FEDERAL CONSTITUTIONAL COURT OF PAKISTAN
(Original/Appellate/Advisory/Review Jurisdiction)

Present:
JUSTICE AMIN-UD-DIN KHAN, CHIEF JUSTICE
JUSTICE ALI BAQAR NAJAFI

C.P.L.A.5595/2024 *[against the judgment dated 30.10.2024 passed by the Islamabad High Court, Islamabad in W.P.-3904/2023]*	*Khaliq Dad and others* ***Vs.*** *Capital Development Authority (CDA) through its Chairman, Islamabad and another*
C.P.L.A.5635/2024 *[against the judgment dated 30.10.2024 passed by the Islamabad High Court, Islamabad in W.P.-1540/2023]*	*Muhammad Qadir and others* ***Vs.*** *Capital Development Authority (CDA) through its Chairman, Islamabad and another*
C.P.L.A.5680/2024 *[against the judgment dated 30.10.2024 passed by the Islamabad High Court, Islamabad in W.P.-1571/2011]*	*CDA thr. its Chairman, Islamabad & another* ***Vs.*** *Azhar Hussain Shah and others*
C.P.L.A.5681/2024 *[against the judgment dated 30.10.2024 passed by the Islamabad High Court, Islamabad in W.P.-2480/2018]*	*CDA thr. its Chairman, Islamabad* ***Vs.*** *Syed Nisar Kazmi*
C.P.L.A.5843/2024 *[against the judgment dated 30.10.2024 passed by the Islamabad High Court, Islamabad in W.P.-1571/2011]*	*Aqeel Hussain Shah and another* ***Vs.*** *Capital Development Authority thr. Chairman, Islamabad & others*
C.P.L.A.5844/2024 *[against the judgment dated 30.10.2024 passed by the Islamabad High Court, Islamabad in W.P.-1910/2023]*	*Mrs. Nazish Kazmi and others* ***Vs.*** *CDA thr. Chairman, Islamabad and another*
C.P.L.A.5845/2024 *[against the judgment dated 30.10.2024 passed by the Islamabad High Court, Islamabad in W.P.-2477/2018]*	*Shah Nawaz* ***Vs.*** *CDA thr. Chairman, Islamabad*
C.P.L.A.5846/2024 *[against the judgment dated 30.10.2024 passed by the Islamabad High Court, Islamabad in W.P.-2485/2018]*	*Syeda Waseem Kazmi* ***Vs.*** *CDA thr. Chairman, Islamabad*
C.P.L.A.5847/2024 *[against the judgment dated 30.10.2024 passed by the Islamabad High Court, Islamabad in W.P.-3598/2023]*	*Ishtiaq Hussain Shah* ***Vs.*** *CDA thr. Chairman, Islamabad and another*
C.P.L.A.5848/2024 *[against the judgment dated 30.10.2024 passed by the Islamabad High Court, Islamabad in W.P.-3599/2023]*	*Syeda Aqeedat Kazmi and others* ***Vs.*** *CDA thr. Chairman, Islamabad and another*
C.P.L.A.5861/2024 *[against the judgment dated 30.10.2024 passed by the Islamabad High Court, Islamabad in W.P.-1571/2011]*	*Muhammad Ali Shah and another* ***Vs.*** *CDA thr. Chairman, Islamabad and others*
C.P.L.A.146/2025 *[against the judgment dated 30.10.2024 passed by the Islamabad High Court, Islamabad in W.P.-4049/2013]*	*Capital Development Authority (CDA) through its Chairman, CDA, Islamabad* ***Vs.*** *Mst. Khursheed Bibi and others*

C.P.L.A.147/2025
[against the judgment dated 30.10.2024 passed by the Islamabad High Court, Islamabad in W.P.-2338/2014]

Capital Development Authority (CDA) through its Chairman, CDA, Islamabad ***Vs.*** *Ijaz Ali and others*

C.P.L.A.148/2025
[against the judgment dated 30.10.2024 passed by the Islamabad High Court, Islamabad in W.P.-2678/2014]

Capital Development Authority (CDA) through its Chairman, CDA, Islamabad and another ***Vs.*** *Zakia Khatoon and another*

C.P.L.A.149/2025
[against the judgment dated 30.10.2024 passed by the Islamabad High Court, Islamabad in W.P.-2993/2014]

Capital Development Authority (CDA) through its Chairman, CDA, Islamabad ***Vs.*** *Syed Sabtain Ali Kazmi and others*

C.P.L.A.150/2025
[against the judgment dated 30.10.2024 passed by the Islamabad High Court, Islamabad in W.P.-3624/2014]

Capital Development Authority (CDA) through its Chairman, CDA, Islamabad and another ***Vs.*** *Sadaqat Hussain Shah and others*

C.P.L.A.151/2025
[against the judgment dated 30.10.2024 passed by the Islamabad High Court, Islamabad in W.P.-2671/2015]

