



LAHORE DEVELOPMENT AUTHORITY
OFFICE OF THE DIRECTOR GENERAL

ORDER

It has been brought to my notice that the Land Acquisition Collectors of the Lahore Development Authority have been/are transgressing their powers by wrong interpretation of the law under the garb of the letter No. HVC/233 dated 28.2.2001 of Commissioner Lahore Division, Lahore, and have been/are amending the awards by their own orders despite the fact that, as per Section 14 of the Punjab Acquisition of Land (Housing) Act 1973, such powers vest with the Commissioner [now with EDO(R)] only and the LACs LDA have no power to amend the awards:-

LAC
8004
22/9/01

"14. Appeal and review: (1) The person entitled to compensation under the award and Government or the Official Development Agency, as the case may be, may accept the award and intimate their acceptance in writing to the Collector within the period described in section 12.

(2) The Government, or as the case may be, the Official Development Agency or any person aggrieved by an award of the Collector may within one month of such award appeal to the Commissioner. Where the affected party had no intimation of the award the appeal may be filed within six weeks of the award. The Commissioner may after giving the Government or as the case may be, the Official Development Agency and the persons affected by the award an opportunity of submitting any objection to the appeal and of being heard, make such order as he may deem fit.

(3) The order of the Commissioner made on appeal shall be final and shall not be called into question in any Court.

(4) The Collector or the Commissioner either of his own motion or on an application made in this behalf by the Government, or as the case may be, Official Development Agency or any affected person may, at any time, review an order made by himself or his predecessor in so far as it corrects an arithmetical, clerical or patent error or mistake only".

2. From the foregoing citation it is clear that the Commissioner [now EDO(R)] is the appellate authority as the authority announcing the award (LAC) cannot act as an appellate authority. The award attains finality after one month (in six weeks in case of non-intimation to the affected party) of its announcement and is not even appealable thereafter. The order of the appellate authority/Commissioner [now EDO(R)] is final and cannot be called into question in any court. The LACs cannot, therefore, entertain appeals against their own orders and that too after elapse of the period specified in the Act. All the amendments made by LACs in awards, even if made on the basis of decrees from civil courts, are thus illegal, void ab-initio and of no legal force or authority and hence not implementable or considerable for grant of exemptions as :-

- (i) the word "amendment" is nowhere mentioned in section 14 of the Act,
- (ii) the executive order (of the Commissioner) cannot and has not superseded/ amended the enacted law/Act, and
- (iii) delegated powers (of amending in award) cannot be and have not been delegated further to LACs LDA.

3. The Land Acquisition Collectors are, therefore, directed not to act beyond their jurisdiction and send detailed intimation to ADG(H) about any arithmetical, clerical or patent errors in the awards as and when corrected by them. Change of title obviously does not in any way comes under the ambit of arithmetical, clerical or patent error.

4. A list of those cases wherein amendments in awards have been made by LACs by their own orders be prepared by LACs under the supervision of ADG(H) on a specified format for further legal action/decision.

(AKHLAQ AHMAD TARAR) 18/9/2001
DIRECTOR GENERAL

DATED: 18-9-01

NC. LDA/PS/SO/ 210

✓ ADG(H), LDA w.r.t following letters of RDA

LETTER/REQUISITION NO.	DATE	LETTER/REQUISITION NO.	DATE
RDA/LDA/62	03.01.2004	RDA/LDA/87	22.05.2004
RDA/LDA/127	06.09.2001	Requisition No. 13	11.06.2003
Requisition No. 4	11.10.2001	Requisition Nos. 6	30.12.2003

- 2. DLD-I LDA w.r.t above letters of RDA.
- 3. DLD-I, LDA w.r.t above letters of RDA.
- 4. Dir.(Sabzazar), LDA.
- 5. DEM(CAT), LDA.
- 6. All other PSOs
- 7. RD(Audit), LDA w.r.t. above letters.
- 8. Land Acquisition Collectors, LDA.

Copy to EDO(R), Lahore for information.

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D.P.

LACs to prepare the requisite information within a week for further legal action

Ples discuss
LAC