

OFFICE OF THE DEPUTY COMMISSIONER/ LAND ACQUISITION

COLLECTOR, SWAT.

NOTIFICATION U/S-4 OF LAA.

Annexure A 13

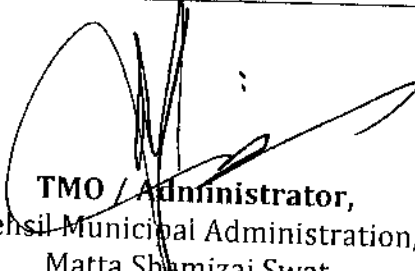
No. 27299 /204/Acq/DC(S) WHEREAS, it appears to the District Collector, Swat District that land is required to be acquired by the Government at the Public expense for the public purpose namely "PURCHASE OF LAND FOR MUNICIPAL GRAVEYARD AT MOZA SAMBAT TEHSIL MATTA DISTRICT SWAT BY TMA MATTA SHAMIZAI SWAT" it is hereby notified that land in the locality noted below is likely to be acquired for the above purpose.

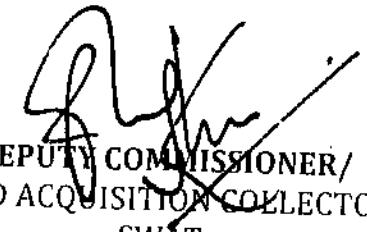
This notification is made under the Provision of Section-4 of the land Acquisition Act, 1894 to all whom it may concern. In exercise of the powers conferred by the aforesaid Section, the District Collector, Swat District is pleased to authorize the Officer for the time being engaged in the undertaking with their servants and workmen to enter upon and make survey of any land in the locality and do all other acts as required or permitted by that Section.

Any person, who has any objection to the acquisition of any land in the locality, may within 30 days of the Publication of the Notification, file objection in writing before the District Collector, Swat District.

SPECIFICATION

District	Tehsil	Locality	Khasra No.	TOTAL AREA	
				Kanal	Marla
Swat	Matta	Sambat	446, 448, 451, 452, 453, 454, 455, 457, 458, 459, 460, 461, 498	45	16.82

  
TMO / Administrator,  
Tehsil Municipal Administration,  
Matta Shamizai Swat.

  
DEPUTY COMMISSIONER/  
LAND ACQUISITION COLLECTOR,  
SWAT.

No. 27300-06 / Acq/DC(S),

Dated: 16-08- /2021

Copy forwarded to :-

1. The Secretary, LGE&RDD, Khyber Pakhtunkhwa Peshawar.
2. The Commissioner, Malakand Division, Saidu Sharif, Swat.
3. The Secretary, Local Council Board, Khyber Pakhtunkhwa Peshawar.
4. The Manager Government Printing Press, Khyber Pakhtunkhwa Peshawar.
5. The Assistant Commissioner, Matta.
6. The TMO Matta.
7. The Tehsildar, Matta.

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DEPUTY COMMISSIONER/  
LAND ACQUISITION COLLECTOR,  
SWAT.

Amex B

(14)

**Office Of The**  
**DEPUTY COMMISSIONER, SWAT.**

Phone: 0946-9240336 Fax: 0946-9240329  
No 29092 /204/Acq/DC(S)

Email: Landacq.Dcswat@Gmail.Com  
Dated 02-09 /2021.

To

Tehsil Municipal Officer,  
TMA, Matta.

Subject: **PURCHASE OF LAND FOR MUNICIPAL GRAVEYARD AT MOZA SAMBAT, TEHSIL MATTA, DISTRICT SWAT BY TMA, MATTA SHAMIZAI, SWAT.**

Memorandum:

It is submitted that land under various Khasra No.s in the locality of Moza Sambat, Tehsil Matta, District Swat is under the process of compulsory acquisition for the subject purpose. Further that the tentative Cost estimate / land compensation etc, is as noted below on the basis of Ausat Yaksala and Valuation Table as provided by the Revenue Officer concerned and assessment reports of the Departments concerned for Structures/ Super Structures, Fruit & Non Fruit trees etc compensation:-

**A. TENTATIVE COST OF LAND:-**

Moza	Kind of land	Area proposed to be acquired		Ausat Yaksala rate per Kanal.	Valuation Table rate per Kanal.	Land compensation etc.
		Kanal	Marla			
Sambat	Sadin	17	2.82	1305277.6	-	Rs. 22373763.34/-
	B.Qadeem	2	14	1212312		Rs. 3273242.4/-
	D.Charagah	26	0		70000	Rs. 1820000/-
	<b>TOTAL</b>					

Cost of land	Rs. 27467006 /-
15 % CAC	Rs. 4120051/-
02% Stamp Duty	Rs. 549341/-
<b>Grand Total</b>	<b>Rs. 3,21,36,397/-</b>

B. Compensation of Non Fruit trees per assessment report of

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Office Of The  
**DEPUTY COMMISSIONER, SWAT.**

Phone: 0946-9240336

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Email: [Landacq.Dcswat@Gmail.Com](mailto:Landacq.Dcswat@Gmail.Com)

No. 29409 /204/Acq/DC(S)

Dated 06/09 /2021.

To

Tehsil Municipal Officer,  
TMA, Matta.

Subject: PURCHASE OF LAND FOR MUNICIPAL GRAVEYARD AT MOZA SAMBAT,  
TEHSIL MATTA, DISTRICT SWAT BY TMA, MATTA SHAMIZAI, SWAT.

Memorandum:

In continuation of this office Memo: No. 29092/204/Acq:/DC(S), dated: 02/09/2021 on the subject noted above.

It is submitted that land under various Khasra No.s in the locality of Moza Sambat, Tehsil Matta, District Swat is under the process of compulsory acquisition for the subject purpose. Further that the Cost estimate / land compensation etc, is as noted below on the basis of Ausat Yaksala and Valuation Table as provided by the Revenue Officer concerned and assessment reports of the Departments concerned for Structures/ Super Structures, Fruit & Non Fruit trees etc compensation:-

**A. COST OF LAND:-**

Moza	Kind of land	Area proposed to be acquired		Ausat Yaksala rate per Kanal.	Valuation Table rate per Kanal.	Land compensation etc.
		Kanal	Marla			
Sambat	Sadin	17	2.82	1305277.6	-	Rs. 22373763.34/-
	B.Qadeem	2	14	1212312		Rs. 3273242.4/-
	D.Charagah	26	0		70000	Rs. 1820000/-
	<b>TOTAL</b>					

Cost of land ..... Rs. 27467006 /-  
15 % CAC ..... Rs. 4120051/-  
Grand Total ..... Rs. 3,15,87,057/-

B. Compensation of Non Fruit trees per assessment report of Forest Department.

..... Nil

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C. Compensation of Fruit trees per assessment report of Agriculture Department	.....	Rs. 1,58,728/-
D. Compensation of objects damaging in the scheme as per report of Public Health Engineering, Swat	.....	Nil
E. Cost of Structure/ Super Structure per estimate of C&W, Building Division, Swat	.....	Nil
<b>Grand Total (A+B+C+D &amp; E)</b>	.....	<b>Rs. 3,17,45,785/-</b>

*Q. A.*

**DEPUTY COMMISSIONER, SWAT**

No. 29410 /204/Acq/DC(S),

Copy forwarded to the Commissioner, Malakand Division, Saidu Sharif for information, please.

*Q. A.*

**DEPUTY COMMISSIONER, SWAT**

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**OFFICE OF THE COMMISSIONER MALAKAND DIVISION AT**

No. 7129/4/3-swast/Rev:Vol XXIX **SAIDU SHARIF.**

Dated. 20.10.21

**NOTIFICATION U/S-6 & 17**  
**OF THE LAND ACQUISITION ACT-1894.**

WHEREAS, the Commissioner, Malakand Division is satisfied that the land (herein referred to as the said land) specified Notification U/S-4 of the Land Acquisition Act, 1894 issued by the Collector Swat vide his office Endst No. 27300-06/204/Acq/DC(S) dated 16/08/2021 is required to be taken by the Government at public expense for public purpose namely "LAND FOR MUNICIPAL GRAVEYARD AT MOZA SAMBAT TEHSIL MATTA DISTRICT SWAT". It is hereby declared U/S-6 of the said Act, to all whom it may concern that the land described in the specification below is required for the above purpose. Also the Collector of Swat is directed to proceed further for acquisition of the said land under the Act *ibid*.

