

ORDER SHEET

Case No: W.P.No.4128/2025

S.No. of order/ Proceeding	Date of order/ Proceeding	Order with signature of Judge, and that of Parties or counsel, where necessary.
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C.M.No.01/2026

2. Sardar Muhammad Ghazi, Sr. ASC submits that during the pendency of the mediation proceedings, the Convener of the Joint Action Group addressed a letter dated 23.12.2025 to the Petitioners in response to the letter dated

14.11.2025 issued by the Headquarters of the Army Air Defence (AAD) Command. Through the said letter, the Petitioners conveyed a concrete proposal whereby they agreed to accept the compensation amount as determined by the GHQ Board in the year 2014, i.e., Rs.2.3 Billion (inclusive of Customer Acquisition Cost), under protest, while expressly reserving their statutory and legal right to seek enhancement of compensation by filing a reference under the provisions of the 1894 Act before the competent Reference Court. He further submits that, in compliance with the order dated 03.12.2025 passed by this Court in the titled writ petition, a meeting was convened between the Convener of the Joint Action Group, Ch. Riaz Ahmed, and the Commander, AAD Command. As a consequence thereof, the Respondents issued a letter dated 06.01.2026 from Headquarters AAD Command, whereby the proposal earlier submitted vide letter dated 23.12.2025 was formally accepted. He maintains that the mediation process, initiated under the Alternate Dispute Resolution Act, 2017 (the “2017 Act”) read with Section 89-A of the Code of Civil Procedure, 1908, with the object of resolving the long-standing disputes arising out of the acquisition proceedings relating to Ojhri Camp land measuring 259 Kanal 03 Marla, undertaken by the Military Authorities (HQ AAD Command, Rawalpindi), was commenced at the instance of the Petitioners/landowners through the Convener of the Joint Action Group. He maintains that the

mediation process was effectively facilitated under the supervision of this Court and was willingly participated in by the Respondents. The process has now culminated successfully through the issuance of letter dated 06.01.2026 under the signatures of Lt. Col. Wasiq Bashir, AQMG (Quartering & Land), whereby the Respondents conveyed their acceptance of the proposal submitted by the Petitioners. Consequently, the long-standing dispute relating to the said acquisition proceedings stands amicably resolved.

3. Arguments heard and record perused.

4. The titled writ petition was instituted by the Petitioners/landowners under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973 (the “Constitution”), seeking redressal of their grievances arising out of the acquisition proceedings pertaining to land measuring 259 Kanal 03 Marla, commonly known as Ojhri Camp Land, acquired by the Respondent, Military Authorities, namely Headquarters Army ADC, Rawalpindi. During pendency of the proceedings, this Court, keeping in view the nature of the controversy, the prolonged dispute between the parties, and the spirit of consensual dispute resolution, referred the matter for mediation in order to explore the possibility of an amicable settlement. Accordingly, mediation proceedings were initiated in line with the jurisprudential approach emphasized by the Supreme Court of Pakistan in the cases of Messrs Mughals Pakistan (Pvt.) Limited versus Employees Old Age Benefits

Institution through Director Law, Lahore and others (PLD 2025 SC 1), Province of Punjab through Secretary C&W, Lahore, etc. versus M/s Haroon Company, Government Contractor, etc. (2024 SCMR 947) and Commissioner Inland Revenue versus Messrs RYK Mills (2023 SCMR 1856). The same approach has been consistently followed by this Court in the cases of Faisal Zafar and another V/s Siraj-ud-Din and 4 others (2024 CLD 1), Netherlands Financierings Maatschappij Voor Ontwikkelingslanden N.V. (F.M.O.) (PLD 2024 Lahore 315 = 2024 CLD 685) and Strategic Plans Division and another V/s Punjab Revenue Authority and others (PLD 2024 Lahore 545).

5. It would also be beneficial to mention here the latest view rendered by the Supreme Court of Pakistan in the judgment reported as Muhammad Naseer Butt versus Additional District Judge, Lahore and others (PLD 2025 SC 499) regarding the mediation. In this judgment, the importance, benefits and the role/responsibilities of the Judges and the Advocates towards the mediation has been discussed in detail by highlighting the aspect of statutory recognition and legislative frameworks provided under the 2017 Act. Relevant paragraph Nos.5, 6, 7 and 8 of the said judgment are reproduced hereunder:

“5. Mediation is not merely an alternative to litigation; it is a paradigm shift in dispute resolution, built on the principles of collaboration, confidentiality, and party autonomy. It offers a nonadversarial framework that empowers

parties to shape the outcome of their own disputes, guided by a neutral facilitator rather than a judicial determination.

6. The benefits of mediation are manifold. It reduces the costs associated with protracted legal battles, alleviates the burden on courts, and ensures quicker resolution of disputes. The confidential nature of mediation protects the privacy of the parties, and its informal setting encourages honest communication and problem-solving. Moreover, the flexibility of the process allows parties to explore creative, interest-based solutions that a court of law may not be empowered to grant. These benefits were remarkably evident in the present case. What years of litigation could not resolve, mediation achieved within weeks. This reinforces the principle that the earlier a dispute is channeled through mediation, the greater the potential for cost and time savings, reduced emotional strain, and restored relationships.

7. Courts must embrace a pro-mediation ethos, particularly at the initial stages of litigation. Judges and lawyers must be sensitized to identify cases fit for mediation and facilitate their referral in a timely manner. Litigants, likewise, should be encouraged to consider mediation and other methods of alternative dispute resolution as a first resort, rather than a last recourse.

8. The statutory recognition and legislative frameworks provided by the Alternative Dispute Resolution Act, 2017, and subsequent provincial legislations

underline mediation's established legal validity. Recent judicial directions and rules, such as the ADR Mediation Accreditation (Eligibility) Rules, 2023 and Mediation Practice Direction (Civil) Rules, 2023, further consolidate mediation as a mainstream dispute resolution tool within Pakistan's judicial ecosystem."

6. From the material available on record, it is evident that the settlement has been arrived at voluntarily, without any coercion, pressure or undue influence and with the consent of both sides. The terms of settlement are lawful and do not offend any provision of law. The settlement reflects a fair and pragmatic resolution of a long-standing dispute and adequately safeguards the statutory rights of the Petitioners. Consequently, the instant application as well as the main writ petition stand **disposed of** in the above terms.

7. Before parting with this order, this Court appropriates sincere efforts reportedly undertaken by the Commanding Officer of the Pakistan Army Air Defence Command (Lieutenant-General Mohammad Zafar Iqbal) in facilitating an amicable and consensual resolution of the dispute through the process of mediation. The proactive and constructive role played in this regard, with a view to resolving the matter outside the strict framework of formal litigation, is highly commendable. Such an approach not only reflects institutional responsibility and cooperative dispute resolution but also serves to reduce unnecessary litigation, promote harmony

between the parties and advance the broader objectives of justice by encouraging alternative and expeditious modes of dispute resolution.

C.M.No.02/2026

8. Dispensation sought for is allowed subject to all just and legal exceptions. C.M. stands **disposed of.**

(JAWAD HASSAN)
JUDGE

Approved for reporting

JUDGE

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