


0-05
15/10/21

⑧ Plaintiff through counsel present while defendant no. 01 to 04 through their representative present, who submitted written statement & replication. File is to come up for arguments on 16/10/2021.



Rehmat Ullah Wazir
Civil Judge/JM-I
Orakzai (Babar Mela)

Or.....06
16.10.2021

Parties along with counsel present. Through my this single order, I intend to dispose off an application for the grant of temporary injunction, filed by the plaintiffs against the defendants.

This application was strongly contested by the defendants no. 01 to 04 by filing replication and forwarding arguments thereto.

Brief facts of the case are that the plaintiffs filed the instant suit for declaration cum perpetual and mandatory injunction and possession through demolition to the effect that they are the owners in possession of the suit property and the defendants no. 06 to 09 have nothing to do with the suit property that is why the defendants no. 01 to 04 are not entitled to get a police station constructed through defendant no. 05, over the suit property in collusion with the defendants no. 06 to 09.



Rehmat Ullah Wazir
Civil Judge/JM-I
Orakzai (Babar Mela)

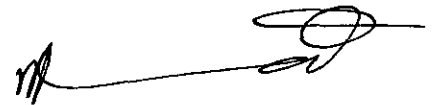
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Arguments heard and record perused.

After hearing of arguments and perusal of the record, I am of the opinion that as per the notification u/s 6 of the Land Acquisition Act, 1894, Dated: 24.08.2021 of the Commissioner Kohat Division, Kohat, the suit land has been declared as required to be acquired for a public purpose. Subsequently, as per the notification u/s 4 of the Land Acquisition Act, 1894, Dated: 27.09.2021 of the Deputy Commissioner, Orakzai, the suit land has been acquired by the said office and the possession of the said land has been undertaken by the said office u/s 9 of the Land Acquisition Act, 1894, Dated: 24.09.2021 and the objections if any from any person interested in the said land have been invited. Meaning thereby that the whole process of the acquisition has been completed and u/s 5A of the Land Acquisition Act, 1894, the only forum available for redressal of grievances is the collector concerned, while the Civil Court has been specifically debarred. Guidance in this respect has been derived from YLR, 2009, Peshawar, Page No. 1402. Thus, while deciding the application for the grant of temporary injunction, the plaint of the plaintiffs is hereby **rejected being not maintainable** in the eyes of law with costs.

File be consigned to the record room after its completion and compilation.

Announced
16.10.2021



(Rehmat Ullah Wazir)
Civil Judge-I,
Orakzai at Baber Mela