AND WHEREAS, the Commissioner, Malakand Division is satisfied that the land specified below is urgently required and the Provision of Sub Section-1 of 17 of the said Act are applicable to the aforesaid land.

NOW THEREFORE, in exercise of the powers under sub Section-4 of Section 17 of the said Act, the Commissioner Malakand Division is further pleased to direct that the provision of Section-5 & Section-5 (A) of the said Act shall not be applicable in the case of the said land and the Land Acquisition Collector, Swat shall take action accordingly.

NOTE:- LAND UPON WHICH ANY RELIGIOUS PLACE OF WORSHIP, SHRINE, TOMB, GRAVEYARD OR ANY IMMOVABLE PROPERTY ATTACHED TO ANY INSTITUTION AND THE BOUNDARIES OF WHICH ARE CONTIGUOUS WITH THE SITE OF THE SAME SHALL BE EXCLUDED FROM THE SAID LAND. SIMILARLY; WAQAF, EVACUEE PROPERTIES, AND STATE LAND SHALL BE EXCLUDED.

**SPECIFICATION**

District	Tehsil	Locality	Khasra No.	TOTAL AREA	
				Kanal	Marla
Swat	Matta	Sambat	446, 448, 451, 452, 453, 454, 455, 457, 458, 459, 460, 461, 498	45	16.82

  
TMO / Administrator,  
TMA Matta Shamizai,  
SWAT

  
DEPUTY COMMISSIONER/  
LAND ACQUISITION COLLECTOR,  
SWAT

  
COMMISSIONER,  
MALAKAND DIVISION SAIDU  
SHARIF.

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No. 7130-37/4/3-swaf/Rev/Vol-xxi Dated: 20.10/2021

Copy forwarded to:-

1. The Senior Member of Revenue, Khyber Pakhtunkhwa Peshawar.
2. The Commissioner, Malakand Division, Saidu Sharif.
3. The Secretary, LGE&RDD, Khyber Pakhtunkhwa Peshawar.
4. The Secretary, Local Council Board, Khyber Pakhtunkhwa Peshawar.
5. The Manager Government Printing Press, Khyber Pakhtunkhwa Peshawar.
6. The Assistant Commissioner, Matta.
7. The TMO Matta.
8. The Tehsildar, Matta.

  
**COMMISSIONER,  
MALAKAND DIVISION  
SAIDU SHARIF.**

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Office Of The  
**DEPUTY COMMISSIONER, SWAT.**

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No. 37563

/204/Acq/DC(S)

Dated 04/11 /2021.

To

The Commissioner,  
Malakand Division at Saidu Sharif, Swat.

Subject:

PURCHASE OF LAND FOR MUNICIPAL GRAVEYARD AT MOZA SAMBAT,  
TEHSIL MATTA, DISTRICT SWAT BY TMA, MATTA SHAMIZAI, SWAT.

Memorandum:

Reference your office Memo: No. 7141-42/4/3-Swat/Rev:/Vol-XXIX,  
dated: 20/10/2021 on the subject noted above.

In this regard, the Acquiring Department/Tehsil Municipal Officer, Matta Shamizai, Matta, Swat has requested for De-Notification of earlier submitted Notification U/S-4 of Land Acquisition Act, 1894 for land measuring 45 Kanals and 16 Marlas vide his office Memo: No. 556-59/TMA-Matta(S), dated: 28/10/2021.

In view of the above, the aforesaid Notification U/S 4 of Land Acquisition Act, 1894 for land measuring 45 Kanals and 16 Marlas may be considered as withdrawn/de-notified, please.

  
DEPUTY COMMISSIONER, SWAT

No. 37564-66 /204/Acq/DC(S),

Copy forwarded to:-

1. The Deputy Secretary-I, Board of Revenue, Government of Khyber Pakhtunkhwa, Peshawar.
2. The Assistant Commissioner, Matta.
3. The Tehsil Municipal Officer, TMA Matta Shamizai, Matta.

  
DEPUTY COMMISSIONER, SWAT

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OFFICE OF THE  
COMMISSIONER MALAKAND DIVISION  
SAIDU SHARIF SWAT

No. 7141-42 /4/3-Swat/Rev./Vol-XXIX

Dated 20/10/2021

To  
✓ The Deputy Commissioner, Swat.

Subject: PURCHASE OF LAND FOR MUNICIPAL GRAVEYARD AT MOZA SAMBAT TEHSIL  
MATTA, DISTRICT SWAT BY TMA, MATTA SHAMIZAL SWAT

Memo:

I am directed to refer to your office letter No. 34243/204/Acq/DC(S) dated 15.10.2021 and to state that joint declaration & notification u/s-6 & 17 of the Land Acquisition Act, 1894 has been issued vide notification No. 7129-37/4/3-Swat/Rev:/XXIX dated 20.10.2021 in respect of the subject scheme in public interest (copy enclosed). *Flag 'A'*

2. It is observed that two notifications u/s-4 of the Land Acquisition Act, 1894 have been issued vide No. 27299-06/204/Acq/DC(S) & No. 27344-51/204/Acq/DC(S) of even date 16.08.2021 have been issued at the same time by you in the instant case, hence the later notification u/s-4 of the Act ibid is required to be de-notified. Besides, mandatory certificates as per rule, 17(1)(c) & 31(b) of the Khyber Pakhtunkhwa Land Acquisition Rules, 2020 may be furnished to this office for record at the earliest, please. *Flag 'B'*

*[Signature]*  
ASSISTANT TO COMMISSIONER(R/G)  
MALAKAND DIVISION

Endst No. & Date Even:

Copy forwarded to the Deputy Secretary-1, Government of Khyber Pakhtunkhwa Board of Revenue, Revenue & Estate Department for information, please.

*[Signature]*  
ASSISTANT TO COMMISSIONER(R/G)  
MALAKAND DIVISION

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*[Signature]*

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25-10-21  
RK  
25/10/21

Annexus  
"D"  
"21"

JUDGMENT SHEET  
IN THE PESHAWAR HIGH COURT, MINGORA BENCH (DAR-  
UL-QAZA), SWAT  
(Judicial Department)

W.P No.1015-M/2021

*Dr. Amjad Ali*.....*Petitioner.*

Q/sur

*Government of Khyber Pakhtunkhwa, through Chief Secretary and  
others* .....*Respondents.*

**Present:** *Muhammad Rahim Shah and Malak Sarwar, Advocates for  
petitioner.*

*Mr. Razauddin Khan, A.A.G for official Respondents.*

*Mr. Faisal Khan, Advocate for Respondent/ TMA.*

Date of hearing: 18.05.2022.

**JUDGMENT**

MUHAMMAD NAEEM ANWAR, J.- This single judgment in the instant petition shall also decide the connected W.P No.274-M/2022 titled "Hassan Ali and another Vs. Government of Khyber Pakhtunkhwa through Chief Secretary and others" as an identical question of law and facts is involved in both the petitions.

2. By invoking the writ jurisdiction of this Court under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, the petitioners have questioned the legality and validity of notification No.27299/204/Acq/DC(S) dated 16.08.2021, with further prayer in terms of directing respondent No.3 for acquisition of land of the kind of 'banjar' instead of the agricultural owned by them.

