

Imran Khan Vs Muhammad Rauf etc

Or.....16  
29.07.2022

Presence as before.

Through my this single order, I intend to dispose off an application for the grant of temporary injunction, filed by the plaintiff against the defendants.

This application was strongly contested by the defendants by filing replication and forwarding arguments thereto.

Arguments heard and record perused.

After hearing of arguments and perusal of the record I am of the opinion that for the grant of temporary injunction, one will have to establish prima facie case, balance of convenience and irreparable loss in his favour. The claim of the plaintiff is that he is the owner of some portion of the suit property which has been acquired by the defendant no. 16 & 17 for construction of a police station through an oral agreement with the plaintiff to pay compensation of the said land to the plaintiff which is yet to be fulfilled. That in violation of the agreement, the defendant no. 16 is going to hand over the compensation of the said land to the defendant no. 01 to 07 despite the fact that they are not entitled to receive the same.

Objectively speaking, it is an admitted fact that the land in question has been acquired by the defendant no. 16 for the defendant no. 17 u/s 4 of the Land Acquisition Act, 1894 vide notification Dated: 07.12.2020 by the Deputy Commissioner/Land Acquisition Collector, Orakzai and all the codal formalities have been observed and at the end, an award u/s 11 of the Ibid Act has been issued vide notification Dated: 16.11.2021. Thus, all the legal requirements for the said acquisition have been fulfilled by the concerned authority and the acquisition is complete by all means. Further, there is complete scheme of the things provided by the Land Acquisition Act, 1894. An objector/aggrieved party is legally supposed to move the office of the collector for continue reference of the objection to the referee court provided by the Sec. 18, 30 and 52 of the Ibid Act. But in the present case, the plaintiff has never

bothered to act upon the mechanism provided by the Ibid Act rather he has directly approached to this court but the court of the undersigned is lacking jurisdiction in the present issue. Guidance in this respect is derived from YLR 2009, Peshawar, Page 1402, YLR 2010, Karachi, Page 247 and MLD 2005, Lahore, Page 168.

In view of the above findings, I am of the opinion that the present suit is barred by the afore-mentioned legal provisions, hence, while deciding the application for temporary injunction, the plaint of the plaintiff is **rejected u/o 7-R-11 CPC with costs.**

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

**Announced**  
29.07.2022



**(Rehmat Ullah Wazir)**  
Senior Civil Judge,  
Orakzai (at Baber Mela)