Capital Development Authority (CDA) through its Chairman, CDA, Islamabad and others ***Vs.*** *Anjuman-e-Darbar Alia Baba Sakhi Shah Muzamil through its Secretary and others*

C.P.L.A.152/2025
[against the judgment dated 30.10.2024 passed by the Islamabad High Court, Islamabad in W.P.-2477/2018]

Capital Development Authority (CDA) through its Chairman, CDA, Islamabad ***Vs.*** *Shah Nawaz*

C.P.L.A.153/2025
[against the judgment dated 30.10.2024 passed by the Islamabad High Court, Islamabad in W.P.-2478/2018]

Capital Development Authority (CDA) through its Chairman, CDA, Islamabad ***Vs.*** *Naseem Bibi*

C.P.L.A.154/2025
[against the judgment dated 30.10.2024 passed by the Islamabad High Court, Islamabad in W.P.-2479/2018]

Capital Development Authority (CDA) through its Chairman, CDA, Islamabad ***Vs.*** *Adeesa Batool*

C.P.L.A.155/2025
[against the judgment dated 30.10.2024 passed by the Islamabad High Court, Islamabad in W.P.-2481/2018]

Capital Development Authority (CDA) through its Chairman, CDA, Islamabad ***Vs.*** *Ghulam Abbas Shah*

C.P.L.A.156/2025
[against the judgment dated 30.10.2024 passed by the Islamabad High Court, Islamabad in W.P.-2482/2018]

Capital Development Authority (CDA) through its Chairman, CDA, Islamabad ***Vs.*** *Nargas Kazmi*

C.P.L.A.157/2025
[against the judgment dated 30.10.2024 passed by the Islamabad High Court, Islamabad in W.P.-2483/2018]

Capital Development Authority (CDA) through its Chairman, CDA, Islamabad ***Vs.*** *Mohsin Kazmi*

C.P.L.A.158/2025
[against the judgment dated 30.10.2024 passed by the Islamabad High Court, Islamabad in W.P.-2484/2018]

Capital Development Authority (CDA) through its Chairman, CDA, Islamabad ***Vs.*** *Syed Rahat Kazmi*

C.P.L.A.159/2025 *[against the judgment dated 30.10.2024 passed by the Islamabad High Court, Islamabad in W.P.-2485/2018]*	*Capital Development Authority (CDA) through its Chairman, CDA, Islamabad* ***Vs.*** *Syeda Waseem Kazmi*
C.P.L.A.160/2025 *[against the judgment dated 30.10.2024 passed by the Islamabad High Court, Islamabad in W.P.-2486/2018]*	*Capital Development Authority (CDA) through its Chairman, CDA, Islamabad* ***Vs.*** *Syed Sadaqat Hussain Shah*
C.P.L.A.161/2025 *[against the judgment dated 30.10.2024 passed by the Islamabad High Court, Islamabad in W.P.-3970/2019]*	*Capital Development Authority (CDA) through its Chairman, CDA, Islamabad and others* ***Vs.*** *Syed Tazeem Hussain Shah and others*
C.P.L.A.162/2025 *[against the judgment dated 30.10.2024 passed by the Islamabad High Court, Islamabad in W.P.-1540/2023]*	*Capital Development Authority (CDA) through its Chairman, CDA, Islamabad and others* ***Vs.*** *Muhammad Qadir and others*
C.P.L.A.163/2025 *[against the judgment dated 30.10.2024 passed by the Islamabad High Court, Islamabad in W.P.-1542/2023]*	*Capital Development Authority (CDA) through its Chairman, CDA, Islamabad and others* ***Vs.*** *Muhammad Tariq and others*
C.P.L.A.164/2025 *[against the judgment dated 30.10.2024 passed by the Islamabad High Court, Islamabad in W.P.-1910/2023]*	*Capital Development Authority (CDA) through its Chairman, CDA, Islamabad and another* ***Vs.*** *Nazish Kazmi and others*
C.P.L.A.165/2025 *[against the judgment dated 30.10.2024 passed by the Islamabad High Court, Islamabad in W.P.-3598/2023]*	*Capital Development Authority (CDA) through its Chairman, CDA, Islamabad and another* ***Vs.*** *Ishtiaq Hussain Shah and others*
C.P.L.A.166/2025 *[against the judgment dated 30.10.2024 passed by the Islamabad High Court, Islamabad in W.P.-3599/2023]*	*Capital Development Authority (CDA) through its Chairman, CDA, Islamabad and another* ***Vs.*** *Ghulam Abbas and others*
C.P.L.A.167/2025 *[against the judgment dated 30.10.2024 passed by the Islamabad High Court, Islamabad in W.P.-3904/2023]*	*Capital Development Authority (CDA) through its Chairman, CDA, Islamabad & another* ***Vs.*** *Khaliq Dad and others*
C.P.L.A.205/2025 *[against the judgment dated 30.10.2024 passed by the Islamabad High Court, Islamabad in W.P.-1571/2011]*	*Mst. Azra Batool Kazmi* ***Vs.*** *Capital Development Authority, through Chairman CDA, Islamabad and others*
C.P.L.A.573/2025 *[against the judgment dated 30.10.2024 passed by the Islamabad High Court, Islamabad in W.P.-1571/2011]*	*Yasin Akhtar and others* ***Vs.*** *Capital Development Authority, through its Chairman Islamabad and others*
C.P.L.A.5490/2021 *[against the judgment dated 26.08.2021 passed by the Islamabad High Court, Islamabad in W.P.-3830/2020]*	*Capital Development Authority through its Chairman Islamabad and another* ***Vs.*** *Syed Qamar Abbas Shah and others*

