

**PRESIDENT'S SECRETARIAT (PUBLIC)**  
**AIWAN-E-SADR, ISLAMABAD**

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Rep. No.185/WM/2021

Date of Decision: 20.01.2023

**National Highway Authority Vs Hafiz Muhammad Taiyab etc.**

**REPRESENTATION FILED BY THE NATIONAL HIGHWAY AUTHORITY AGAINST THE ORDER OF THE WAFAQI MOHTASIB IN COMPLAINT NOS. WMS-QTA/0001901/20, WMS-QTA/0001902/20, WMS-QTA/0001903/20, WMS-QTA/0001904/20, WMS-QTA/0001905/20, WMS-QTA/0001906/20, WMS-QTA/0001907/20, WMS-QTA/0001908/20, WMS-QTA/0001909/20, WMS-QTA/0001910/20, WMS-QTA/0001911/20, WMS-QTA/0001912/20, WMS-QTA/0001913/20, WMS-QTA/0001914/20, WMS-QTA/0001915/20, WMS-QTA/0001916/20, WMS-QTA/0001917/20, WMS-QTA/0001918/20, WMS-QTA/0001919/20, WMS-QTA/0001920/20, WMS-QTA/0001921/20, WMS-QTA/0001922/20 & WMS-QTA/0001923/20**

Kindly refer to your representation addressed to the President in the background mentioned below:-

2. This representation has been filed by National Highway Authority (the Agency) assailing the order dated 10.03.2021 of the Wafaqi Mohtasib whereby it has been held as under:-

*“...The Agency failed to make payment for all the necessary damages done during the acquisition of land. The Agency also overlooked Section (5) of Land Acquisition Act, 1894 which is reproduced below:-*

*“The Agency is under legal obligation to deposit the compensation funds before the Deputy Commissioner/ Collector, who will be responsible to complete the land acquisition proceedings and pay the compensation amongst affectees.”*

*It is quite clear that the negligence of the NHA has caused the delay in payment and is responsible to manage funds and make payment to the affectees at the earliest. The Agency failed to pay the compensation to the affectees. The Agency initiated the case for approval of ECNEC after delay of 04-years and after the complaints were lodged which tantamounts to maladministration on the part of the Agency.*

*In view of the above, all the above noted cases are closed under Regulation 23(1) (x) of the Wafaqi Mohtasib (Investigation and Disposal of Complaints) Regulations, 2013. As the redressal of the grievance of the complainants by it was to follow an action to be taken by another Agency to which a reference for the purpose has already been made. The Agency had delayed the matter for more than four years and did not follow the Land Acquisition Act, and no payment for compensation of land has been made in time, therefore, the Agency is directed to conduct an enquiry against the officers/ officials who are responsible for the delay and submit compliance report within 30 days of the receipt of these findings.”*

3. Hafiz Muhammad Taiyab etc. (the complainants) had alleged that they are residents of Surab and earn their livelihood from agriculture. The Agency through the Deputy Commissioner acquired their agricultural lands for construction of road about four years ago. The road has been completed but they still have not been paid compensation amount for their lands. They had requested the Agency for compensation of the same but to no avail.

4. Feeling aggrieved, the complainants approached the learned Wafaqi Mohtasib who passed the impugned order, hence the instant representation.

5. The hearing of the case has been held on 29.12.2022. Abdul Manan, Deputy Director (Legal) along-with Asad Rehman, Assistant Director (Legal) on behalf of the Agency has attended the hearing whereas no one appeared on behalf of the complainants despite notice.

6. Some representations (Rep. No.145/WM/2021 etc.) were decided by the worthy President rejecting the representations with the direction to the Agency to explain before the learned Wafaqi Mohtasib as to why order of the Mohtasib has not been complied with. These representations are also of similar nature and subject matter and also directed against similar orders of the learned Wafaqi Mohtasib. This aspect is even admitted by the Agency's representative.

