

منجانب: تاج محمد صاحب، رکن صوبائی اسمبلی
کیا دزیر کھیل و امور نوجوان ازراہ کرم ارشاد فرمائیں گے کہ

نمبر شمار	سوال	جواب
(الف)	آیا یہ درست ہے کہ 2013 میں صوبہ خیبر پختونخواہ میں PTI کی حکومت بننے کے بعد حکومت نے فیصلہ کیا تھا کہ صوبے کی ہر تحصیل میں کھیل کا میدان تعمیر کیا جائے گا؟	جی ہاں یہ بات درست ہے کہ سال 2013 میں پی ٹی آئی کی حکومت بننے کے بعد یہ فیصلہ کیا گیا تھا کہ صوبے کی ہر تحصیل میں کھیل کا میدان تعمیر کیا جائے گا اور اس ضمن میں حکومت نے ایک اسکیم "خیبر پختونخواہ میں ضرورت کی بنیاد پر پلے گراؤنڈ کا قیام" منظور کی گئی تھی جس میں 109 ذیلی سیکسوں پر کام شروع ہوا جن میں سے 80 پر کام مکمل ہوا اور باقی پر کام جاری ہے۔
(ب)	آیا یہ بھی درست ہے کہ مذکورہ فیصلے کے بعد تحصیل بنگرام کے لیے بھی ایک گراؤنڈ منظور ہوا۔ اور زمین کی خریداری کیلئے DC بنگرام کے اکاؤنٹ میں رقم منتقل کی گئی؟	جی ہاں یہ درست ہے۔
(ج)	آیا یہ بھی درست ہے زمین کی خریداری کیلئے تمام Process مکمل کیا گیا۔ اور گراؤنڈ کی تعمیر کیلئے ٹینڈر بھی جاری ہوا؟	تخصیص پلے گراؤنڈ کیلئے پرائیوٹ اراضی پر سیکشن-4 مورخہ 16 جنوری 2014 کو لگائی گئی۔ قطعہ زمین کا رقبہ 36 کنال 19 مرلے تھا اور اس کی قیمت مبلغ 47,563,668 روپے متعلقہ ڈپٹی کمشنر کو بھجوائی گئی۔ بعد ازاں دیگر ضروری کارروائیاں اور سیکشن 6 اور 17 مورخہ 12 ستمبر 2017 کو جاری ہونے کے بعد قطعہ زمین کے ایوارڈ کا اجرا کیا گیا (کاپی صفحہ 6-3 پر منسلک ہے) زمین کے مالکان نے ایبٹ آباد ہائی کورٹ میں رٹ پٹیشن دائر کی جس کے فیصلے میں عدالت نے کمشنر ہزارہ کو اعتراضات سن کر فیصلہ جاری کرنے کی ہدایت کی (کاپی صفحہ 9-7 پر منسلک ہے)۔ کمشنر ایبٹ آباد کی سربراہی میں مورخہ 3 فروری 2023 کو ایک اجلاس ہوا جس میں فریقین کو سنا گیا اور ایک کمیٹی تشکیل دی گئی جس کو سات دن کے اندر رپورٹ پیش کرنے کی ہدایت کی گئی۔ رپورٹ میں تین متبادل جگہوں کی نشاندہی کی گئی جن میں سے کسی کو مناسب نہیں سمجھا گیا۔

<p>بعد ازاں ڈائریکٹریٹ جنرل آف سپورٹس کی جانب سے ڈپٹی کمشنر بگلرام کوچھٹی لکھی گئی کہ مذکورہ سائٹ 2014 سے متنازعہ ہونے اور مالی رکاوٹوں کی وجہ سے صوبائی حکومت اس پوزیشن میں نہیں کہ کوئی متبادل جگہ خرید سکے۔ اس لئے مذکورہ سائٹ کو سیکشن-48 کے تحت ڈی نوٹیفائی کیا جائے (کاپی صفحہ 10 پر منسلک ہے) جس کی روشنی میں کمشنر ہزارہ ڈویژن نے وہ اراضی ڈی نوٹیفائی کر دی (نوٹیفکیشن کی کاپی صفحہ 11 پر منسلک ہے)۔</p>	
<p>جب یہ معاملہ مجاز اتھارٹی کے نوٹس میں لایا گیا تو محکمے نے ایک انکوائری کمیٹی تشکیل دی، جو کہ ریکارڈ اور حقائق اور اس سے متصل متعلقہ قوانین کا جائزہ لینے کے بعد اپنی رپورٹ پیش کر کے ذمہ داران کا تعین کرے گا، جس کے بعد محکمہ ذمہ داران کے خلاف کارروائی کا آغاز کر کے فورم کو مطلع کیا جائے گا۔</p>	<p>(د) اگر (الف) تا (ج) کے جوابات اثبات میں ہوں تو ابھی تک بگلرام کھیل کا میدان کیوں نہیں بنا؟ اور اسکے ذمہ دار کون لوگ ہیں؟ تفصیل فراہم کی جائے۔</p>