C.P.L.A.5563/2021
[against the judgment dated 16.09.2021 passed by the Islamabad High Court, Islamabad in W.P.-2997/2021]

Capital Development Authority through its Chairman CDA, Islamabad ***Vs.*** *Muhammad Munir and others*

C.P.L.A.5316/2021
[against the judgment dated 14.06.2021 passed by the Islamabad High Court, Islamabad in W.P.-244/2018]

Capital Development Authority, through its Chairman, Islamabad and another ***Vs.*** *Noman Ahmad and others*

C.P.L.A.5317/2021
[against the judgment dated 14.06.2021 passed by the Islamabad High Court, Islamabad in W.P.-3486/2020]

Capital Development Authority, thr. its Chairman Islamabad and another ***Vs.*** *Jahangir Hussain Shah and others*

C.P.L.A.5318/2021
[against the judgment dated 14.06.2021 passed by the Islamabad High Court, Islamabad in W.P.-3532/2020]

Capital Development Authority, through its Chairman and another ***Vs.*** *Tariq Zaman and others*

C.P.L.A.5319/2021
[against the judgment dated 14.06.2021 passed by the Islamabad High Court, Islamabad in W.P.-866/2020]

Capital Development Authority, thr. its Chairman, Islamabad and others ***Vs.*** *Muhammad Sarfraz and others*

C.P.L.A.5320/2021
[against the judgment dated 14.06.2021 passed by the Islamabad High Court, Islamabad in W.P.-943/2017]

Capital Development Authority, through its Chairman and another ***Vs.*** *Ch. Afrasiab Khan (Advocate)*

C.P.L.A.5321/2021
[against the judgment dated 14.06.2021 passed by the Islamabad High Court, Islamabad in W.P.-345/2015]

Capital Development Authority, thr. its Chairman, Islamabad and others ***Vs.*** *Zahid Hussain and another*

C.P.L.A.5322/2021
[against the judgment dated 14.06.2021 passed by the Islamabad High Court, Islamabad in W.P.-14/2020]

Capital Development Authority, thr. its Chairman, Islamabad and others ***Vs.*** *Mst. Zubaida Khanum and another*

C.P.L.A.5323/2021
[against the judgment dated 14.06.2021 passed by the Islamabad High Court, Islamabad in W.P.-3416/2012]

Capital Development Authority, thr. its Chairman Islamabad & another ***Vs.*** *Allah Dad Chughtai*

C.P.L.A.5324/2021
[against the judgment dated 14.06.2021 passed by the Islamabad High Court, Islamabad in W.P.-4547/2019]

Capital Development Authority, thr. its Chairman Islamabad and others ***Vs.*** *Ch. Imtiaz Ahmed and another*

C.P.L.A.5325/2021
[against the judgment dated 14.06.2021 passed by the Islamabad High Court, Islamabad in W.P.-3394/2018]

Capital Development Authority, thr. its Chairman, Islamabad ***Vs.*** *Muhammad Liaqat and others*

C.P.L.A.5326/2021
[against the judgment dated 14.06.2021 passed by the Islamabad High Court, Islamabad in W.P.-3484/2020]

Capital Development Authority, thr. its Chairman, Islamabad and another ***Vs.*** *Syed Adnan Kazmi and others*

C.P.L.A.5327/2021
[against the judgment dated 14.06.2021 passed by the Islamabad High Court, Islamabad in W.P.-4242/2017]

Capital Development Authority, thr. its Chairman Islamabad and others ***Vs.*** *Abdul Qudoos*

C.P.L.A.5328/2021
[against the judgment dated 14.06.2021 passed by the Islamabad High Court, Islamabad in W.P.-794/2019]

Capital Development Authority, through its Chairman and others ***Vs.*** *Muhammad Shabbir*

C.P.L.A.5329/2021
[against the judgment dated 14.06.2021 passed by the Islamabad High Court, Islamabad in W.P.-3106/2019]

Capital Development Authority, thr. its Chairman, Islamabad and others ***Vs.*** *Tariq Quddous and others*