Sabz Ali\* (D/B)

HON'BLE MR. JUSTICE MUHAMMAD NAEEM ANWAR  
HON'BLE MR. JUSTICE MUHAMMAD IJAZ KHAN

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3. Facts lying in the background of the instant petition are that the petitioner is the resident of *Sambat*, Tehsil *Matta*, District Swat. As per his contention, he is owner of the properties situated in the revenue estate of *Sambat*, that he is office bearer of Jamiat Ulema-e-Islam (JUI) of the Constituency of PK-09 (Swat), to which Chief Minister of the Province belongs and that he is social and political worker of the locality, as such, he plays a key role in the welfare of the society. He has challenged notification dated 16.08.2021 issued u/s 4 of the Land Acquisition Act, 1894 (the Act of 1894) for the purpose of "PURCHASE OF LAND FOR MUNICIPAL GRAVEYARD AT MOZA SAMAT TEHSIL MATTA DISTRICT SWAT BY TMA MATTA SHAMIZAI SWAT" on the ground that through another notification bearing No.27672/82/Acq/DC(s)/Vol-III dated 23.08.2021, land was acquired for the purpose of "BAGH DHERAI FLOW IRRIGATION SCHEME DISTRICT SWAT (RURUSHKLE BALA + DURUSHKHELA PAYEEN + BAIDARA + SAMBAT + KHARERAI)", wherein the property bearing *Khasra* No.470 owned by him was acquired which is contiguous to property bearing *Khasra* Nos. 457 & 458 measuring 05-kanal and 04-marla and 02-kanal, respectively, the nature of which from '*sadin*' and '*banjar qadeem*' has been changed after the construction of water channel and as such now his property is being irrigated through the canal, for which, earlier land was acquired and construction of

Sabz Ali\* (D.B)

HON'BLE MR. JUSTICE MUHAMMAD NAEEM ANWAR  
HON'BLE MR. JUSTICE MUHAMMAD HAZ KHAN

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the canal was completed. It was also alleged that there is a suitable non-agricultural property owned by the residents of village *Sambat*, especially the property of *Shamilat*, as such, his property, which is agricultural one, could not be acquired in accordance with the provisions of the Khyber Pakhtunkhwa Land Acquisition Rules, 2020 (the Rules of 2020). He also alleged that not only the provision of section 17 of the Act of 1894 was violated but the process of the acquisition is also in negation of the Rules of 2020, hence, this petition. With almost similar prayer, the connected petition has been filed by the petitioners of the connected petition.

4. Respondents were put on notice, who in response to the notice appeared and submitted their parawise comments, wherein they have opposed the issuance of writ on various legal and factual objections.

5. Arguments heard and record perused.

6. In view of the contention of learned counsel for the petitioner, the points for determination in the matter are:

- i. Whether the property owned by the petitioner bearing *Khasra* No.457 & 458 is agricultural?
- ii. If point No.1 is decided in positive, whether the property of the petitioner is being irrigated from the canal of Bagh Dherai Flow Irrigation Scheme District Swat? and
- iii. Whether the respondents have violated the provisions of section 17 of the Land Acquisition Act, 1894 or the process of acquisition is in negation of the provisions of the Khyber Pakhtunkhwa Land Acquisition Rules, 2020?

Sebz Ali\* (D.B)

HON'BLE MR. JUSTICE MUHAMMAD NAEEM ANWAR  
HON'BLE MR. JUSTICE MUHAMMAD IJAZ KHAN

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7. Though, the petitioner has annexed an extract from the *jamabandi* for the year 2012-13 of the revenue estate of *Sambat*, however, *Patwari Halqa* appeared before the Court in connection with instant case, and stated at the bar that as reflected from the extract of periodical record for the year 2012-13, the nature of the property bearing *Khasra* No.457 measuring 05-kanal 02 Marla is 'sadin' whereas *Khasra* No.458 measuring 02-kanal is 'banjar qadeem'. The contention of the petitioner that the nature of the property has been changed at the spot due to construction of canal for the purpose of irrigation, for which, property bearing *Khasra* No.470 owned by the petitioners was also acquired, has been refuted by the respondents. *Aks Shajara-i-Kishtwar* and for that matter, the location of the properties at the spot, pertaining to the flow of water would be the determining factor for flow of water toward the properties of the petitioner bearing *Khasra* No.457 & 458, the nature of which was reflected in the revenue papers as *sadin (barani)* and *banjar qadeem*. Official of the revenue hierarchy/*Patwari Halqa* of the revenue estate of *Sambat* stated at the bar that the properties owned by the petitioner i.e., *Khasra* No.457 & 458 are not being irrigated from the canal because both the *Khasra* numbers owned by the petitioner are situated upward to *Khasra* No.470. This question about the change of nature of the property at the spot cannot be determined through instant petition as it requires recording of evidence and spot inspection in terms of

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Sabz Ali\* (D.B)

HON'BLE MR. JUSTICE MUHAMMAD NAEM ANWAR  
HON'BLE MR. JUSTICE MUHAMMAD NAZ KIJAAN

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Order XXVI Rule 9 read with section 75 of the Code of Civil Procedure, 1908 (C.F.C). Apart from above, *Aks az masavi* or *Shajara-i-Kishtwar* for determination of the contiguity of the property owned by the petitioner and Khasra No.470, acquired for the purpose of construction of Bagh Dherai Flow Irrigation Scheme District Swat, though placed on record by the official respondents does not support the version of the petitioners.

8. No doubt, the petitioner is the purchaser of *Khasra* No.457, 458 & 469, where from 01-kanal property has already been sold by him through mutation No.6478 dated 24.08.2021, whereas from *Khasra* Nos. 457 & 458 along with other property total measuring 45-kanal and 16.82-marla were notified was the subject of impugned notification dated 16.08.2021, for the purpose of "MUNICIPAL GRAVEYARD AT MOZA SAMAT TEHSIL MATTA DISTRICT SWAT BY TMA MATTA SHAMIZAI SWAT". But the intriguing aspect is that the instant petition was filed on 30.10.2021, the respondents were put on notice who submitted their parawise comments and through C.M No.683-M/2021, they have also placed on file certain documents, which reflect that award No.38483/204/Acq/DC(S) dated 12.11.2021 u/s 11 of the Act of 1894 has already been issued for the purpose of "MUNICIPAL GRAVEYARD AT MOZA SAMAT TEHSIL MATTA DISTRICT SWAT BY TMA MATTA SHAMIZAI SWAT", by which *Khasra* Nos. 446, 448, 451, 452, 453, 454,

Sabz Ali\* (D.B)

HON'BLE MR. JUSTICE MUHAMMAD NAEEM ANWAR  
HON'BLE MR. JUSTICE MUHAMMAD HAZ KHAN

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455, 457, 458, 459, 460, 461 & 498 of the locality of moza *Sambat* measuring 45-kanal 16.82-marla has been acquired and kind of land, area, *ausat yaksala* and compensation of the property has been particularized in headnote No. A of the award, which, for ready reference, is reproduced as under:

A. Revised Cost of land

Moza	Kind of land	Area proposed to be acquired		Ausat Yaksala rate per kanal	Valuati on Table rate per kanal	Land Compensation etc
		Kanal	Marla			
Sambat	Sadin	17	2.82	1305277.6/-	--	Rs.2,23,73,763.34
	B. Qadeem	2	14	12,12,312/-		Rs.32,73,242.4/-
	D. Charagah	26	0		70000	
	<b>TOTAL</b>					

Cost of land.....Rs.2,74,67,006/- 15%  
CAC.....Rs.41,20,051/-  
02% Stamp Duty.....Rs.5,49,340/-  
**Grand Total.....Rs.3,21,36,397/-**

- B. Compensation of Non Fruit trees per assessment report of.....Nil
- C. Compensation of Fruit trees per assessment report of.....Rs.1,58,728/-
- D. Compensation of objects damaging in the scheme of per report of of Public Health Engineering, Swat .....Nil
- E. Cost of Structure/Superstructure per estimate of C&W, Building Division, Swat.....Nil.
- Grand Total (A+B+C+D & E)..... Rs. 3,22,95,125/-**
- Outstanding amount..... Rs.5,49,340/-"

9. The schedule as reproduced above, promulgates that 17-kanal and 02.82-marla land is *sadin (barani)*, 02-kanal & 14-marla is *banjar qadeem* and 26-kanala is *Dhaka Charagah*, for which, total amount of Rs.3,21,36,397/- has been fixed as compensation and deposited the amount of compensation etc vide cheque bearing No. A471184 dated 28.09.2021, whereas only the remaining amount of Rs.5,49,340/- which is 02% Stamp Duty of

Sabz Ali\* (D.B)

HON'BLE MR. JUSTICE MUHAMMAD NAEEM ANWAR  
HON'BLE MR. JUSTICE MUHAMMAD HAZ KHAN

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total amount, has not been deposited yet. One of the arguments of learned counsel for the petitioners was non-deposition of compensation fixed in terms of section 23 of the Act of 1894, but the contention of the petitioner was repelled from the contents of the award. These documents were placed on record by the respondents through C.M No.683-M/2022 on 24<sup>th</sup> March, 2022, even then neither the issuance of award nor any other notification issued after filing of these petitions has ever been challenged by the petitioners.