3
OFFICE OF THE DEPUTY COMMISSIONER/LAND ACQUISITION
COLLECTOR BATTAGRAM

CONSTRUCTION OF PLAYGROUND AT MOZA MAIDAN TEHSIL & DISTRICT
BATTAGRAM.

Award No. 59/Acq DC (B)

Dated: March 26, 2021

AWARD UNDER SECTION 11 OF THE LAND ACQUISITION ACT, 1894

1. The Director General Sports and Youth Affairs Khyber Pakhtunkhwa Peshawar (Acquiring Department) vide his office letter No.26/prov of sports facilities at Tehsil HQtrs/ADP/U/2013 dated 07-08-2013 requested for the acquisition of land situated in Moza Maidan Tehsil & District Battagram for the Construction of Playground Tehsil & District Battagram.

NOTIFICATION UNDER SECTION-4 OF LAND ACQUISITION ACT-1894

2. The Deputy Commissioner/District Collector, Battagram issued Notification under section -04 of the land Acquisition Act (LAA)-1894 vide No 217-220/DC/LA dated 16-01-2014 for the land measuring 36 Kanals 19 Marlas, which was published in official Gazette on 29-08-2014. Later on the Deputy Commissioner/ District Collector, Battagram issued the 1st corrigendum Notification under section-4 vide No.4750-54/Acq dated 15-09-2014, 2nd corrigendum Notification under section-4 vide No.6653-62/Acq dated 26-09-2016, 3rd corrigendum Notification under section-4 vide No.585-92/Acq dated 10-02-2021 for the land measuring 29 Kanals 19 Marlas.

NOTIFICATION UNDER SECTION -17(4) & 6 OF LAND ACQUISITION ACT-1894

3. The Commissioner Hazara Division Abbottabad issued Notification under section -17(4) & 6 of LAA-1894 vide No. 1/62/5834-41/Acq dated 12-09-2017 for the land measuring 36 Kanals 19 Marlas. Thereafter the land owners filed writ petition before the Honorable Peshawar High Court Abbottabad Bench, the case was under trial & subsequently decided on 22/09/2020, by the Honorable Peshawar High Court Abbottabad Bench, with the directions that "The petition is disposed of in the terms that the petitioners shall file objection before the Collector, within a period of one month, and the Collector shall after hearing all such objections and after making such further inquiry, submit the case to the Commissioner, Hazara Division as envisages under section 5-A (2) of the Act, Who shall decide the case within one month from the receipt of the request from the Collector /Deputy Commissioner, Battagram in accordance with law". The direction of the Honorable High Court and request / suggestion of acquiring department (DG Sports), vide his letter No.26/Tehsil Playgrounds /Battagram /2020 dated 18/12/2020, that 100 feet commercial land adjacent to the main KKH road may be excluded from the acquired land under reference. The Commissioner Hazara Division, Abbottabad issued 1st Corrigendum notification under Section-17(4) & 6 of LAA 1894 vide No. 1/9(B) 3857-63/ACR/GA dated 10-03-2021 for the land measuring 29 Kanals & 19 Marla.