C.P.L.A.5330/2021
[against the judgment dated 14.06.2021 passed by the Islamabad High Court, Islamabad in W.P.-3164/2020]

Capital Development Authority, thr. its Chairman, Islamabad and another ***Vs.*** *Syed Hasnain Kazmi and others*

C.P.L.A.5331/2021
[against the judgment dated 14.06.2021 passed by the Islamabad High Court, Islamabad in W.P.-3638/2020]

Capital Development Authority, thr. its Chairman, Islamabad and another ***Vs.*** *Iftikhar Hussain Shah and others*

C.P.L.A.5332/2021
[against the judgment dated 14.06.2021 passed by the Islamabad High Court, Islamabad in W.P.-3376/2020]

Capital Development Authority, thr. its Chairman, Islamabad and another ***Vs.*** *Hameed Hussain and others*

C.P.L.A.5333/2021
[against the judgment dated 14.06.2021 passed by the Islamabad High Court, Islamabad in W.P.-1632/2017]

Capital Development Authority, thr. its Chairman Islamabad ***Vs.*** *Riaz Hussain Shah and another*

C.P.L.A.5334/2021
[against the judgment dated 14.06.2021 passed by the Islamabad High Court, Islamabad in W.P.-591/2020]

Capital Development Authority, through its Chairman and others ***Vs.*** *Muhammad Saleem and others*

C.P.L.A.5335/2021
[against the judgment dated 14.06.2021 passed by the Islamabad High Court, Islamabad in W.P.-1237/2019]

Capital Development Authority, thr. its Chairman Islamabad and others ***Vs.*** *Syed Aftab Hussain Shah and others*

C.P.L.A.5336/2021
[against the judgment dated 14.06.2021 passed by the Islamabad High Court, Islamabad in W.P.-1194/2019]

Capital Development Authority, thr. its Chairman ***Vs.*** *Muhammad Azam and others*

C.P.L.A.5337/2021
[against the judgment dated 14.06.2021 passed by the Islamabad High Court, Islamabad in W.P.-963/2019]

The Chairman Capital Development Authority, Islamabad ***Vs.*** *Muhammad Arshad Khan*

C.P.L.A.5338/2021
[against the judgment dated 14.06.2021 passed by the Islamabad High Court, Islamabad in W.P.-2232/2019]

Capital Development Authority, through its Chairman and others ***Vs.*** *Muhammad Rasheed and others*

C.P.L.A.5339/2021
[against the judgment dated 14.06.2021 passed by the Islamabad High Court, Islamabad in W.P.-3487/2020]

Capital Development Authority, through its Chairman and another ***Vs.*** *Iftikhar Hussain Shah and others*

C.P.L.A.5340/2021
[against the judgment dated 14.06.2021 passed by the Islamabad High Court, Islamabad in W.P.-3567/2020]

Capital Development Authority, thr. its Chairman Islamabad and another ***Vs.*** *Channi Bibi and others*

C.P.L.A.5341/2021
[against the judgment dated 14.06.2021 passed by the Islamabad High Court, Islamabad in W.P.-964/2011]

Capital Development Authority, thr. its Chairman, Islamabad and others ***Vs.*** *Abdul Basit Mir and others*

C.P.L.A.5342/2021
[against the judgment dated 14.06.2021 passed by the Islamabad High Court, Islamabad in W.P.-3488/2020]

Capital Development Authority, thr. its Chairman, Islamabad and another ***Vs.*** *Qadeer Hussain Shah and others*

C.P.L.A.5343/2021
[against the judgment dated 14.06.2021 passed by the Islamabad High Court, Islamabad in W.P.-3578/2020]

Capital Development Authority, through its Chairman and another ***Vs.*** *Muhammad Yaseen*

C.P.L.A.5344/2021
[against the judgment dated 14.06.2021 passed by the Islamabad High Court, Islamabad in W.P.-3485/2020]

Capital Development Authority, thr. its Chairman Islamabad and another ***Vs.*** *Zulfiqar Hussain Shah and others*

C.P.L.A.5345/2021
[against the judgment dated 14.06.2021 passed by the Islamabad High Court, Islamabad in W.P.-1027/2019]

Capital Development Authority, thr. its Chairman Islamabad and others ***Vs.*** *Gulistan and others*

C.P.L.A.5346/2021
[against the judgment dated 14.06.2021 passed by the Islamabad High Court, Islamabad in W.P.-1142/2015]

The Chairman Capital Development Authority, Islamabad and others ***Vs.*** *Fazal Hussain and others*

C.P.L.A.5347/2021
[against the judgment dated 14.06.2021 passed by the Islamabad High Court, Islamabad in W.P.-3489/2020]

Capital Development Authority, thr. its Chairman Islamabad and another ***Vs.*** *Muzaffar Hussain Shah and others*