10. Moreover, learned counsel for the petitioners strenuously criticised the proceedings conducted by the acquiring agency, while referring to the proviso to sub-section 1 of Khyber Pakhtunkhwa Amendment of section 17 in the Act of 1894 that unless the amount of compensation, in view of provisions of sections 23 & 24 of *ibid* Act is determined and deposited, no proceedings could be conducted. Not only the compensation of the property has been determined but it has also been deposited and when learned counsel for the petitioners was confronted with this legal and factual aspect, he was unable to answer.

11. Besides above, another objection was that no notice was issued to the petitioners who were the owners and interested persons of the property in order to submit their grievance in term of objection under the provision of *ibid* Act, suffice is to say that the impugned notification u/s 4 of the Act was issued 16.08.2021

Sabz Ali\* (D.B)

HON'BLE MR. JUSTICE MUHAMMAD NAEEM ANWAR  
HON'BLE MR. JUSTICE MUHAMMAD HAZ KHAN

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whereas the instant petition was filed on 30.10.2021 while connected petition on 22.03.2022, as such, this objection of the petitioners is also not sustainable because they could approach to the authority and submit their objection u/s 5-A or under other relevant provision of the Act of 1894 till the issuance of the award. Even after the issuance of award dated 05.11.2021, the petitioners could challenge it u/s 18 or 30 of the Act of 1894 before the competent forum either within six weeks or six months, as the case may be, because they alleged that they were not served with a notice, their objection could be filed, entertained, tried, if filed within a period of six months. A complete mechanism has been provided for redressal of grievance for an aggrieved person under the provisions of the Act of 1894 but the petitioners have not adhered to it.

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12. Last submission of learned counsel for the petitioners was the violation of the provisions of Para No. V (Supplemental proceedings) under rule 31 of the Rules of 2020. Before discussing its legal aspect, it would be appropriate to reproduce Rule No.31, which reads as under:

**31. Certificates by the Collector.** While forwarding the draft notification under section 5 or section of the Act to the Commissioner, the Collector shall keep in view the considerations and append the following certificates with the case namely;  
 a certificate to the effect that estimated cost as worked out under clause (d) of sub-rule 17 has been physically placed at the disposal of the Land Acquisition Collector and deposited in the Treasury under the Head "Revenue Deposit" as security for payment compensation;  
 a certificate to the effect that the land is not agricultural, if no other land is available except agricultural land, a certificate may be given

Sabz Ali\* (D.B)

HON'BLE MR. JUSTICE MUHAMMAD NAEEM ANWAR  
HON'BLE MR. JUSTICE MUHAMMAD IJAZ KHAN

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that endeavors were made to select the less productive land for acquisition;  
 a certificate to the effect that any State or waqf or evacuee land, tomb, graveyard or place of religious character has not been included in the draft notification;  
 a certificate to the effect that endeavors to obtain land through private negotiations have been unsuccessful or have been considered inexpedient;  
 a recommendation to the effect that the area sought to be acquired is not excessive and is reasonable for the purpose of declaration under section 6 of the Act or for taking possession under section 17 of the Act;  
 site plan of the land involved; and  
 the classification of the land, i.e. whether ghairmumkin or banjar, culturable or under cultivation, whether irrigated or not and its distance from the main road and town to enable the Commission to form an opinion whether it would be proper to acquire such land or whether the possibility of acquiring some other less valuable land needs to be explored to minimize loss to the agricultural economy."

The bare perusal of the above reproduced rule reflects that requisite certificates were required to be considered by the Collector. The official respondents through C.M No.683-M/2022 have annexed the certificates within the parameters of rule 31 of the Rules of 2020, which were issued from the office of Deputy Commissioner on 15.10.2021 i.e., urgency certificate, fund certificate, certificate regarding State/Waqf/Evacuee land and the award reflects that the property owned by the petitioners is non-agricultural. *Goshwara* in respect of the acquired property for the purpose of graveyard has also been annexed with the comments by respondent No.3, which depicts that the properties, which were acquired, were of the kind of *Dhaka Charagah, sadin* and *banjar qadeem* from total thirteen *Khasra* numbers, wherein not even a single *Khasra* number is of the kind of agricultural land, as per the contention of the respondents. Furthermore, on the directions of

Sabz Ali\* (D B)

HON'BLE MR. JUSTICE MUHAMMAD NAEEM ANWAR  
 HON'BLE MR. JUSTICE MUHAMMAD IJAZ KHAN

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this Court, Tehsildar Matta, Assistant Commissioner Matta and Patwari Halqa *Sambat* appeared before the Court and a coloured copy from *masavi* of first ever settlement i.e., 1981-82 was also placed on record alongwith *Aks Shajara-i-Kishtwar* but even from these documents, the petitioners could not substantiate their contention regarding the irrigation of land and the nature of land etc.

13. Insofar as, the objection of the added private respondents that the proposed graveyard is far away from the village and that there are considerable properties in the shape of *shamilat* property owned by the proprietors of village *Sambat* is concerned, the particulars of added respondents reflect that they are the residents of *Sambat, Cham Rahim Abad, Teshil Matta, District Swat*, whereas the graveyard, as per record, is a Municipal Graveyard at *Moza Sambat, Tehsil Matta, District Swat* by the T.M.A *Shamizai*, which is not exclusive for the residents of any particular village, rather it may be for the territory of any Patwar circle or *Moza Sambat*. Likewise, the contention of the petitioners that *shamilat-e-deh* is suitable place for the purpose of graveyard, suffice it to say, it was the consideration of the acquiring agency keeping in view the nature of the public purpose, for which, they proposed a particular site, process was completed and ultimately the award was issued but neither the petitioners nor the residents of *Sambat Cham Rahim Abad* or anyone else, as per the available record,

SA

Sabz AJW\* (D.B)

HON'BLE MR. JUSTICE MUHAMMAD NAEEM ANWAR  
HON'BLE MR. JUSTICE MUHAMMAD MAZ KHAN

ATTESTED TO BE



approached to the authorities concerned for redressal of their grievance, if any. Neither the petitioners nor added respondents who were supporting the petitioners' contentions have been able to establish the violation of law, the infringement of their fundamental rights or contravention of the statutory provision i.e., the Land Acquisition Act of 1894 and the Khyber Pakhtunkhwa Land Acquisition Rules, 2020, as such, the petitioners have not been able to make out a case for issuance of the writ.

14. When so, these petitions, being without merits, are hereby dismissed.

Announced.  
18.05.2022.



JUDGE



JUDGE

Office  
24/5/2022

Sabz Aji\* (D.B)

HON'BLE MR. JUSTICE MUHAMMAD NAEEM ANWAR  
HON'BLE MR. JUSTICE MUHAMMAD HAZ KHAN

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0192  
07-4-23.

1.C.C.R. 32  
Discuss File  
Annexure  
5/4/23. 4  
③

To:

The Commissioner,  
Malakand Division, nt Saidu Sharif,  
Swat.

Subject:

ILLEGAL ACQUISITION OF UNSUITABLE LAND FOR GRAVEYARD IN MUZA SAMBAT, TEHSIL MATTA, SWAT.

Honorable Sir,

P - New  
Q  
5/4/23

With most profound and humble submission, I would like to bring in your kind attention the following grievances of the poor people of the locality:

1. That the applicant is the bonafide resident of Sambat, Tehsil Matta, District Swat.
2. That the previous government mala fidely acquired far flung land for graveyard.
3. That already extensive land is still available on the existing graveyard for burial, which is closed to the village Sambat. (Annex A)
4. That the acquired land for the graveyard situated more than 2.9 KM away from the village Sambat which created hardship for the inhabitants of the village for carry dead bodies for the burial, therefore, resultantly huge loss accrued to the government ex-checker for the reason of feasibility because without transportation the dead body will not be carried to the said graveyard. (Annex B)
5. That the said land is only acquired due to political activities and not for the welfare of the locality / society, because the local people are not willing nor happy for the acquired land and in this respect the local people have also submitted affidavits. (Copies annexed) + Fatwa. (Annex C)
6. That according to Section 31 Para (b) of the Land Acquisition Act, a certificate is required, but in the present case before Notification

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dated 22<sup>nd</sup> July, 2020 no such certificate was obtained from the concerned authorities / District Collector. Annex D

7. That the brother of the Ex-Chief Minister namely Ahmad Khan, illegally inaugurated the said graveyard with the help of local police during banned period, because of Local Bodies Elections 2022. (Copies annexed). Annex - E

8. That extensive land is available in the near vicinity for the said purpose. In this respect the local people time and again arranged protest against the illegal act of the former Chief Minister (Mehmood Khan), which is evident from the local Newspaper and social Media. The Ex-Chief Minister intended to drag and outraged the rival candidate of opponent party to the said action of the previous Chief Minister was the result of colorful exercise of the authority. Annex - F

Yours Sincerely,

*Amjad Ali*

(Dr. Amjad Ali)

R/o Sambat Cham, Tehsil Matta,  
District Swat.

