

MINUTES OF THE SPECIAL BOARD MEETING  
HELD ON MONDAY, 1ST FEBRUARY, 1971.

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Special meeting of the Board of Capital Development  
Authority was held at 9 A.M. on Monday the 1st February, 1971.  
Maj. General Bashir Ahmad, Chairman, CDA, presided and the  
following were present :-

1. Member (Tech)
2. Member (Admn)
3. F.A/Member
4. Secretary
5. Director A&A
6. Addl: Director Lands
7. Addl: Director Reh:
8. A.F.A. (Works)
9. Asstt: Legal Adviser
10. Asstt: Law Officer

Following decisions were taken in the meeting:

1. Position regarding transfer of possession of land required  
for various agricultural farming etc. schemes

2304/414/71

361/88-Gen/71

The summary on the captioned item was presented by the  
Addl: Director Lands. He explained that an area of 3152 acres, 7 kanals  
is required for poultry farm scheme-II, ADC Sprinkler Project and GHQ  
Agricultural Farming Scheme. The awards of these revenue estates have  
already been given and payment released. But the owners have not yet  
turned up to receive the payment on account of appeals preferred by  
large number of owners. Besides the award of built up area, and  
shamlat lands have not yet been given. The built up area is both in the  
village abadi as well as in the area falling within the schemes in the  
form of clusters of huts here and there. A small area of Chak Shahdad  
is also involved which is under review. A few of the villages have been  
remanded by the Commissioner and the awards have to be enhanced in  
accordance with the directions of the Commissioner. In brief, Addl:  
Director Lands explained that the area required for three development  
schemes referred to above cannot immediately be released for one  
reason or the other. One possible method could be to fix priorities  
in matter of acquiring built up property, i.e. those properties should  
be acquired first which conflict with the schemes and other to be taken  
up later. The non-payment of value for Shamlat share in any case could  
not pose a problem as it will take time before the shares are worked  
out and the money is disbursed to the respective owners. Addl: Director  
Lands further explained that there are sufficient funds available with  
him to meet the liability of fresh acquisition of built up properties,  
Shamlat Deh and trees. There was no pressing requirement because the  
villages are under review or under appeal in respect of which compen-  
sation is payable. Since the villages mentioned below conflict with  
the schemes referred to above, and land for which payment

1. D. A & A  
2. AD Lands  
3. AD Reh

4. AFA(C)  
5. Law Officer

been made is being not used, Board decided that Addl: Director Lands should proceed with the acquisition of total built up property of the villages mentioned below :-

1. Dhok Sharaf.
2. Sahana
3. Chak Shahdad
4. Chak Majuhan Dakhli Kurri
5. Behan
6. Pandori
7. Gagreit
8. Jaba Teli
9. Kartal Pakhrel

2. Review of awards under Section 36(3) of the CDA Ordinance - Case of Revenue Estates Sorain and Sheikhpur.

2305/414/71

7/58-Comm/71

The summary on the captioned item was presented by the Addl: Director Lands. He explained that the Commissioner, CDA, has in an appeal preferred by the land owners in respect of award of village Sorain, upheld the compensation awarded by the former DC, CDA. Review petition is being filed with the Commissioner against his orders.

1. D. A4A

2. AD Land

3. AD R/L

4. AFA(W)

5. Law Officer

The statement presented by the DC, CDA, was examined. The statement revealed that the pegged up price of the years 1954-58 was about 900 times lower than the awarded amounts. The statement further revealed that the amounts awarded by DC, CDA, from 1961-68 were enhanced by the various Commissioners in appeals from the years 1963-64 onwards to the same extent as assessed by DC, CDA, in the latest award. Mr. Shafi Zafar was only exception who while reviewing the orders of his predecessor, reduced the amounts so enhanced by the Commissioners in appeal. However, the amounts so reduced could not be made as precedents because the judgment was not acted upon in view of the Central Government decision that awards for the land acquired before 1.1.68 will not be reviewed and the compensation already paid will not be recovered. Thus the present Commissioner in the case, subject of issue, argued that since the CDA has been paying compensation on the rates enhanced by the Commissioner, CDA from the years 1963-68, CDA was stopped from challenging the amounts so awarded and, therefore, the previous value so fixed by the Commissioner would stand and assessment made by the DC, CDA, following the prices awarded by the Commissioner was in order.

The Board considered the case at length. The Board came to the conclusion that the judgment given by the DC, CDA, and subsequently by Commissioner, CDA, was clearly in excess of the powers conferred under law. Administratively, however, the CDA

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was on a very weak footing. CDA, whether it was due to the instructions of the Central Government or otherwise, accepted the value of the land fixed by the Commissioners in various appeals from 1963-64 to 1968. The value so fixed, therefore, has become a precedent for the acquisition of land in the same villages for the DC, CDA, and for the Commissioner who is hearing appeals new. The CDA, however, felt that wrong once done should not be allowed to perpetuate. CDA further considers that the review petitions which are being filed against the orders of the Commissioner may hardly make any difference. Obviously, therefore, there could only be one alternative to file a writ against the orders of the Commissioner provided there new grounds to do so. Before doing so, it is considered necessary that the opinion of the Law Department should be obtained. In case the Law Department holds that the Deputy Commissioner, CDA, and Commissioner, Rawalpindi, have exceeded the powers conferred on them under law, there was illegality in the judgments and a case for reference to High Court, the matter should be agitated in the High Court. It was, therefore, decided that the matter should be referred to the Law Ministry through Cabinet Division for appropriate advice. In the meantime, the review petitions being filed in the court of the Commissioner should be filed, expeditiously.

Any other item

3. Review of the awards of 24 villages

2306/414/71

7/92 Comd/71

The letter received from the President's Sectt: was considered by the Board. The Board decided that the Addl: Director Lands should submit a statement in respect of each village on the lines already indicated to him for taking a decision by the Board whether the review of the awards pending in his court should be allowed to proceed.

1. D. AFA

2. AD Land

3. AD Rsh

4. AFA(c)

5. Law Officer

The DC, CDA, be asked to review the award of SHLIKHPUR, now.

\*Munawar\*