For the CDA **:** Mr. Muhammad Munir Paracha, ASC
[in C.P.L.A.5316, 5317, 5318, 5321, 5325, 5326, 5327, 5329, 5330, 5331, 5332, 5335 to 5337, 5339, 5340, 5342 to 5344, 5347, 5681/2024, 146 to 152, 154 to 165, 167/2025, 5319, 5322, 5328, 5334, 5341, 5490, 5323/2021, 5680/2024, 5320, 5324, 5333, 5338, 5345, 5346, 5563/2021]

Mr. Kashif Ali Malik, ASC
[in C.P.L.A.153/2025 & 5861/2024]

Mr. Amir Latif Gill, ASC
[in C.P.L.A.5316, 5317, 5318, 5319, 5320/2021, 205 & 573/2025]

For the landowners **:** Syed Asghar Hussain Sabzwari, Sr. ASC
[in C.P.L.A.5317, 5339, 5342, 5344, 5334, 5346/2021]

Sardar M. Latif Khan Khosa, Sr. ASC
[in C.P.L.A.5330, 5316, 5336/2021]

Mr. Syed Qalb-i-Hassan, ASC
[in C.P.L.A.5595/2024, 5635/2024]

Ch. Afrasiab Khan, ASC
[in C.P.L.A.5320/2021]

Syed Nayyer Hussain Bokhari, ASC
[in C.P.L.A.5317, 5339, 5342, 5344, 5334/2021]

Mr. Adil Aziz Qazi, ASC
[in C.P.L.A.5318, 5843 to 5848/2024]

Hafiz Ahsan Ahmad Khokhar, ASC
[in C.P.L.A.5321/2021]

Mr. Khalil-ur-Rehman, ASC
[in C.P.L.A.5325, 5343, 5563/2021]

Barrister Saad Mumtaz Hashmi, ASC
[in C.P.L.A.5336/2021]

Syed Muhammad Tayyab Shah, ASC
[in C.P.L.A.5335/2021]

Raja Mohammad Nadeem, ASC
[in C.P.L.A.5319/2021]

Mr. Zulfiqar Ali Abbasi, ASC
[in C.P.L.A.5861/2024]

Mr. Abdul Wahid Qureshi, ASC
[in C.P.L.A.5323/2021]

Ch. Ehtisham-ul-Haq, ASC
[in C.P.L.A.573/2025]

Syed Rifaqat Hussain Shah, AOR
[in C.P.L.A.5316, 5325, 5326, 5337, 5319, 5861/2024, 205/2025]

Mrs. Azra Batool Kazmi, In-person
[in C.P.L.A.205/2025]

Syed Qamar Abbas Shah, In-person
[in C.P.L.A.5490/2021]

Nemo.
[in remaining cases]

Research Assistance by : Dr. Muhammad Mumtaz, Research Officer

Date of Hearing : 07th & 08th October, 2026

JUDGMENT

AMIN-UD-DIN KHAN, CJ.- The instant petitions, originally instituted before the Supreme Court under Article 185(3) of the Constitution of the Islamic Republic of Pakistan, 1973 seek leave to appeal against the judgments dated 30.10.2024 and 04.06.2021 rendered by the Islamabad High Court whereby the writ petitions filed by the landowners were allowed and disposed of with directions to CDA and the Federal Government. Following the Constitution (Twenty-seventh Amendment) Act, 2025, the matters, in which notices had already been issued to the contesting respondents, stood transferred to this Court for adjudication in accordance with law.

2. These connected petitions arise out of judgments dated 30.10.2024 and 04.06.2021 rendered by the Islamabad High Court in writ petitions concerning the Capital Development Authority's (CDA) prolonged failure to discharge its statutory obligations towards landowners, affected persons and allottees under the Capital Development Authority Ordinance, 1960. The controversy principally relates to non-payment of acquisition compensation, non-allotment of alternative plots, denial of rehabilitation benefits and non-development of acquired sectors. The record reflects outstanding claims involving approximately Rs. 8.0224 billion in compensation and 10,739 plots awaiting allotment. By the impugned judgment dated 30.10.2024, the learned High Court issued directions for redressal of the grievances of the affected persons, which have been assailed by the CDA, allottees and other aggrieved parties.

In CPLA No. 5316/2021, the controversy specifically concerns Sector E-12, Islamabad, where allottees, awaiting development and physical possession of their plots since 1989, approached the Islamabad High Court through W.P. No.244/2018. The learned High Court, vide judgment dated 14.06.2021, issued directions for expeditious development of the sector and formulation of an appropriate policy to address the grievances of the allottees. Aggrieved by the respective judgments and consequential directions, the petitioners have invoked the appellate jurisdiction of this Court through the instant petitions for leave to appeal.

