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COURT OF SENIOR CIVIL JUDGE, ORAKZAI AT BABER MELA

Case Title: Fazal Hakeem etc VS Provincial Government

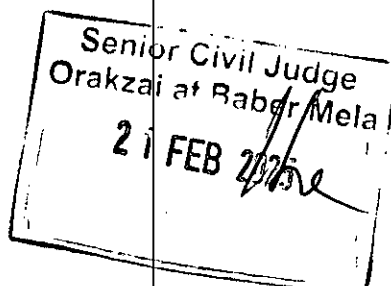
Serial No of order or proceeding s	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
Order No. 06	21.02.2025	<p>This order is meant to decide an application filed by plaintiffs as petitioners for grant of an interim restraining order against defendants, the provincial government and others.</p> <p><b><u>Brief Account:</u></b></p> <p>The claim as stated in the plaint reads that plaintiffs are owners in possession of suit property from the times of their ancestors. The defendants have no proprietary relation to suit property. The defendants without having made any legal effort to acquire the land etc. are attempting to pave the rough passage through concrete which is likely to prejudice the interests of the plaintiffs in the subject property. They request for a restraining order against the alleged intervention.</p> <p>Defendants contend that the disputed passage is a decades old pathway used by the locals for access to their dwellings and lands. Recently, the government under the ADP budget has approved to pave the track with 'Plain Cement Concrete'. District Attorney standing for official defendants, flanked by Assistant Director Local Government explained that the project is aimed at facilitating the inhabitants of the community and shall not</p>

Senior Civil Judge  
Orakzai at Baber Mela  
21 FEB 2025

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<b>Order No. 06</b> <b>continued</b>	21.02.2025	<p>interfere with or encroach upon the title or possessory limits of the land owners. They add that plaintiffs themselves had approved and implemented one such project on half of the passage running up to their fields and dwellings, but are now objecting to its extension to the rest of the inhabitants.</p> <p style="text-align: center;">Arguments heard and record perused.</p> <p><b><u>Reasoning:</u></b></p> <p>From the written statement, the position of official defendants is amply clear. They intend to pave the rough passage with Plain Cement Concrete without acquiring its or laying any claim to it, and also without disturbing existing possessory entitlements of owners adjacent to the passage.</p> <p>This averment in the written statement should assuage the fears of the plaintiffs about encroachment upon their title or possession by the defendants. Official defendants shall submit an undertaking that any improvement made by them under the project under consideration shall be liable to removal if it is found violative of entitlement or possession of any owner. Further, they shall not enlarge the breadth of the existing rough passage in a manner that might result in encroachment on adjacent lands.</p> <p style="text-align: right;">Defendants shall submit the undertaking within 15</p>
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<p><b>Order No. 06</b> <b>continued</b></p>	<p>21.02.2025</p>	<p>days. Needless to state that this affidavit shall act as a restraining order in respect of the undertaking submitted therein.</p> <p>Application is disposed in these terms.</p> <p>File be consigned to the record room after its completion and compilation.</p> <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div data-bbox="656 823 837 907" style="text-align: center;"> <p><b><u>Announced</u></b> 21.02.2025</p> </div> <div data-bbox="1073 728 1438 983" style="text-align: center;">   <p><b>Ijaz Mahsood</b> Senior Civil Judge, Orakzai (at Baber Mela)</p> </div> </div>
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