Cell NO - 0345 2233 111

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*[Signature]*

# قبرستان کیلئے زمینیں سیکشن فور کا نام لیا جائے براہِ حسین بابو

حکومت نے سمٹ کیلئے جس زمین پر سیکشن فور کا نام لیا جائے براہِ حسین بابو کی کھودی جاتی ہے اور نہ وہاں پر قبریں کھودی جاتی ہیں کیونکہ یہ زمین جس پر سیکشن فور لگا دیا گیا ہے ایک پہاڑی ہے اور گاؤں سے ساڑھے دو کلومیٹر دور ہے، حکومت پرانے قبرستان کے قریب زمین لیکرنے قبرستان کیلئے زمین خرید لیں اگر پرانے قبرستان کے قریب زمینوں کی قیمت زیادہ ہو تو مقامی لوگ چندہ اکٹھا کر کے حکومت کو پیسے دینگے ان خیالات کا اظہار انہوں نے اپنے ایک بیان میں کیا انہوں نے کہا کہ صوبائی حکومت نے سمٹ کے عوام کیلئے نئے قبرستان کیلئے ایک ایسی زمین پر سیکشن فور لگا دیا ہے جہاں پر نہ تو قبریں کھودی جاتی ہیں اور نہ یہ زمین جو ایک پتھرلی پہاڑی ہے قبرستان کیلئے موزوں ہے انہوں نے کہا کہ جس زمین پر قبرستان کیلئے سیکشن فور لگا دیا گیا ہے یہ زمین سمٹ گاؤں اور دیگر آبادی سے ساڑھے دو کلومیٹر دور بھی ہے اور پتہ نہیں کہ پھر یہاں تک یہاں کے عوام اپنے وفات ہو نیوالے رشتہ داروں کو دفین کس طرح لے لائینگے انہوں نے حکومت اور ٹی ایم اے مٹھ سے اپیل کی کہ وہ اس نامناسب زمین کی بجائے پرانے قبرستان کے قریب زمین لیا جائے اور اگر حکومت کے ساتھ پیسوں کی کمی ہو تو پھر مقامی لوگ چندہ اکٹھا کر کے حکومت کا ساتھ دینگے انہوں نے کہا کہ جس زمین پر قبرستان کیلئے سیکشن فور لگا دیا گیا ہے وہ نامناسب اور غیر موزوں ہے اسلئے اس زمین کی بجائے کہیں مناسب اور پرانے قبرستان کے قریب زمین لیکر عوام کا یہ دیرینہ مطالبہ پورا کیا جائے۔

CP  
Mae

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—



OFFICE OF THE  
COMMISSIONER MALAKAND DIVISION  
SAIDUSHARIE SWAT

35

No. 2277-79143-Swat/Rev/Vol:XXXVIII

Dated 7/04/2023

To,

The Deputy Commissioner, Swat.

Subject:

ILLEGAL ACQUISITION OF UNSUITABLE LAND FOR GRAVEYARD IN MUZA  
SAMBAT, TEHSIL MATTA DISTRICT SWAT

Dear Sir,

I am directed to enclose herewith a copy of an application submitted by Dr. Amjad Ali r/o Sambat Cham, Tehsil Matta, District Swat along with its enclosures the contents of which are self-explanatory, on the subject noted above.

2. I am further to request that report in the matter may be furnished to this office for perusal of Worthy Commissioner Malakand Division, at the earliest, please.

*(Signature)*  
(Shakinullah) 7/4/2023  
ASSISTANT TO COMMISSIONER (R/G)  
MALAKAND DIVISION

Endst: No. & Date Even:

Copy for information is forwarded to:

- 1. The Tehsil Municipal Administration, Matta.
- 2. Dr. Amjad Ali r/o Sambat Cham, Tehsil Matta, District Swat

*(Signature)*  
ASSISTANT TO COMMISSIONER (R/G)  
MALAKAND DIVISION

AC Matta / Tmo Matta

For Report pl

07/04

Kindly advise  
for report please.

7/4/2023

ترکدار سوات / طابہ سوات

مذاکرہ فیصلہ شد  
10-04-2023

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حکومت پاکستان کے لیے درخواستیں اور درخواستیں ملاحظہ کیا گیا۔ باقاعدہ معلوم ہوا کہ اراچی جو قبرستان کے لئے بروٹ سکیشن فور

ورمز 21-10-20 ہوا اور باقاعدہ بروٹ منتقل ہنری 6828 ورمز 22-5-26 حویلی حکومت کراچی

اندر راج ہوا ہے۔ موقع پر جا کر اراچی پر اس قبرستان سے تقریباً 2.5 کلومیٹر کے دوری پر واقع ہے۔ اور گاؤں سمیت کے لوگ کو اس

جگہ پر اعتراض ہے کیونکہ اراچی پر قبر کھدائی مشغل ہے اور پر اس قبرستان سے دور ہے۔ مزید یہ کہ پر اس قبرستان جو گاؤں

کا ہیوست واقع ہے اور اسی ہی قبرستان کے سادہ مذیروہ کھدائی کی اراچی پر اسے دفنانے جاتی ہے۔ تو اس میں واضح ہے کہ سالانہ

وزیر اعلیٰ کے عہدے سے احمد خان نے بددیہتی اور سیاسی طور پر انتقامی کارروائی کر کے ذریعہ اراچی کو بغیر اجازت شہری اور غیر

قانونی طور پر قبرستان کے لئے حاصل کی ہے۔ مزید یہ کہ موقع ملاحظہ کیا گیا ہے۔ جو کہ قبرستان کے لئے فوزوں نہ ہے۔ قبرستان کے لئے فوزوں نہ ہے کیونکہ فیٹ گیری کے لئے پتھر شروع ہو جاتے

ہیں۔ اس نتیجہ باقاعدہ یہ علاقہ کے محض فوزوں سے ہی بیان کیے اور بیان دیا ہے کہ اراچی پر قبرستان کو توڑیں اور صرف سیاسی انتقام پر نہ لیا ہے۔

حیات آباد

خانہ نمبر 11

20/10/21

11/02/23

پورٹ کلک ڈیوٹی کے دوران کام میں مورخہ 26/10/22 کو حویلی حکومت کراچی سے پورٹ ڈیوٹی کے لئے

نہذا پورٹ ڈیوٹی کے دوران کام میں مورخہ 26/10/22 کو حویلی حکومت کراچی سے پورٹ ڈیوٹی کے لئے

Tehsil Patti District

13/02/23

...

...



37

**OFFICE OF THE ASSISTANT COMMISSIONER MATTA**  
**SWAT.**

No. 613 /AC/Matta.

Dated 20 /04/2023

To,

The Deputy Commissioner, Swat.

Subject:

**ILLEGAL ACQUISITION OF UNSUITABLE LAND FOR GRAVEYARD IN MUZA SAMBAT, TEHSIL MATTA, SWAT.**

Kindly refer to your good office remarks dated 07/04/2023 at the face of enclosed letter No. 2277-79/4/3-Swat /Rev:/Vol: XXXVIII, dated 07/04/2023 on the subject noted above.

In this context, it is submitted that notification U/S-IV of LAA for purchase of land measuring 45 Kanal and 16.82 Marlas for Municipal Graveyard at Moza Sambat was issued vide notification No. 27299/204/Acq/DC(S), dated: 16-08-2021 from your good office. Afterwards, the award was announced on dated 05/11/2021 and was sent to this office, vide Award No. 38484-87/204/Acq/DC(S) on dated: 12/11/2021.