3. We have heard the learned counsel for the parties at length and have carefully examined the record of the case.

4. The controversy arising in these connected matters principally concerns the enforceability and finality of acquisition awards, the entitlement of affected persons to compensation and rehabilitation benefits, the legality of subsequent review proceedings, and the extent of authority exercisable by the CDA and the Federal Government under the Capital Development Authority Ordinance, 1960 (hereinafter referred to as "the Ordinance"). Although the impugned judgments arise from distinct factual backgrounds, the questions involved are sufficiently interconnected to warrant

consideration within a common statutory framework, while maintaining the distinction between the respective claims and reliefs.

5. The constitutional protection afforded to proprietary rights under Articles 23 and 24 of the Constitution recognizes that private property may be compulsorily acquired only for a public purpose and in accordance with law. The exercise of eminent domain, though founded upon considerations of public necessity, remains subject to the safeguards prescribed by the governing legislation. The authority to acquire private property necessarily carries a corresponding obligation to determine and discharge compensation in the manner contemplated by law. Nevertheless, constitutional protection cannot be construed independently of the statutory mechanism regulating the determination, enhancement and payment of compensation. The rights of affected persons and the obligations of the acquiring authority must, therefore, be examined within the framework established by the applicable enactment.

6. The CDA is a statutory body constituted under the Ordinance for the planning and development of Islamabad. Its powers of acquisition and the consequential determination of compensation are regulated by the provisions of the Ordinance, particularly sections 25 to 32, read with the relevant rules and regulations. Section 25 empowers the competent authority to acquire land for the purposes of the Ordinance, whereas sections 26 to 28 prescribe the procedural framework relating to notices, inquiry and determination of compensation. Section 32 governs the vesting of acquired property upon fulfilment of the statutory requirements. These provisions constitute the governing legal framework within which the respective acquisition proceedings, awards and consequential entitlements must be examined. The CDA, being a creature of statute, cannot exercise powers or confer benefits beyond those expressly conferred or necessarily implied by the Ordinance.

7. A fundamental distinction must be maintained between the determination of compensation through an acquisition award and

the subsequent discharge of the liability arising therefrom. An award lawfully announced by the competent authority determines the rights and obligations of the parties to the extent provided by the governing law. Once such determination attains finality, it binds both the affected persons and the acquiring authority, subject to any modification permissible through the prescribed statutory proceedings. The claimant cannot seek an entitlement beyond the award merely on considerations of equity or subsequent escalation in market value; equally, the CDA cannot disregard or indefinitely defer satisfaction of a liability lawfully determined thereunder. The finality of an award thus operates reciprocally and cannot be invoked selectively by either party.

8. Applying these principles to the controversy arising from the acquisition of land situated in Mouza Bheka Sayedan, the record reveals that land measuring 845 acres, 7 kanals and 7 marlas was acquired through an award dated 22.02.1969. Consequent thereto, 316 eligibility certificates were issued under the applicable rehabilitation arrangements. Subsequently, separate awards concerning built-up properties were announced on 23.07.1980, 05.09.1982 and 01.10.1985, relating to 42, 59 and 233 affected persons, respectively. The legal effect of these subsequent awards must be determined independently, having regard to their statutory foundation, subject matter and the rights specifically recognized thereunder. Their existence cannot, without lawful authority, be treated as reopening the original acquisition award or creating an unrestricted entitlement to further compensation or allotment.

9. The award dated 22.02.1969, insofar as it has attained finality, continues to regulate the rights and liabilities arising from the original acquisition. Any person dissatisfied with the determination was required to pursue the remedy available under the applicable statutory framework. A claimant who failed to challenge the award before the competent forum cannot subsequently seek its substantive reopening through collateral proceedings, successive representations or administrative correspondence. The principle of finality is integral to the orderly

administration of acquisition proceedings and cannot be displaced merely because a more advantageous settlement subsequently becomes available. This, however, does not prejudice any independent entitlement arising under a valid subsequent award or lawful determination made by a competent authority.

10. The controversy concerning the alleged review orders dated 29.12.1987, 05.11.1989, 18.09.1990, 07.10.1990 and 23.10.1990 requires separate consideration. The validity of such orders cannot be presumed merely from their production or subsequent administrative recognition. Section 36 of the Ordinance, insofar as applicable to the exercise of review jurisdiction, must be examined to determine whether the authority concerned possessed the requisite competence, whether the proceedings were initiated within the prescribed period and whether the relief granted fell within the permissible statutory limits. An order passed without jurisdiction or in disregard of a mandatory statutory restriction cannot acquire legal efficacy merely through lapse of time, administrative acquiescence or subsequent reliance by the parties.

11. In this context, the learned High Court, while examining the disputed review orders, was required to determine their authenticity, statutory validity and legal effect before recognizing any consequential entitlement. Where the existence or genuineness of an order is seriously disputed, its enforceability cannot be conclusively determined without examination of the original record and the jurisdictional foundation upon which it rests. Constitutional jurisdiction, though extensive, cannot substitute the statutory requirements governing review or confer validity upon a determination otherwise lacking lawful authority. We are, therefore, persuaded to hold that the findings recognizing enforceable rights solely on the basis of the disputed review orders, without resolving these foundational questions, cannot be sustained.