7. The Agency is liable to implement the order of the Wafaqi Mohtasib dated 10.03.2021 under Article 11 (1) of the Establishment of the Office of Wafaqi Mohtasib Order 1983.
8. The representation is thus absolutely misconceived. It is incumbent upon the Agency to appear and explain its position in the implementation proceedings before the learned Wafaqi Mohtasib. The representation is accordingly liable to be rejected.
9. In view of the above, the Hon'ble President has been pleased to reject the instant representation with the direction to the Agency to appear and explain why the orders of the Wafaqi Mohtasib have not been complied with.

-Sd-  
(Asghar Ali)  
Director (Legal)

1. The Chairman,  
National Highway Authority (NHA),  
Sector G-9/1, Kashmir Highway,  
Service Road, **Islamabad**.
2. Hafiz Muhammad Tayyab, C/o Inayat Ullah, R/o Surab, Balochistan. (Contact No.0332-8087365)
3. Nasar Ullah, C/o Inayat Ullah, R/o Surab, Balochistan. (Contact No.0332-8087365)
4. Haji Muhammad Khan, C/o Inayat Ullah, R/o Surab, Balochistan. (Contact No.0332-8087365)
5. Niaz Ahmed, C/o Inayat Ullah, R/o Surab, Balochistan. (Contact No.0332-8087365)
6. Muhammad Hashim, C/o Inayat Ullah, R/o Surab, Balochistan. (Contact No.0332-8087365)
7. Muhammad Amin, C/o Inayat Ullah, R/o Surab, Balochistan. (Contact No.0332-8087365)
8. Haji Abdul Razzaq, C/o Inayat Ullah, R/o Surab, Balochistan. (Contact No.0332-8087365)
9. Haji Abdul Wahid, C/o Inayat Ullah, R/o Surab, Balochistan. (Contact No.0332-8087365)
10. Abdul Qadir, C/o Inayat Ullah, R/o Surab, Balochistan. (Contact No.0332-8087365)
11. Muhammad Amin, C/o Inayat Ullah, R/o Surab, Balochistan. (Contact No.0332-8087365)
12. Mir Muhammad Hashim, C/o Inayat Ullah, R/o Surab, Balochistan. (Contact No.0332-8087365)
13. Muhammad Ishaq, C/o Inayat Ullah, R/o Surab, Balochistan. (Contact No.0332-8087365)
14. Abdul Salam, C/o Inayat Ullah, R/o Surab, Balochistan. (Contact No.0332-8087365)
15. Abdul Samad, C/o Inayat Ullah, R/o Surab, Balochistan. (Contact No.0332-8087365)
16. Muhammad Nawaz, C/o Inayat Ullah, R/o Surab, Balochistan. (Contact No.0332-8087365)
17. Haji Ahmed Khan, C/o Inayat Ullah, R/o Surab, Balochistan. (Contact No.0332-8087365)
18. Abdul Basit, C/o Inayat Ullah, R/o Surab, Balochistan. (Contact No.0332-8087365)
19. Noor Ahmed, C/o Inayat Ullah, R/o Surab, Balochistan. (Contact No.0332-8087365)
20. Bahadur Khan, C/o Inayat Ullah, R/o Surab, Balochistan. (Contact No.0332-8087365)
21. Abdul Khaliq, C/o Inayat Ullah, R/o Surab, Balochistan. (Contact No.0332-8087365)
22. Shair Muhammad, C/o Inayat Ullah, R/o Surab, Balochistan. (Contact No.0332-8087365)
23. Khudai Raheed, C/o Inayat Ullah, R/o Surab, Balochistan. (Contact No.0332-8087365)
24. Haji Jumma Khan, C/o Inayat Ullah, R/o Surab, Balochistan. (Contact No.0332-8087365)

**Copy to:**

- i. The Secretary, Wafaqi Mohtasib (Ombudsman)'s Secretariat, Constitution Avenue, Islamabad.
- ii. The Press Secretary, President's Secretariat (Public), Islamabad.
- iii. Deputy Director (L&S/ Legal), National Highway Authority, NHA Complex, Airport Road, Quetta.