4. The undersigned was directed to take order of the land duly notified. Accordingly, measurement of the land was made through revenue staff of Tehsil & District Battagram under provision of section-8 of LAA-1894. The land, which is sought to be acquired, is as under:

District & Tehsil	Moza	Area with Khasra Nos.		
		Khasra No.	Kanals	Marlas
Battagram	Maidan	175/1	00	06
		374/169/1	00	02
		216/2	02	04
		215	04	02
		213/4	09	09
		226/1	00	09
		230/1	00	13
		214/1	00	06
		225/2	02	04
		224/2	05	03
		217/2	04	09
		222/1	00	10
		223/1	00	02
		Total		29

VALUATIONS

a) LAND

5. The Deputy Commissioner/District Collector, Battagram directed the Revenue staff concerned for provision of average Yaksala for the said Moza vide letter No. 2606/Acq dated 03-06-2014. In response thereof he provided the same vide No. 1073 dated 18-06-2014 based on the sale mutations attested during one year prior to the date of issuance of notification under section-4 of LAA-1894. According to the said average Yaksala, the prices of the deferent kinds of land are as under:

S.No	Kind of Land	Total Area to be Acquired		Cost per Marla in (PKR)	Cost per Kanal in (PKR)	Total Cost of Land in (PKR)
		K	M			
01.	Hoter	29	11	55651.60/-	1113032/-	32890095.60/-
02.	Bari	00	06	41738.70/-	834774/-	250432.20/-
03.	Ghair Mumkan Kasi	00	02	6956.45/-	139129/-	13912.90/-
Total Area		29	19	Total Cost		33154440.70/-

6. On the basis of above mentioned rates of land estimate of land to be acquired was worked out and conveyed to the Director General Sports and Youth Affairs Khyber Pakhtunkhwa Peshawar for placing of funds at the disposal of this office. The said department placed the fund amounting to Rs. 47563668/- vide Cheque No.1036484 dated 06-05-2015, at the disposal of this office for the purpose.

b) Crops:

7. This office requested the District Director (Agriculture), Battagram for provision of per acre yield & market price vide letter No. 1398/Acq dated 25-03-2021 in respect of crops etc. in response District Director Agriculture, Battagram provided the per-acre yield in respect of crops vide letter No.511/DDA BATTAGRAM dated 26/03/2021, in District Battagram alongwith market price. At the time of taking physical possession of the land mostly the wheat crops was cultivated upon the agricultural land measuring 20 Kanals 02 Marlas. As per the yield estimation provided the total compensation amount in respect of crops become as follows:

Total Cultivated Area	20Kanals & 02 Marlas
Total Cost in PKR for crops (wheat) @ 38.5 Maundas	57850.31/-

c) FRUIT BEARING TREES:

8. The assessment of the fruit bearing trees (FBT) coming in the acquired land for the construction of Playground at Moza Maidan Tehsil & District Battagram was made through Agriculture department, Battagram. The said department provided the assessment of the fruit-bearing trees vide letter No.511/DDA BATTAGRAM dated 26/03/2021, the compensation amount becomes as follows:

Total number of Fruit Bearing Trees (FBT)	12
Total Cost of FBT in (PKR)	62040/-

PROCEEDINGS UNDER SECTION 9 &10 OF LAA-1894

9. NOTICE under Section 09 & 10 of LAA-1894 were issued on 25-09-2017 and 16-03-2021 to the interested persons of the land sought to be acquired in the Moza. Following land owners attended the hearing, Mr. Zahir Khan DSO appeared on behalf of the Acquiring Department.

S. No	Name	S.No	Name
01	Sayed Ali Shah	05	Afsar Shah
02	Muzam Shah	06	Sadar Badshah
03	Amal Shah	07	Arab shah
04	Manawar Shah		


10. The affected land owners in their views, that the average Yaksala rates of the said Moza are very low, therefore they insisted for alternate site and previous acquired land may be de-notified. The Deputy Commissioner/ District Collector Battagram rejected their views, which could not be entertained as required under relevant rule.

11. In the light of above, the District Collector Battagram deemed it fit for announcing award under section-11 of the Land Acquisition Act, 1894 in above mentioned case with the following amount of compensation of land with 15% compulsory acquisition charges against the land value only is allowed to be paid to the owners at Moza Maidan Tehsil & District Battagram.

a)	Total cost of land (PKR)	33154440.70/-
	15% compulsory acquisition charges (PKR)	4973166.11/-
	2% Stamp duty fee (PKR)	663088.84/-
	Mutation Charges	500/-
b)	Total cost of Crops (PKR)	57850.31/-
c)	Total cost of Fruit bearing Trees (PKR)	62040/-
Total Awarded Amount (PKR)		38911086/-

12- Now the Land Revenue, if any, stands abated with immediate effect in respect of acquired land in lieu of compensation amount allowed. The land measuring 29 Kanals & 19 Marlas situated in Moza Maidan Tehsil & District Battagram, as detailed above is hereby acquired for construction/establishment of Playground which is public purpose and shall stand transferred in the name of Government of Khyber Pakhtunkhwa and acquiring department i.e. Director General Sports and Youth Affairs Khyber Pakhtunkhwa Peshawar (Acquiring Department) shall be mentioned in column of cultivation.