12. The foregoing conclusion must not, however, be understood as extinguishing any entitlement lawfully arising under the subsequent built-up property awards of 1980, 1982 and 1985. Each such award, where established to have been made by the

competent authority in accordance with the Ordinance, shall govern the rights of the persons covered thereby according to its own terms. Any lawful modification or review thereof shall likewise be given effect, provided its statutory validity is established. The CDA shall remain bound to satisfy all obligations arising from such valid determinations, but no additional monetary or proprietary entitlement shall be recognized merely upon the strength of an unverified or jurisdictionally defective order.

13. This brings us to the broader controversy concerning the prolonged non-payment of compensation and non-allotment of plots, considered in the judgment arising from W.P. No. 244 of 2018. The record reflects substantial outstanding liabilities acknowledged by the CDA, including land compensation and claims relating to plots. Such acknowledgment, however, must be distinguished from the final determination of individual entitlements. While the CDA is under a legal obligation to discharge liabilities lawfully arising from acquisition awards and valid rehabilitation arrangements, the entitlement of each claimant must be established with reference to the relevant award, applicable regulations, eligibility conditions and acquisition record. Aggregate figures or administrative statements cannot, by themselves, dispense with the statutory scrutiny required for determining individual claims.

14. We are of the considered view that the CDA cannot justify indefinite non-payment of compensation which has been lawfully determined and has become payable under the applicable award. Administrative delay, financial constraints or internal procedural difficulties do not constitute lawful grounds for withholding an established statutory entitlement. The CDA must discharge such liabilities in accordance with the Ordinance, subject to verification of the claimants, adjustment of payments already made and compliance with the applicable statutory requirements. However, the obligation to satisfy an award cannot be extended into an obligation to reassess or enhance compensation independently of the mechanism prescribed by law.

15. The direction contained in the impugned judgment dated 04-06-2021 declaring that awards announced before 2010 had lost their efficacy and consequently requiring reassessment of market values raises a distinct question of statutory competence. The adequacy or enhancement of compensation must be determined through the procedure contemplated by the governing law. Neither prolonged delay nor subsequent appreciation in market value can, by itself, authorize automatic reopening of an award which has otherwise attained finality. Where the Ordinance, including section 32-A in its applicable form, provides for additional compensation or a statutory amount on account of delayed payment, such entitlement must be calculated and discharged in accordance with that provision. The general reassessment of concluded awards, without identifying an enabling statutory provision or competent adjudication, cannot therefore be sustained.

16. The difference between statutory compensation and rehabilitation benefits is equally material. Compensation represents the liability arising from compulsory acquisition, whereas allotment of alternative plots, land-sharing arrangements and other rehabilitation benefits depend upon the legal instruments governing their availability. Where an acquisition award, validly applicable regulation or lawful rehabilitation scheme recognizes an entitlement to allotment of a plot, the CDA is to implement that entitlement upon fulfilment of the prescribed conditions. Conversely, neither the status of an affected person nor the mere inclusion of his name in an acquisition record automatically confers an indefeasible right to allotment. Such right must be established independently under the applicable legal framework.

17. The Islamabad Displaced Persons Rehabilitation Policy, 1996, the subsequent rehabilitation regulations and the Land Sharing Policy, 2007, must accordingly be construed consistently with the Ordinance. An administrative policy cannot override the parent statute, enlarge the scope of a concluded acquisition award or revive an entitlement which has otherwise ceased to be enforceable under law. Nor can a subsequent policy ordinarily be

applied retrospectively to acquisitions completed under an earlier legal regime unless such application is lawfully authorized. Nevertheless, where a valid policy or regulation, applicable to a particular claimant, permits allotment of a plot or another rehabilitation benefit, the CDA cannot arbitrarily deny its implementation. The decisive consideration remains the existence of a lawful entitlement rather than the mere assertion of hardship or parity with other claimants.

18. We now advert to the directions issued by the learned High Court concerning the powers of the Federal Government. Section 4(2) of the Ordinance contemplates the issuance of directions by the Federal Government on questions of policy within the statutory framework. Such authority, however, cannot be construed as an unrestricted power to determine individual compensation claims, reopen concluded acquisition awards or confer additional proprietary rights independently of the Ordinance. The distinction between policy supervision and statutory adjudication must be maintained. A power to issue policy directions does not, by necessary implication, authorize the Federal Government to assume functions expressly entrusted to the CDA or another competent statutory authority.

