IN THE COURT OF DISTRICT JUDGE, ORAKZAI AT BABER MELA

Case Title: Muhammad Shahin **VS** Muhammad Ajaz etc

Serial No of order or proceedings	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.16	17.11.2026	Parties present. Counsel for the plaintiff present. His remaining arguments heard. Arguments on behalf of defendants already heard. This suit was submitted by the plaintiff against the defendants for the recovery of an amount of Rs. 17 crore and 40 lacs as compensation against the defendants No. 1 to 10 on account of blocking roads by them towards coal mines at Nari Kadda from 06.05.2026 and thereby causing the loss of rupees three lacs per day to the plaintiff. In relief 'B' of the plaint, the plaintiff sought declaration to the effect that he is leaseholder of 800 acres of area at Nari Kadda, Chappar Mishti, District Orakzai wherefrom he was extracting coal from 45 points. The defendants have got no concern with the access roads towards the said points and they have no right to cause interference in the roads towards the coal mines and block it or claim ownership against the leased area. In relief 'C' of the plaint, permanent injunction was sought against the defendants No. 1 to 10 to restrain them from causing interference in the access ways towards the leased area and extending threats to the drivers of tucks and restrain vehicles from transportation of coal. The plaintiff also submitted a separate application for the grant of temporary injunction which was registered as Misc. App. No. 3/6 of 2026. Both the suit and application were contested by the respondents by submitting their written statement and written reply. The application for the grant of

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		temporary injunction was accepted on 15.07.2026 for a period of six (06) months after development of a consensus between counsel for the parties to submit their written undertakings to the effect that, the defendants will never cause any hinderance in access to the leased area at Nari Kada allotted to the plaintiff vide Lease No. 2153-54/FDA/MCC/OKI/PL-Coal (343) 2016, dated 27.09.2017 subject to submitting a similar undertaking by the plaintiff that he will not undertake mining from Drekhula area leased out in favour of the defendant No. 2 vide Lease No. 659-59/FDA/MCC/OKI/PL-Coal (374) 2016, dated 26.09.2018 and regular deposit of royalty at the rate of Rs. 800/- per ton of coal with Civil Nazar from August, 2026 in accordance with Qomi contract dated 04.03.2017. The plaintiff also submitted a similar undertaking on a stamp paper that he will undertake mining from the area leased out in his favour only. During the course of trial, the defendants No. 1 to 10 submitted an application for instructions to SHO Police Station Kurez Boya to visit the leased area namely Dre Khula in presence of defendant No. 2 and allow him for transportation coal through trucks. The plaintiff, in his written reply to said application, submitted that he has got no objection on acceptance of the application subject to demarcation of both the leased areas of the parties by the representative of the Mines and Minerals Department. Therefore, Mr. Naseeb Ullah Surveyor of the office of AD

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		Mines and Minerals Department, Orakzai was appointed as local commission on 30.09.2026. He was directed to visit the concerned area along with SHO Police Station Kurez Boya or his nominee and representative of the defendant No. 13, to be appointed by him in presence of both the parties to demarcate both the leased areas namely Dre Khula and Nari Kadda and submit his report. The local commission submitted his report on 15.10.2026. It was objected by the plaintiff that the commission proceedings were conducted in absence of the plaintiff. The objection petition was contested by the defendants through their written reply, but it was sustained by this Court vide order dated 24.10.2026 and the local commission was again directed to revisit the concerned area and submit his report in accordance with the directions contained in the order dated 30.09.2026. Another commission report was submitted by the local commission on 03.11.2026. During the course of arguments, both the counsel for the parties admitted that no demarcation proceedings have been carried out by the local commission, during his second visit to the area, as per instructions of this Court. The learned counsel for the parties referred to Civil Suit No. 117/1 of 2024 instituted by the defendant No. 2 against the plaintiff and others before the Court of Senior Civil Judge, Orakzai for declaration and permanent and mandatory injunction that he is leaseholder of an area of 1000 acres of area at Chappar Mishti Drekhula and the plaintiff (defendant No. 1 in the said

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		suit) along with others have got no right to interfere in the area leased out in favour of the defendant No. 2. He further submitted that the plaintiff has made alteration in the map of area leased out to him by overwriting and thereby has shown the leased area of defendant No. 2 far away in the map in the said map. Hence, the question of ascertainment of actual area of leases of both the parties is subjudice before the Competent Court of jurisdiction and any decision thereof may affect the adjudication on relief 'A' of the present suit. So far reliefs 'B' and 'C' of the suit in hand are concerned, the court of Civil Judge has not only got ample jurisdiction to entertain the same but the disputes with regard to declaration and injunction are already subjudice in the said Civil Suit No. 117/1 of 2024 before the Court of Senior Civil Judge, Orakzai. In this backdrop, the learned counsel for the plaintiff requested for deletion of reliefs 'B' and 'C' of the plaint. The Moharrir is, therefore, directed to delete reliefs 'B' and 'C' of the plaint and update the relevant register accordingly. The proceedings for adjudication on relief 'A' of the plaint and counter claim of the defendants for payment of outstanding royalty of Rs. 800/- per ton of coal are adjourned sine die till the final adjudication of Civil Suit No. 117/1 of 2024. File be consigned to record room after its necessary completion and compilation. **Announced**: 17.11.2026 **(HAQ NAWAZ)** District Judge, Orakzai at Baber Mela