13- This award is made under section-11 of the land acquisition act, 1894 and is filed under section-12(1) of the LAA- 1894 in the office of Deputy Commissioner/ District Collector Battagram.


Deputy Commissioner/
Land Acquisition Collector,
Battagram.

No 1417-25/ACQ DC (B).

Dated Battagram the 26/03/2021.

Copy Forwarded to:

- 1- The Senior Member Board of Revenue Khyber Pakhtunkhwa Peshawar.
- 2- The Commissioner Hazara Division Abbottabad.
- 3- The Secretary Sports and Youth Affairs Department Khyber Pakhtunkhwa Peshawar.
- ✓ 4- The Director General Sports and Youth Affairs Khyber Pakhtunkhwa Peshawar.
- 5- The District Sports Officer Battagram.
- 6- The Assistant Commissioner Battagram.
- 7- The Executive Engineer C&W Division Battagram.
- 8- Tehsildar Battagram with the request to prepared Qabzul Wasool (Acquaintance Roll) in Triplicate & submit to this office on priority for payment to the land owners. You are also requested to attest mutation of the acquired land in the name of acquiring department (DG Sports).
- 9- Office copy.


Deputy Commissioner/
Land Acquisition Collector,
Battagram

IN THE PESHAWAR HIGH COURT, ABBOTTABAD BENCH

FORM OF ORDER SHEET

Date of order or proceedings	Order or other proceedings with signature of Judge(s).
(1)	(2)
26 01.2021	<p><u>W.P. No.327-A/2021.</u></p> <p><u>Present:-</u> Mr. Junaid Anwar Khan, Advocate for the petitioners.</p> <p>Sardar Muhammad Asif, Asstt: A.G for the respondents.</p> <p align="center">***</p> <p><u>SHAKEEL AHMAD, J.-</u> Through this single judgment we propose to dispose of this and connected writ petition bearing No.580-A/2021, as common question of law and facts are involved therein.</p> <p>2. Facts of the case, in brief, are that the respondents have initiated proceedings under the provisions of the Land Acquisition Act, 1894, for acquisition of certain land owned by the petitioners, situated in Mauza Maidan Tehsil and District Battagram, for the construction of a playground; that the Collector Land Acquisition / Deputy Commissioner, Battagram issued Notification under section 4 of the Act, however,</p>

Certified to be True Copy
EXAMINER
27 JAN 2022
Peshawar High Court Atd Bench
Auth: [Signature]

Aftab PS/*

Hon'ble Mr. Justice Mohammad Ibrahim Khan
Hon'ble Mr. Justice Shakeel Ahmad

the petitioners averred that the acquisition proceedings are being conducted by the respondents with malafide, that despite availability of other land for the purpose of construction of playground, the respondents are bent upon to acquire valuable agriculture and commercial land of the petitioners, hence, these constitutional petitions.

3. Arguments heard and record perused.

4. It is reflected from the record that in the earlier round of litigation the petitioners had brought constitutional petitions bearing No.275 and 944 of 2017 on the same subject matter and after hearing arguments of learned counsel for the petitioners as well as learned Assistant Advocate General these writ petitions were disposed of with the direction to Collector Land Acquisition / Deputy Commissioner, Battagram to decide the fate of the objection petitions submitted by the petitioners after making further inquiry and thereafter submit the case to the Commissioner in terms of Section 5-A (2) of the Land Acquisition Act, 1894. However, we found that the Collector Land Acquisition / Deputy Commissioner, Battagram without passing a separate speaking order on the objections of the

Certified to be True Copy
EXAMINER
27/04/2022
Per High Court Aid Bench
Authorised Signatory

w

Aftab PS/*

Hon'ble Mr. Justice Mohammad Ibrahim Khan
Hon'ble Mr. Justice Shakeel Ahmad

petitioners finalized the acquisition process and sent the same to the Worthy Commissioner, Hazara Abbottabad for approval. Hence, we deem it appropriate to send the case of the petitioners to the Worthy Commissioner, Hazara Abbottabad to consider the objections of the petitioners and decide the same after providing them an opportunity of hearing within two (02) months from the date of receipt of this order before making approval.

