

**BEFORE THE PESHAWAR HIGH COURT MINGORA BENCH**  
**DARU-UL-QAZA SWAT**

Review Petition No. 34 -M/2022

In

Writ Petition No. 780-M/2017

Miangul Adnan Aurangzeb through Legal Heirs & Others

**VERSUS**

Miangul Shahzada Sultan Mahmood, and others

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Noted for  
AAG

Sign..... Petitioners through  
Date.....

Asghar Ali  
Advocate Supreme Court

Re-Filed Today

01 DEC 2022

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02 DEC 2022

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**BEFORE THE PESHAWAR HIGH COURT MINGORA**  
**BENCH DARU-UL-QAZA SWAT**

Review Petition No. 34 -M/2022

In

Writ Petition No. 780-M/2017

1. Miangul Adnan Aurangzeb through Legal Heirs
  - 1/1. Mst. Zainab Adnan (widow)
  - 1/2. Mst. Anila Adnan
  - 1/3. Mst. Hina Adnan
  - 1/4. Mst. Haya Adnan Daughters
2. Miangul Mahmood Aurangzeb
3. Miangul Hassan Aurangzeb Sons of late Miangul Aurangzeb
4. Mst. Asmat Jehan
5. Mst. Mumtaz Begum
6. Mst. Ishrat Askari
7. Mst. Fakhri Akbar Zeb Daughters of late Miangul Aurangzeb
8. Mst. Mussrat Ahmad Zeb (widow of Miangul Ahmad Zeb) *R/o Saidu Sharif Swat.*
9. Mst. Zarmina
10. Mst. Zarghona Daughters
11. Miangul Umar Farooq
12. Miangul Amir Hamaza Sons of late Miangul Ahmad Zeb
13. Miangul Akbar Zeb

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- 14. Mst. Noor Jehan
- 15. Mst. Shehnaz Khalid Daughters
- 16. Mst. Mehnaz Qaisar Daughters of Mst. Noor Jehan
- 17. Mst. Falak Naz widow
- 18. Mst. Fatima
- 19. Ms.t Fakhrun Nisa
- 20. Mst. Khadiaja Daughters of Miangul Asfandyar Aurangzeb
- 21. Miangul Shehreyar
- 22. Mst. Seema Daughter of Miangul Amir Zeb R/o Aqba Saidu Sharif Swat.

..... **Petitioners**

**VERSUS**

- 1) Miangul Shahzada Sultan Mehmood Son of Miangul Shahzada Sultan e Room R/o Aqba Saidu Sharif Swat.

..... **Respondent**

- 2) Miangul Anwar Zeb Son
- 3) Mst. Zeenat Akbar
- 4) Mst. Zebun Nisa Daughters of Alam Zeb (late).

..... **Profarma / Respondents**

- 5) Chief Land Commissioner / Senior Member Board of Revenue Khyber Pakhtunkhwa Peshawar

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- 6) Land Commissioner / Commissioner Malakand Division at  
Saidu Sharif District Swat
  - 7) DLC / Deputy Commissioner Swat at Gulkada
  - 8) Tehsildar Land Reforms at Gulkada Swat.

**REVIEW PETITION U/S 114 ORDER 47 RULE 1 FOR  
REVIEW OF THE JUDGMENT DATED: 06-10-2022 IN  
WRIT PETITION NO. 780-M/2017 OF THIS  
HONORABLE COURT.**

**PRAYER IN REVIEW:-**

On acceptance of this Review Petition the impugned judgment and order dated: 06-10-2022 of this Honorable Court may please be set aside and after giving an opportunity of hearing the writ petition may please be decided on merits.

**Respectfully Sheweth:**

The petitioner submits as under;

1. That the captioned writ petition was under adjudication before this august court, wherein the date fixed for hearing of the parties was 06-10-2022.
2. That petitioners in the instant review petition were arrayed as respondents in the main writ petition, herein after to be referred as petitioners while

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respondent No.1 had filed the aforesaid writ petition, herein referred to be as respondent.

- 3. That petitioner along with the official respondents were summoned reply was requisitioned from the official respondents, the Writ Petition was contested, Parawise comments were filed by the official respondents and dismissal of the writ petition was requested both by the official respondents as well as petitioner.
- 4. That on 06-10-2022 when the writ petition was fixed for hearing the impugned judgment and order was passed in the absence of petitioner as well as their counsels.
- 5. That the impugned judgment and order, which has the adverse effect on the valuable rights of the petitioner is liable to reviewed, inter alia on the following grounds.

