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COURT OF SENIOR CIVIL JUDGE, ORAKZAI AT BABER MELA

Case Title: Malak Zaliman Shah 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. 14	06.03.2025	<p>Presence as before.</p> <p>This order shall decide an application filed by plaintiff/petitioner for grant of a restraining order against the defendants, the provincial government.</p> <p><u>Brief Account:</u></p> <p>The claim as stated in the plaint reads that defendants are beyond their rights and authority in attempting to roll down concrete road on the suit land which is plaintiffs ownership. It is alleged that the defendants, the provincial government, is trying to lay down concrete roads through the fields of the plaintiffs without acquiring land for it, or establishing its legal authority and mandate for the act.</p> <p>Defendants deny the assertions and allegations made in the plaint. They contend that the government has no intention to grab land in the garb of its development or to acquire it. They submit that the government for community welfare is paving an existing, decades old passage under a public project.</p> <p>Arguments heard and record perused.</p> <p><u>Reasoning and Ruling:</u></p> <p>From the averments in the pleadings and the</p>

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Order No. 14 continued	06.03.2025	<p>arguments made at the bar, the dispute seems to be about the defendants move to pave an existing rough passage. The defendants have already made their intentions clear before the court both through oral arguments and in writing that they intend to pave existing passage for public welfare without acquiring or appropriating the land.</p> <p>In these circumstances, the court understands that interests of the community and rights of the plaintiff need to be balanced. The bailiff report available on file shows that the dispute is about an old and existing passage.</p> <p>Since the defendants are not claiming title over suit land, the court deems it appropriate to bind them to their submissions through a written undertaking. Defendants shall submit an undertaking within 10 days to the effect that they shall not increase the width of the existing rough passage, nor shall they be entitled to claim any compensation in case the disputed passage is found illegally constructed, and ordered demolished.</p> <p>Application is disposed in the above terms. File be consigned.</p> <p><u>Announced</u> 06.03.2025</p> <p style="text-align: right;"> Ijaz Mahsood Senior Civil Judge, Orakzai (at Baber Mela)</p>
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