5. This and the connected constitutional petition are disposed of on the above terms.

[Signature] JUDGE

[Signature] JUDGE

Proposed to be Trial Judge
 EXAMINER
 27 JAN 2022
 District High Court Bench
 Hazara Abbottabad
 District Court Evid. Order

Aftab PSI*

Hon'ble Mr. Justice Mohammad Ibrahim Khan
 Hon'ble Mr. Justice Shakeel Ahmad



10
**GOVERNMENT OF KHYBER PAKHTUNKHWA
(DIRECTORATE GENERAL OF SPORTS)
SPORTS & YOUTH AFFAIRS DEPARTMENT**



No. DG(Sports)/ Tehsil PG/Battagram /
Dated: 21st August, 2023

To

The Deputy Commissioner,
Battagram.

Subject:- **DE-NOTIFICATION OF SECTION-4 IMPOSED FOR "CONSTRUCTION OF PLAY GROUND AT MOZA MAIDAN TEHSIL & DISTRICT BATTAGRAM".**

Sir,

I am directed to refer to the subject noted above and to state that the Project "Establishment of Play Ground in Khyber Pakhtunkhwa on need basis" was approved by PDWP on 09-10-2013 at a cost of Rs. 2268.00 Million. The scheme was revised at a cost of Rs. 4725.00 Million by PDWP on 19-11-2014 for inclusion of more 39 No's of Tehsils. The project was again revised and 2nd approval was accorded on 25-08-2022 at a cost of Rs. 4725.00 Million, wherein and the cost of each facility has been increased from Rs. 63.00 Million to Rs. 200.00 Million.

The site for the subject playground was selected (private land) and Section-4 was issued on 36 Kanal 19 Marla on 16-01-2014 and payment made on 09-05-2016, accordingly. Later on, the land has been increased from 36 Kanal 19 Marla to 68 Kanal 16 Marla and the 1st corrigendum of Section-4 was issued on 02-06-2014. Due to enhancement in cost from approved limit, the Director General Sports requested to decrease the land to 36 Kanal & 19 Marla on 17-06-2016. A 2nd corrigendum was issued on 26-09-2016.

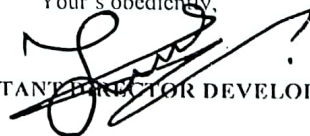
Subsequent to the foregoing, the then MPA-PK-59 requested for change of site and identification of new feasible site on 25-08-2016 through letter received from District Sports Officer Battagram. The Hon'ble Commissioner Hazara had also issued Notification under 6 & 17 on 12-09-2017. In the meanwhile the land owners filed a writ petition title Muhammad Hazrat Shah, Syed Ali Shah & others VS Govt of Khyber Pakhtunkhwa was filed at High Court in Abbottabad. The Hon'ble High Court Abbottabad had decided the case on 26-09-2020 by referring the case to Commissioner Hazara. The Commissioner Hazara Division had decided the case on 04-02-2021 and 3rd Corrigendum Notification was issued of 29 kanal & 19 marla on 10-02-2021 accordingly. Award of land has already been done on 26-03-2021.

The land owners filed a second writ petition in Peshawar High Court, Abbottabad Bench. The case was again disposed and the court directed Commissioner Hazara to listen objections of land owners and resolve the matter. A meeting was held on 01-02-2023 under the chairmanship of Commissioner Hazara to listen both the parties and constitute a committee to visit the site and submit a report within one week 7 days. Assistant Commissioner Battagram submitted a report to Deputy Commissioner Battagram wherein the following three sites were selected for construction of Play Ground, 1. Maira Khubanda 2. Banian 3. Romai (Tamai). The acquisition cost of these sites are very absorbent and beyond the approved limit of the approved PC-I.

Furthermore, it is stated that the said site is disputed since 2014 and due to financial constraint, no funds has been released during the last financial year to the said scheme. The Provincial Government is not in position to purchase any alternate site which is on very high side. The DCI's of the scheme was also prepared on CSR 2013, therefore physical execution is not possible and would require revision at an enhanced cost.