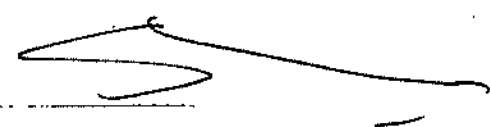
As per record, total 45 Kanal and 16.82 Marlas land was acquired, in which only owners of the 12.56 Marlas land had received their compensation money, while the remaining 46 land owners of 45 Kanal and 04 Marlas refused to receive their compensation money.

So far as, the application of the aggrieved party is concerned, the contents of the application is related to TMA Matta and are responsible for identification and selection of the land. Moreover, the said application was marked to the Halqa Patwari / Girdawar Circle through Tehsildar Matta, for further necessary action, whereof the concerned Halqa Patwari / Girdawar Circle visited the spot, recorded statements of the locality and prepared their detailed report on the above noted subject, the contents of which are self-explanatory.

Report is submitted, please.

  
**ASSISTANT COMMISSIONER**  
**MATTA**

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OFFICE OF THE  
TEHSIL MUNICIPAL ADMINISTRATION,  
MATTÄ DISTRICT SWAT

38

☎ 0946-792303, 📠 0946-792202 ✉ : [mc.matta.swat@gmail.com](mailto:mc.matta.swat@gmail.com)

🐦 [twitter.com/TMA\\_Matta](https://twitter.com/TMA_Matta) 📘 [Facebook.com/tma.matta.s](https://www.facebook.com/tma.matta.s)

No. 2502

No./ TMA-Matta (S) Dated Matta the 26/05/2023

To

The Deputy Commissioner,  
Swat.

Subject: **ILLEGAL ACQUISITION OF UNSUITABLE LAND FOR GRAVEYARD IN MUZA SAMBAT, TEHSIL MATTÄ, SWAT.**

Kindly refer to your good office remarks dated 07/04/2023 at the face of enclosed letter No. 2277-79/4/3-Swat/Rev:/Vol:xxVIII, dated 07/04/2023 on the subject noted above.

In this context, it is submitted notification U/S-IV of LAA for purchase of land measuring 45 Kanal and 16.82 Marlas for Municipal Graveyard at Moza Sambat was issued vide notification No. 27299/204/Acq/DC(S), dated 16/08/2021 from your good office. Afterwards, the award was announced on dated 05/11/2021 and was sent to this office vide Award No. 38484-87/204/ Acq/DC(S), dated 12/11/2021.

As per record, total 45 Kanal and 16.82 Marlas land was acquired, in which only owners of the 12.56 Marlas land had received their compensation money, while the remaining 46 land owners of the 45 Kanal and 04 Marlas refused to receive their compensation money.

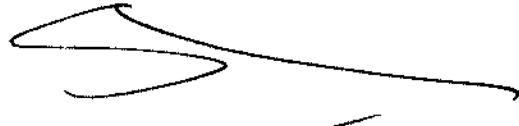
Furthermore, this office as an executing agency for developmental work which is under process / undergoing.

So far as, the application / affidavit submitted by local beneficiary of the Sambat areas, the Halqa Patwari / Girdawar Circle, visited the spot recorded statements of the locality and also prepared their detailed report states that the land is not suitable for graveyard and is further self explanatory, is sent here with to your, office for further direction please. (Copy attached for ready reference).

Report is submitted, please.

  
Tehsil Municipal Officer  
TMA Matta

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TRUE





*Annex*

"S"  
39

Office Of The  
**DEPUTY COMMISSIONER, SWAT.**

Phone: 0946-9240336 Fax: 0946-9240329 Email: Landacq.Deswat@Gmail.Com  
No. 10610 /204/Acq/DC(S) Dated 01-06 /2023.

To  
The Commissioner,  
Malakand Division at Saidu Sharif, Swat.

Subject: PURCHASE OF LAND FOR MUNICIPAL GRAVEYARD AT MOZA SAMBAT, TEHSIL MATTA, DISTRICT SWAT BY TMA, MATTA SHAMIZAI, SWAT.

Memorandum:

Reference your office memo no.2277-79/4/3-Swat/Rev/Vol:XXXVIII /Dated 07/04/2023 and memo no.71-41-42/4/3-swat/Rev:/Vol:XXIX dated 20/10/2021 on the subject noted above.

In this connection, the requisite certificates have already sent vide this office memo no.34243/204/Acq/DC(S) dated 15/10/2021 whereas certificate under rule 31(B) of land amended rules 2020 was not furnished.

Brief facts of the case are that award has been announced on 05/11/2021 and issued by this office vide endst no.38484-87/204/Acq/DC(S) dated 12/11/2021, for land measuring 45 kanal and 16.82 marla in moza Sambat tehsil Matta district Swat. The amount of land compensation sent to the Assistant Commissioner; Matta vide this office memo no.15143/204/Acq/DC(S) dated 22/04/2022. Land owners for land measuring 12.56 Marla have received the amount of land compensation while others refused to receive the amount of land compensation for their shares.

In addition, the Assistant Commissioner, Matta endorsed report of patwari and Tehsildar vide his office memo no.613/AC/Matta dated 20/04/2023, wherein it is stated that the said land is 2.5 Km away from old graveyard and not suitable for graveyard as the land is rocky beneath two feet of the surface.

It is further added that the Tehsil Municipal Officer, TMA Matta also endorsed a letter and an application of the aggrieved land owners vide memo no.2502/TMA(S) dated 26/05/2023 stating therein that the land is not suitable for graveyard with the request for further directions.

In view of the above circumstances, the reports of Assistant Commissioner, Matta and TMC Matta reveals that the said land is not fit for the said scheme. Hence submitted for further necessary action, please.

Encls: (As Above).

No. 10611-12 /204/Acq/DC(S),

Copy for information forwarded to:-

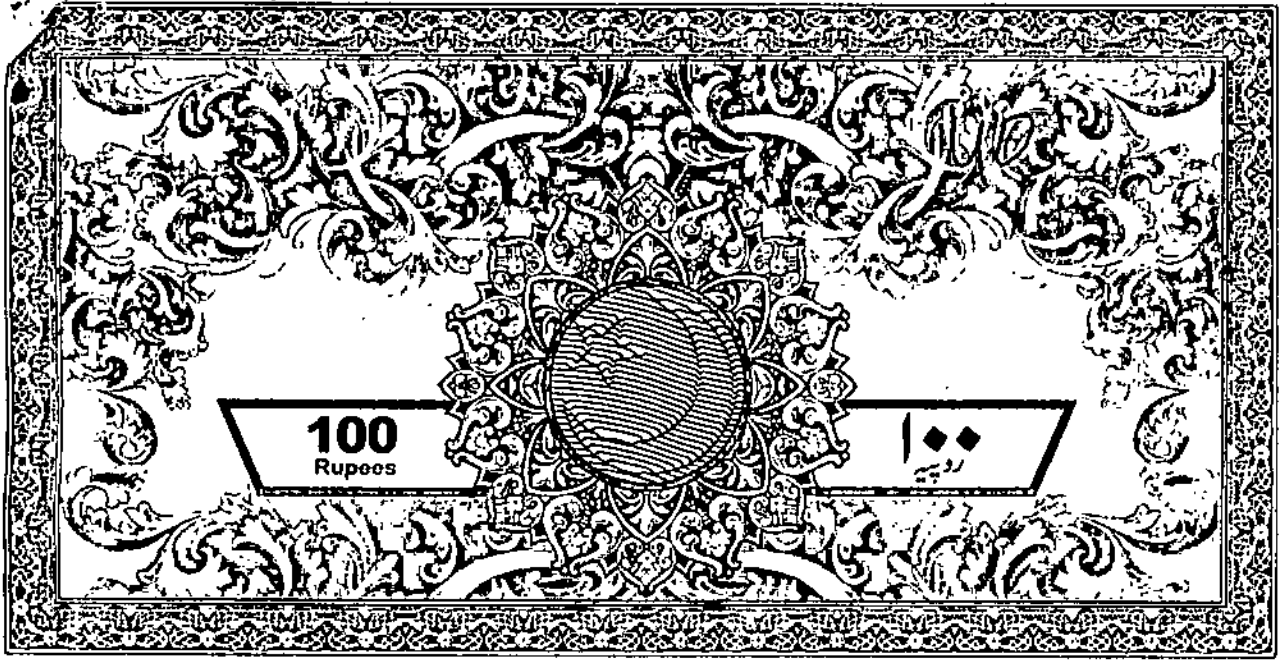
1. The Assistant to Commissioner (R/G), Malakand Division at Saidu Sharif, Swat.
2. The Tehsil Municipal Officer, TMA Matta Shamizai, Swat.

