such land, Section 32 of the CDA Ordinance provides for the vesting of the acquired land in CDA on making of the award. Taking over possession of the acquired land is within the power of CDA. Section 32 of the CDA Ordinance empowers the Deputy Commissioner to enter upon and take over possession of the acquired land. For the purposes of clarity, Section 32 reads thus:-

“32. Vesting of land in the Authority.- Immediately on the making of the award under section 28, the land shall vest in the Authority free from all encumbrances and thereupon the Deputy Commissioner may, after giving reasonable notice to the occupier, enter upon and take possession of the same.”

25. Perusal of the award dated 15.01.2009 shows that through Directive dated 21.08.2008, the Chairman, CDA had called upon the Deputy Commissioner, CDA to acquire *inter alia* MIECHS's land under Section 33 of the CDA Ordinance which reads thus:-

“33. Acquisition in cases of urgency.— In cases of urgency, the Deputy Commissioner may immediately after the publication of the notice mentioned in sub-section (1) of section 27 enter upon and taken possession of the land which shall thereupon vest absolutely in the Authority free from all encumbrances:

Provided that the Deputy Commissioner shall not take possession of any building or part of building under this section without giving to the occupier thereof at least twenty-four hours' notice of his intention so to do, or such longer notice as may be reasonably

sufficient to enable such occupier to remove his movable property from such building without unnecessary inconvenience.”

26. Regulation 21 of the 1961 Regulations provides that once an award is given, the land shall vest in CDA as contemplated in Section 32 of CDA Ordinance and *“the Deputy Commissioner may take possession thereof”* irrespective of the fact that an appeal has been filed against the award or the owners have not been paid compensation or whether they have accepted the compensation under protest. Neither do the provisions of the CDA Ordinance nor the 1961 Regulations make the payment of compensation contingent on taking over possession of the acquired land by CDA. Interestingly, there is nothing on the record to show that after the award dated 15.01.2009, CDA had required MIECHS to hand over possession of the acquired land.

27. In the case of Noman Ahmad Vs. Capital Development Authority (PLD 2021 Islamabad 75), this Court held *inter alia* that the Government’s power to acquire private property is circumscribed by fulfilling two fundamental duties: firstly, that the private property is condemned only for a public purpose, and secondly that the affected owner is *“justly and fairly compensated.”* It is my view that a landowner whose land is acquired can be justly and fairly compensated when compensation for the acquired land is timely paid to him so as to enable him to buy alternate land of the same size and value. This is implicit in the meaning of the term *“market value,”* which in terms of Section 2(k)(iii) of the CDA Ordinance means *“in relation to land acquired on or after the first day of January, 1996, the market value as may be determined with the provisions of the Land Acquisition Act, 1894 as applicable in the Province of the Punjab.”*

28. Section 23 of the Land Acquisition Act, 1894 sets out the factors that have to be taken into consideration in determining the amount of compensation to be awarded for land acquired under

the said Act. More than fifty years ago, the Hon'ble Lahore High Court in the case of Col. Bashir Hussain Vs. Land Acquisition Collector (PLD 1970 Lahore 321) held that *"the principles laid down for the determination of compensation, as clarified by judicial pronouncements made from time to time, reflect the anxiety of the law-giver to compensate those who have been deprived of property, adequately enough in the sense that they are to be given gold for gold and not copper for gold."* Additionally, in the case reported as PLJ 1983 FSC 289 (Islamization of Laws – Public Notice No.4), the Federal Shariat Court, in the context of land acquisition under the provisions of the CDA Ordinance, held that the government's power to acquire land for public good is unquestioned but *"this power can generally be exercised on the payment of full compensation which should be equal to the market value of the land."* Furthermore, it was held that there can be no objection in *sharia* to conferment of power of acquisition on CDA provided it pays market value as compensation to the landowner. For CDA to say that the compensation of the acquired land determined fifteen years ago through an award would be paid now or at some point in time in the future is to say that I will give you copper for gold. It is a fact recognized by all and sundry except perhaps CDA that real estate value especially in the past fifteen years has multiplied many times over.

29. The compensation determined in the award dated 15.01.2009 may well have been just and fair, and assuming that it was so the fact remains that it has not been paid to MIECHS save Rs.45,587,997/- which was paid MIECHS on 30.10.2013 for the acquisition of 61 *kanals* of land where the jail is presently under construction. Other than this, not a single rupee has been paid to MIECHS for the acquisition nor is there any document to show that the compensation amount has been at any stage made available to

the Deputy Commissioner (CDA) for onward payment to MIECHS for the acquisition. In the instant case, the payment of compensation has been so inordinately delayed as to strip it of any semblance of adequacy or fairness. Compensation at the rate determined fifteen years ago cannot be ordered to be paid now since the value of the real estate has increased many folds in the past decade and a half. It would have been a different matter had the compensation determined by the Deputy Commissioner in the award dated 15.01.2009 been made available for receipt by MIECHS but the same was not taken due to the contest over its adequacy. The instant case is one where despite repeated requests by MIECHS, the amount was not even available for the payment of compensation.