In light of the above, it is therefore requested that the Section-IV on the above mentioned site may kindly be De-notified under section-48 of Land Revenue Act 1894, in the best public interest, please.

Your's obediently,


ASSISTANT DIRECTOR DEVELOPMENT

Copy forwarded for information to the:-

1. District Sports Officer, Battagram.
2. PS to Secretary Sports & Youth Affairs Department Khyber Pakhtunkhwa, Peshawar.
3. PS to SMBR, Revenue & Estate Department Khyber Pakhtunkhwa.
4. PS to Commissioner Hazara Division, Abbottabad.
5. PA to Director General Sports Khyber Pakhtunkhwa.


ASSISTANT DIRECTOR DEVELOPMENT

o/c

1184 - 26/T.P.G/Battagram
Date: 05-12-2023
Director General of Sports
KPK Peshawar Cantt

OFFICE OF THE COMMISSIONER HAZARA DIVISION ABBOTTABAD

DE-NOTIFICATION UNDER SECTION-48 (1) OF THE LAND ACQUISITION ACT -1894

No. _____ /Acq/Atd: Dated: ___/___/2023

Whereas, land bearing Khasra Nos. 175/1,374/169/1,216/2,215,213/4,226/1,230/1,214/1, 225/2,224/2,217/2,222/1,223/1 measuring 29 Kanals 19 Marlas situated in Moza Maidan Tehsil & District Battagram was notified under section-4 of the Land Acquisition Act 1894 vide District Collector Battagram notification bearing No.217-220/DC/LA dated 16/01/2014 and 1st Corrigendum Notification No. 4750-54/Acq dated 15-9-2014, 2nd corrigendum No. 6653-62/Acq dated 26-9-2016 and 3rd corrigendum No. 585-92/Acq dated 10-2-2021 respectively for the "CONSTRUCTION OF PLAYGROUND AT MOZA MAIDAN TEHSIL & DISTRICT BATTAGRAM".


2. Whereas, notification under section 6 & 17, under LAA 1894 regarding the said land was issued vide No.19(B) 3857-63/GA dated 10-03-2021 by Commissioner Hazara Division Abbottabad. The award under section 11 of LAA of the said land was notified vide No. 1417-25/Acq DC(B) dated 26-03-2021 by District Collector Battagram.

3. Whereas, the acquiring department vide letter No. DG(Sports)/Tehsil PG/Battagram/634-38 dated 21-8-2023 has conveyed that the said land is no more required due to financial constraints and has requested for de-notification of the same under section 48 of LAA 1984.

4. Whereas, as per report of District Collector Battagram, the compensation has not been paid to the land owners nor possession of the land has been handed over/taken over.

5. And,whereas, it appears to the commissioner Hazara Division Abbottabad that the acquiring department does not intend to acquire the said land and has requested for withdrawal of award under section 48 (1) of LAA vide Director General of Sports and Youth Affairs Department Khyber Pakhtunkhwa Peshawar letter No. DG (Sports/Tehsil PG/ Battagram/634-38 dated 21-8-2023.

Now, therefore, in exercise of the powers conferred upon me under section 48 (1) of the land Acquisition Act 1894 (amended through Khyber Pakhtunkhwa Act No. 111 of 2009), I do hereby order to withdraw the Award No. 59/Acq DC (B) dated March 26, 2021 announced and notified by the Deputy Commissioner/Land Acquisition Collector, Battagram with immediate effect.

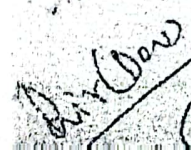

Commissioner
Hazara Division, Abbottabad

No. 59/Acq DC (B)

Dated 27/12/2023

Copy to:

1. The Secretary, Board of Revenue, Revenue & Estate Department, Khyber Pakhtunkhwa Peshawar.
2. The Deputy Commissioner/Land Acquisition Collector Battagram.
3. The Director General Sport and Youth Affairs Department Khyber Pakhtunkhwa Peshawar w/c to letter No. DG (Sports/Tehsil PG/ Battagram/634-38 dated 21-8-2023.
4. The Tehsildar/Revenue Officer Battagram for necessary action.




Assistant to Commissioner (Rev/GA)
Hazara Division, Abbottabad