*[Signature]*  
DEPUTY COMMISSIONER, SWAT.

*[Signature]*  
DEPUTY COMMISSIONER, SWAT.

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*[Signature]*



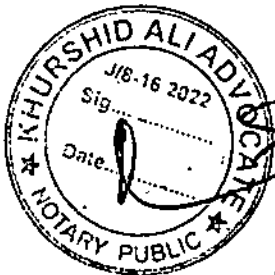
## بحضور جناب کمشنر صاحب ملاکنڈ ڈویژن سوات

### بیان حلفی

منکہ سسی ڈاکٹر امجد علی ولد محمد ساکن سمیٹ چم تحصیل منہ ضلع سوات کا ہوں۔

بذریعہ ہذا حلفاً اقرار کر کے لکھ دیتا ہوں۔ کہ میں نے اپنی ملکیتی اراضی واقع ماندرورجیم آباد سمیٹ تحصیل منہ ضلع سوات میں سے 4 سے 7 کنال اراضی الہیان علاقہ مقبرہ کیلئے وقف کرتا ہوں۔ آئندہ کیلئے جب بھی مقبرہ محکمہ اوقاف کے نام درج کرنے کی ضرورت پڑی تو میں من محلف انتقال درج کرنے کا پابند رہوں گا۔ آج کے بعد من محلف یا من محلف کے جملہ دروثناء مذکورہ مقبرہ پر کسی قسم کے دعویداری قبضہ تصرف نہیں کریں گے۔ بیان ہذا میں دئے گئے کوائف بالکل درست ہے کوئی امر مخفی نہیں رکھا گیا ہے۔ غلط بیانی کا میں خود جوابدہ اور ذمہ دار رہوں گا۔ لہذا بیان حلفی سنداً تحریر ہے۔

ATTESTED



Amjad Ali  
العبد

ڈاکٹر امجد علی

شناختی کارڈ نمبر 15601-1029232-5

مورخہ: 06-06-2023

ATTESTED TO BE  
TRUE COPY

اعجاز الحق ولد سلیم خان  
NIC# 156016093937-1  
06/06/23

acrgmkd@gmail.com

Commissioner Malakand Division

@commissionermkd



41

OFFICE OF THE  
COMMISSIONER MALAKAND DIVISION  
SAIDU SHARIF SWAT

Amjad Ali  
H 2

No. 10610/204/Acq/DC(S)/1/3-Swat/Rev:/Vol-39

Dated 19/06/2023

To

The Deputy Commissioner, Swat.

Subject:

PURCHASE OF LAND FOR MUNICIPAL GRAVEYARD AT MOZA SAMBAT, TEHSIL MATTA, DISTRICT SWAT BY TMA, MATTA SHAMIZAI, SWAT

Memo:

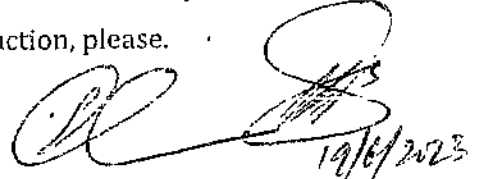
I am directed to refer to your office letter No. 10610/204/Acq/DC(S) dated 01-06-2023 on the above noted subject.

2. I am further directed to state that report received vide under referenced letter from your office transpires that the acquired land for graveyard at moza Sambat, Tehsil Matta is not fit for the said scheme. In this context, Dr. Amjad Ali (land owner) has submitted affidavit on stamp paper to this office that 04 to 07 Kanal suitable land situated in Mandaro Rahimabad, Sambat, Tehsil Matta, District Swat offers for mutation to Auqaf Department for the said purpose.

3. On the question of the earlier acquired land, Rule 34 of the Khyber Pakhtunkhwa Land Acquisition Rules, 2020 is referred for further necessary action, please.

(Original affidavit on stamp paper enclosed)

ALA  
Dees  
22/6/23

  
19/6/2023

(SHAKIRULLAH)  
ASSISTANT TO COMMISSIONER(R/G)  
MALAKAND DIVISION

19/6/23

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OFFICE OF AGRICULTURE OFFICER  
MATTA

Department of Agriculture Extension District Swat  
Address: Detpanai, Matta District Swat



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No. 512/AO Matta

Dated 26/04/203

To

Dr. Amjad Ali  
R/O Sambat Matta,  
District Upper Swat.

**SUBJECT: ILLEGAL ACQUISITION OF UNSUITABLE LAND FOR GRAVEYARD IN MUZA SAMBAT, TEHSIL MATTA.**

Reference to your letter on the above cited subject on dated 20/04/2023, the subject land under Khasras No. 445, 448, 451, 452, 453, 454, 455, 459 and 480 had been visited by the agriculture officer and concerned field assistant in the light of DC Swat letter No. 27540-43/Acq/DC(S), dated 20/08/2021 under land acquisition act 1894 and the report was submitted under this office letter No.360/AO Matta, dated 25/8/2021 (Copy of report is attached for your information).

Also the concerned field assistant reported that the land is irrigated by the Shamezai irrigation channel uplift schemes at various points.

It is concluded from the above mentioned submitted report that the above mentioned land is irrigated agriculture land.

Enclosed: Assessment report

AGRICULTURE OFFICER  
MATTA, SWAT

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**STATEMENT SHOWING DETAIL OF ORCHARDS COMPENSATION TO BE MADE TO FARMERS FOR THE PURCHASE OF LAND FOR MUNICIPAL GRAVEYARD AT MOZASAMBAT TEHSIL, MATTA DISTRICT SWAT DURING THE YEAR 2021**

S.No	Name of owner	Maize	Khewra No.	Area (Kanal)	Maize	Kind of fruit plant	No. of plants	Bearing age of Tree	Average yield plant (kg)	Farm price/kg	Nursery value	Est. value of fruit plants = col 8 x 9 x 10 x 11 + 12 + 13	Remarks	
1		3	4	5	6	7	8	9	10	11	12	13	14	
1		Sambhat	498	26	0	Barren Land and has no plants and no standing crops							0	
2		Sambhat	461	2	3	Maize				Maize crop @ 8000/- per Kanal			17200	
3		Sambhat	460	1	3	Maize				Maize crop @ 8000/- per Kanal			9200	
4		Sambhat	459	1	19	Maize				Maize crop @ 8000/- per Kanal			15600	
5		Sambhat	457	4	11.32	Maize				Maize crop @ 8000/- per Kanal			36528	
6		Sambhat	358	2	0	Maize				Maize crop @ 8000/- per Kanal			16000	
7		Sambhat	453	0	11	Maize				Maize crop @ 8000/- per Kanal			4400	
8		Sambhat	454	1	12	Maize				Maize crop @ 8000/- per Kanal			12800	
9		Sambhat	455	0	17.5	Maize				Maize crop @ 8000/- per Kanal			7000	
10		Sambhat	452	0	9	Maize				Maize crop @ 8000/- per Kanal			3600	
11		Sambhat	451	2	4	Maize				Maize crop @ 8000/- per Kanal			17600	
12		Sambhat	448	2	2	Maize				Maize crop @ 8000/- per Kanal			16800	
13		Sambhat	446	0	5	Maize				Maize crop @ 8000/- per Kanal			2000	
	<b>Total</b>			<b>45</b>		<b>One Lac Fifty Eight Thousand Seven Hundred &amp; Twenty Eight</b>							<b>158728</b>	

No. 360/AO Matra

Date: 25/08/2021

Forwarded to DDA (E) Swat for information and further Necessary action please Referring to the Deputy Commissioner Swat office letter No. 27540-43/204/Acq/D(C/S) Dated 20/08/2021, the subject site was visited by undersigned along with Halqa Parwari and Field Assistant. The report of standing crops is hereby submitted for the compensation Please.