30. Can the payment of compensation in the year 2024 (if at all it is to be made this year) at a rate determined in the year 2009 be held to be just and fair? Another ancillary question is whether such payment in the year 2024 would place MIECHS in a position to acquire land of the same value and quantity that was acquired from it. The answer to such questions by even the lowest standards of justice and equity would be a curt 'No.' Learned counsel for CDA was non-committal when asked about the date when CDA intends to compensate MIECHS. He was however firm in his view that ever since 2009 MIECHS has been deprived of all ownership and proprietary rights in the acquired land. CDA, in its written submissions, has expressly pleaded that the entire acquired land under the award dated 15.01.2009 vests in CDA.

31. In the case of Ikramul Haq Vs. Province of Sindh (2012 CLC 655), an award for the acquisition of land was made on 10.07.2007 but compensation was not paid to the landowners which prompted them to file a writ petition before the Hon'ble High Court of Sindh a year after the award. Vide judgment dated 30.11.2011, the Hon'ble High Court allowed the writ petition with the direction to the

Government to pay the compensation within a period of one month in terms of the award. The relief given by the Hon'ble High Court of Sindh in the said judgment cannot be given to MIECHS in the instant case since a period of more than fifteen years has lapsed after the award dated 15.01.2009 was made. Furthermore MIECHS, through writ petition No.1970/2020, has also made an alternative prayer for a declaration to the effect that MIECHS's land with respect to which the said award was issued be returned.

32. In the case of Commissioner, Rawalpindi / Province of the Punjab Vs. Naseer Ahmed (2024 SCMR 1037), a preliminary notification under Section 4 of the Land Acquisition Act, 1894 was issued on 02.11.2010 but no further steps were taken in relation to the acquisition process until the issuance of an addendum dated 12.03.2020 to the preliminary notification through which the quantum of the land to be acquired was increased. Thereafter, the District Price Assessment Committee determined the compensation to be at the rate which had been determined by the said Committee prior to the issuance of the preliminary notification. The award announced on 13.08.2020 was on the basis of the compensation determined by the said Committee in the year 2011. The Hon'ble Lahore High Court set-aside the said notifications with the option for the initiation of fresh proceedings for the acquisition of land. The judgment of the Hon'ble Lahore High Court was assailed by the Commissioner, Rawalpindi before the Hon'ble Supreme Court which partly allowed the appeal and held that the said notifications had been validly issued. However, the said award was set-aside with the direction that the compensation for the acquired land is to be determined afresh, treating the date of the publication of the addendum notification as the date for the notification under Section 4 of the said Act. It was also observed that while determining compensation and announcing the award afresh, other matters / factors prescribed

under the law for determining the compensation, including the potential value of the land and the escalation in prices of the land from the date of the publication of the addendum notification to the date of announcement, the new award shall also be considered. I deem it appropriate to reproduce herein below paragraph 19 of the said report:-

“19. Depriving a person of his / her property through acquisition by virtue of Article 24 of the Constitution is an exception to the fundamental right of every citizen to acquire, hold and dispose of property, as guaranteed under Article 23. By virtue of Article 24, the Constitution provides for a balance between the citizen’s right to rehabilitate or resettle or acquire alternate land and the State’s power of eminent domain, as it stipulates that along with such acquisition being only for a public purpose, it can only be undertaken under an authority of law that provides for compensation, which in this instance is the Act. The right to compensation under an authority of law has a Constitutional underpinning that is the protection given to the right to own property. The main object of the Act, therefore, is to provide complete indemnity to the landowners and no property can be acquired without proper and adequate compensation so that the opportunity to rehabilitate or resettle or acquire alternate land is not lost. Landowners are entitled to the maximum possible benefit in the circumstances of each case as such acquisition is not by way of mutual negotiations but under State power conferred on public functionaries. The interpretation and applicability of the provisions of the Act must, therefore, be in consonance with the spirit of Articles 23 and 24 of the Constitution and the object of the Act, which require properly and adequately compensating landowners whose lands are being acquired thereunder.”

33. CDA, in its report dated 14.11.2023, admitted that MIECHS’s total land acquired by CDA was 641 *kanals* and 13 *marlas*. According to MIECHS, 682 *kanals* and 15 *marlas* have been acquired. This dispute cannot be resolved in the Constitutional jurisdiction of this Court as it would require the recording of evidence. Along with application (CM No.1039/2021), MIECHS has attached a list of different chunks of land allegedly owned by MIECHS in different *khasra* numbers in Revenue Estate Budhana Kalan. Since this is not an official document, reliance cannot be placed on it.

34. In view of the above, I am inclined to grant the alternate prayer sought by MIECHS in writ petition No.1970/2020 in that the award dated 15.01.2009 to the extent of the determination of the compensation payable to MIECHS for its acquired land is set-aside on the ground that despite a lapse of fifteen years from the date of pronouncement of the award (i.e.15.01.2009), compensation has not been paid to MIECHS. The said petition is accordingly partly allowed. Since the prayer sought in W.P.No.2450/2012 is irreconcilable with the partial relief granted herein above, W.P.No.2450/2012 is dismissed as having been rendered infructuous to the said extent. CDA shall be at liberty to initiate a fresh process for the determination of the present market value of MIECHS's land strictly in accordance with the law provided the compensation so determined is paid to MIECHS. CDA shall bear MIECHS' costs. This judgment shall operate in *personam*.

(MIANGUL HASSAN AURANGZEB)
JUDGE

ANNOUNCED IN AN OPEN COURT ON 07.10.2024.

(JUDGE)