**GROUND:**

- a. That no opportunity of hearing was provided to the petitioners.
- b. That it was prayed by the respondent No.1 in his writ petition, that petitioner be restrained from further exercise of their revise choice and not to exceed the limits of 12000 PUs, it was further prayed that the

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official respondents be directed to ensure, that the choice of petitioner shall not be exceeded 12000 PIUs. In parasitic comments filed by official respondents the writ petition was vehemently contested and the facts as well as grounds were rebutted by documentary proof, however no reply was requisitioned from petitioner otherwise petitioner would also have properly brought their contention in written shape along with relevant documents.

- c. That neither the petitioners have yet exercised their revised choice regarding their total entitlement upto 12000 PIUs, nor the official respondents have ever denied the choice as well as 12000 PIUs. Moreover petitioners have never exceeded from their entitled 12000 PIUs.
- d. That applications for the exercise of their respective choices as per entitlement of the petitioners as well as other entire family members of respondent No.1 are still subjudice before the Chief Land Commissioner / SMBR-II Khyber Pakhtunkhwa at Peshawar, wherein the next date fixed is 14-12-2022.
- e. That since official respondents have never directed any excess from the due shares of petitioners nor committed any illegality or mis-use of power, upto now so there was no need of the impugned judgment / direction regarding the performance of their duty.

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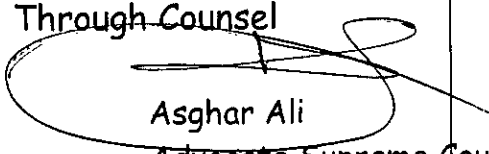
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- f. That respondent No.1 has not only violated the dictum of this august court as well of the apex Supreme Court of Pakistan regarding the non-exercised of choice in isolation.
- g. That since the impugned judgment and order is not only passed in absence of the petitioner, but has also the adverse effect upon the rights of the petitioners.
- h. That any other ground not specifically prayed shall be argued at the time of arguments with the leave of the court.

It is, therefore, most humbly prayed that on acceptance of this Review Petition the impugned judgment and order dated: 06-10-2022 of this Honorable Court may please be set aside and after giving an opportunity of hearing the writ petition may please be decided on merits.

Petitioners / Applicants

Through Counsel

  
Asghar Ali  
Advocate Supreme Court

Dated: 21-11-2022

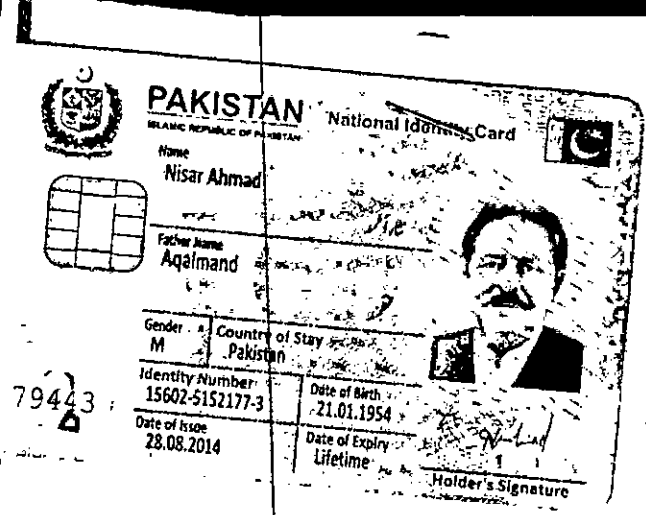
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**BEFORE THE PESHAWA  
BENCH DARU.**

Review Petition No. 31  
In  
Writ Petition No. 780-M/1



Miangul Adnan Aurangzeb through Legal heirs  
Others

**VERSUS**

Miangul Shahzada Sultan Mahmood, and others

**AFFIDAVIT**

I Nisar Ahmad General Attorney, do hereby state on oath that the contents of this review petition are true and correct to the best of my knowledge and belief and nothing has been kept concealed from this August Court.

*Nisar Ahmad*  
Deponent

Nisar Ahmad

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S.No. 5094  
Certified that the above was verified on Solemn  
affirmation before me on this 21 day of Nov 2022  
by Nisar Ahmad  
S/o Aqalmand R/o Swat  
who was identified by self

Who is personally known to me.  
*[Signature]*  
Oath Commissioner  
Peshawar High Court  
Mingora Benah/Daru-ul-Qaza, Swat. 21/11/22

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**BEFORE THE PESHAWAR HIGH COURT,**

**MINGORA BENCH SWAT**

Review Petition No. 34 -M/2022

In Writ Petition No. 780-M/2017

Miangul Adnan Aurangzeb & Others

Versus

Miangul Shahzada Sultan Mahmood & Others

**Certificate**

*It is certified that no other such like review petition has earlier been filed before this Honorable Court are any other competent court of law.*

  
Asghar Ali (ASC)

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01 DEC 2022

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