*Handwritten signature and stamp*

Agriculture officer

Matra swat

Agriculture Officer

Matra

No. 361/AO Matra

Date: 25/08/2021

Copy to The Assistant Commissioner Matra District Swat

Agriculture officer

Matra swat

Agriculture Officer

Matra

Agriculture Extension Swat



## DEPUTY COMMISSIONER, SWAT.

44

Phone: 0946-9240336

Fax: 0946-9240329

Email: landacq.dcswat@gmail.com

No. 1974-220 /204/Acq/DC(S)

Dated 24/07 /2023.

### OFFICE ORDER:-

In pursuance of the Khyber Pakhtunkhwa land acquisition rules 2020. The following Committee is hereby constituted under rule 10 read with rule 34(3) of the rules ibid for the purpose of" PURCHASE OF LAND FOR MUNICIPAL GRAVEYARD AT MOZA SAMBAT, TEHSIL MATTA, DISTRICT SWAT BY TMA, MATTA SHAMIZAI, SWAT.


- 1- Deputy Commissioner/ Collector, ..... Chairman  
Swat.
- 2- Additional Deputy Commissioner (G), ..... Member/Secretary  
Swat
- 3- Assistant Commissioner, Matta. .... Member
- 4- Representative of the acquiring ..... Member  
department.
- 5- Revenue Officer/ Tehsildar, Matta. .... Member.

All the members of the Committee are hereby requested to attend the meeting scheduled to be held in the office of the undersigned on 27/07/2023 at 11:00 AM to assess the present market value of the acquired land.

No. 1974-220 /204/Acq/DC(S)

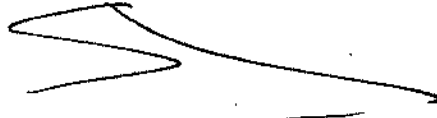
Copy forwarded to the:-

1. Commissioner, Malakand Division, Saidu Sharif.
2. Assistant Commissioner, Matta.
3. The Tehsil Municipal Officer, Matta.
4. Tehsildar Matta.
5. All members of the Committee with the request to attend the said meeting on the date, time and venue fixed without fail please.

  
DEPUTY COMMISSIONER, SWAT

  
DEPUTY COMMISSIONER, SWAT

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MINUTES OF THE MEETING REGARDING ACQUISITION OF LAND/PURCHASE OF LAND FOR MUNICIPAL GRAVEYARD AT MOZA SAMBAT TEHSIL MATTA DISTRICT SWAT.

In pursuance of the committee notified under rule-34 and 10 vide memo no.19318/204/Acq/DC(S). A meeting was held under the chairmanship of Deputy Commissioner, Swat regarding acquisition of land/Purchase of land for municipal graveyard at moza sambat tehsil Matta District Swat. the following attended the meeting: -

1. Deputy Commissioner, Swat..... Chairman.
2. Superintendent TMO Matta..... Member.
3. Tehsildar Matta..... Member.
4. Girdawar Matta.
5. Halqa Patwari moza Sambat

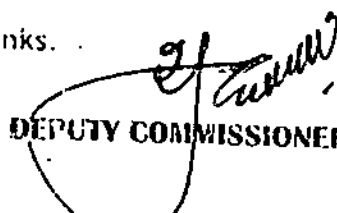
Opening the discussion, the undersigned asked the Tehsildar Matta about current position of the land. The Tehsildar Matta expressed to the forum that award has been announced by the undersigned and amount of land compensation is in the process of disbursement for only 12 Marla land out of 45 kanal and 16.82 marla while the remaining amount of land compensation is not yet received by the land owners. He further stated that mutation in the said scheme is also attested in favor of the acquiring department. He further stated that on the complain of locals a joint visit was paid by the Tehsildar Matta, Girdawar circle Matta Shamezai and halqa Patwari on 11/04/2023 wherein it was stated that the land in question is about 2.5 km away from the existed graveyard and it was found that the said land is rocky and not suitable for digging graves, beneath two feet of dirt hard rocks are present. The same was reported to this office vide memo no.613/Assistant Commissioner, Matta dated 20/04/2023.

The superintendent of Tehsil municipal Administration, Matta Swat informed the forum that I have no information about the land in question and comments/views regarding surrender of land shall be shared by the Tehsil Municipal Officer, Matta. He provided a letter memo no.2502/1/AA-Matta(S)dated 26/05/2023 wherein it was endorsed that the land in question is not suitable for graveyard.

The Chair ended the meeting with the decisions that comments and stance of the acquiring department i.e Tehsil Municipal Officer, Matta shall be shared with this office. if, the land is no more required then further proceeding will be taken according as per Rule.34 and Rule 10 of Land Amended/Acquisition 2020.

The meeting ended with a vote of thanks.

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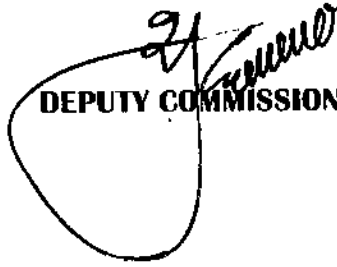
No. 75213-18 /204 /Acq/DC(S)

Dated: 27/07/2023.

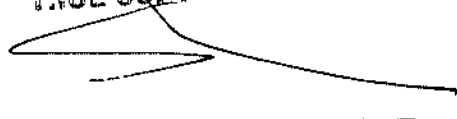
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Copy forwarded to:

1. The Commissioner, Malakand Division, Saidu Sharif.
2. The Secretary Board of Revenue, Revenue & Estate Department.
3. The Additional Deputy Commissioner (G), Swat.
4. The Tehsil Municipal Officer, Matta.
5. The Assistant Commissioner, Matta.
6. The Tehsildar, Matta.

  
DEPUTY COMMISSIONER, SWAT.

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OFFICE OF THE  
TEHSIL MUNICIPAL ADMINISTRATION,  
MATT A DISTRICT SWAT

0946-792303, 0946-792202 : mc.matta.swat@gmail.com

twitter.com/TMA\_Matta Facebook.com/tma.matta.s

No. 2768 / TMA-Matta (S) Dated Matta the 2 18/2023

To

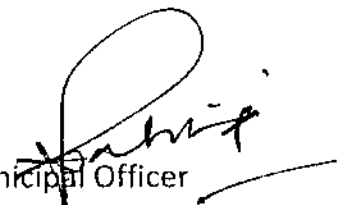
The Deputy Commissioner,  
Swat.

Subject: ILLEGAL ACQUISITION OF UNSUITABLE LAND FOR GRAVEYARD IN MUZA  
SAMBAT, TEHSIL MATT A, SWAT.

In pursuance of minutes of the meeting held on 27/07/2023 under the  
Chairmanship of your goodself. .

In this respect, it is stated that as per joint report of Assistant  
Commissioner Matta, Tehsildar Matta, Halqa Patwari and elders of the locality, the said  
land is not fit for the said scheme.

Their above statements / comments are hereby sent to your office for  
information and further necessary action as desired please.

  
Tehsil Municipal Officer  
TMA Matta

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Office Of The  
**DEPUTY COMMISSIONER, SWAT.**

Phone: 0946-9240336

Fax: 0946-9240329

Email: [Landacq.Deswat@Gmail.Com](mailto:Landacq.Deswat@Gmail.Com)

No. 21064-63 /204/Acq/DC(S)

Dated 11-08 /2023.

To

1. Additional Deputy Commissioner(G), Swat.
2. Representative of the acquiring department i.e TMA Office Matta.
3. Revenue Officer, Tehsildar Matta.
- ✓ 4. Any co-opted member i.e (land owner Mr. Amjad Ali)

Subject: PURCHASE OF LAND FOR MUNICIPAL GRAVEYARD AT MOZA SAMBAT, TEHSIL MATTA, DISTRICT SWAT BY TMA, MATTA SHAMIZAI, SWAT.

Memorandum:

Please refer to the subject noted above.

In the subject matter a meeting is scheduled to be held on 15/08/2023 at 11:00 AM in the office of the undersigned.

You are requested to attend the meeting on above fixed date, time and venue, while Tehsildar Matta may attend the meeting with approximate rate of the land, please.

No. 21064-65 /204/Acq/DC(S)

  
✓ DEPUTY COMMISSIONER, SWAT.

Copy forwarded to: -

- 1) The Commissioner, Malakand Division, at Saidu Sharif.
  - 2) The Secretary, Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
- For information please.

  
✓ DEPUTY COMMISSIONER, SWAT.

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