19. Tested against this principle, the directions requiring the Federal Government to formulate policies for general reassessment of compensation and enforcement of allotment claims, insofar as they contemplate the creation or enlargement of substantive entitlements beyond the governing awards and statutory provisions, proceed upon an erroneous appreciation of the scope of executive authority. The Federal Government may lawfully issue policy directions for improving administrative efficiency, ensuring timely implementation of acknowledged liabilities and securing compliance with the Ordinance. It cannot, however, through executive instructions, alter the legal effect of concluded awards, substitute statutory remedies or impose liabilities unsupported by law. To this extent, the impugned directions cannot be maintained.

20. The learned High Court's concern regarding prolonged deprivation of compensation and failure to implement lawful

allotments was undoubtedly founded upon matters requiring administrative redress. Nevertheless, the existence of an administrative grievance does not enlarge the jurisdiction of a statutory authority or dispense with the limitations imposed by the legislature. Constitutional jurisdiction may be exercised to compel performance of an existing legal duty, but it cannot ordinarily be employed to create a substantive entitlement which the governing law does not recognize. The appropriate judicial course is therefore to ensure implementation of lawful awards and valid statutory obligations without substituting a new compensation or rehabilitation regime for that prescribed by the Ordinance.

21. As regards the claims of allottees concerning Sector E-12, Islamabad, the obligation of the CDA to undertake development and deliver possession must be examined with reference to the applicable allotment instruments, development schemes, statutory regulations and enforceable commitments. The rights of such allottees are distinct from the compensation claims of landowners whose properties were compulsorily acquired. Consequently, directions concerning development and possession cannot be treated as authority for reopening acquisition awards or enlarging compensation liabilities. Any enforceable right arising from a valid allotment shall remain subject to its governing terms and the applicable law.

22. The principles emerging from the foregoing discussion may be summarized thus: acquisition awards lawfully announced and having attained finality shall govern the rights and liabilities of the parties; subsequent awards and review orders shall be enforceable only upon establishment of their statutory validity; compensation and additional statutory amounts shall be paid strictly in accordance with the applicable law and awards; rehabilitation benefits, including allotment of plots, shall be available only where supported by a valid legal entitlement; and neither the CDA nor the Federal Government may enlarge, diminish or otherwise alter such rights through administrative measures inconsistent with the Ordinance. These principles preserve the lawful claims of affected

persons while ensuring that public property and public funds remain subject to statutory control.

23. Applying the aforesaid principles to the respective impugned judgments, we find that the directions requiring the CDA to satisfy compensation and rehabilitation obligations lawfully established under valid awards and applicable regulations are consistent with the governing statutory framework and warrant no interference. However, the findings giving conclusive effect to disputed review orders without determination of their authenticity and jurisdictional validity, the directions requiring general reassessment of concluded awards independently of the statutory mechanism, and the directions contemplating an exercise of Federal Government authority beyond the limits of the Ordinance cannot be sustained. Interference is, therefore, warranted only to these specified extents, without disturbing such independent findings or directions as are otherwise legally sustainable.

24. For the foregoing reasons, the petitions filed by the CDA are converted into appeals and allowed to the extent indicated herein. The impugned judgment of the Islamabad High Court dated 30.10.2024, arising from W.P. No.1571 of 2011, etc. is set aside only to the extent mentioned above. The original acquisition awards shall continue to govern the rights arising therefrom, subject to any lawful subsequent award, modification or determination made by the competent authority. The claims arising under the built-up property awards dated 23.07.1980, 05.09.1982 and 01.10.1985 shall be examined and implemented in accordance with their lawful terms and the applicable statutory provisions.

25. The impugned judgment dated 04.06.2021, arising from W.P. No.244 of 2018 and connected matters, is modified to the extent that its directions requiring general reassessment of concluded acquisition awards and exercise of Federal Government powers beyond the statutory framework are set aside. The CDA shall, however, remain under an obligation to satisfy all outstanding compensation liabilities and implement such allotments or rehabilitation benefits as are lawfully due under the

respective awards, applicable regulations and binding determinations of competent forums. Any additional compensation or statutory amount shall be payable only to the extent authorized by the applicable law.

26. It is clarified that no claimant shall be entitled to seek compensation, allotment of plots or any other rehabilitation benefit beyond the terms of the relevant award and the applicable statutory framework. Equally, nothing contained in this judgment shall prejudice an entitlement arising under a valid subsequent award, lawful review, competent judicial determination or applicable statutory provision. The CDA shall examine and decide all outstanding claims through the competent authority, after affording an opportunity of hearing wherever required, and shall implement the lawful determinations expeditiously. Moreover, CDA will make sure the satisfaction of entitlements of all claimants within 06 months from the date of this order. The remaining portions of the impugned judgments shall remain undisturbed. The civil petitions filed by the aggrieved persons are disposed of accordingly in the terms stated above. No order as to costs.

CHIEF JUSTICE

JUDGE

Announced in Open Court at Islamabad on 11/11/2026.

Approved for reporting

RajaAhsan/-