



MANDVIWALLA & ZAFAR
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CASE LAW UPDATES

Pakistan Superior Courts — Verified Judgment Digest

Friday, 11 September 2026

Upload Window: 9, 10 and 11 September 2026 — with 8 September carried forward

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Coverage and exclusions: nineteen candidates were identified across the five courts (four Supreme Court, one Federal Constitutional Court, one Lahore High Court, thirteen Sindh High Court, nil Islamabad High Court); ten were curated for reporting. (a) Two Supreme Court judgments uploaded on 8 September could not be digested because the files served by the Court's own portal are image-only scans carrying no extractable text: C.P.L.A. No. 260-P of 2022 (Central Government through Collector, District D.I.Khan v. Tariq Mansoor, 1,163 KB) and C.P.L.A. No. 50-P of 2022 (Government of Khyber Pakhtunkhwa through Secretary, Population Welfare Department v. Mst. Bacha Jehan, 572 KB). Both are authored by Shakeel Ahmad, J and both returned nil on extraction. Certified copies should be obtained if either is needed. (b) The Sindh High Court items approved for reporting but not carried into this issue are Const. P. 614/2026 (Waqar Ali Bangash v. Mst. Zoya Ali, 2026 SHC KHI 1681, concurrent findings), Cr. Bail 209/2026 (Shakeel Ahmed Phanwar v. The State, 2026 SHC SUK 1683), Cr. Bail 202/2026 (Shah Rukh Khan v. The State, 2026 SHC HYD 1700), II.A. 24/2025 (Hidayatullah v. Haji Afzal Balooch, 2026 SHC MPK 1699), Const. P. 397/2026 (Hifazat Ali Jatoti v. Government of Sindh, 2026 SHC LAR 1677), Const. P. 672/2026 (Afsar Ali Abbasi v. Province of Sindh, 2026 SHC LAR 1709) and Const. P. 651/2026 (Ali Gohar Jagirani v. Province of Sindh, 2026 SHC LAR 1707); the last two are short NIT challenges dismissed on their own

facts. Each is available on request. (c) The Lahore High Court's approved-for-reporting list shows no upload after 8 September 2026 as at the time of this scan; the single Lahore entry below is that day's item. (d) No Islamabad High Court judgment met the reporting threshold — the court's public listing still shows no reported upload after 18 March 2026. (e) Two long-standing portal defects remain outstanding and unresolved: C.A. 1443 of 2018 (Commissioner Inland Revenue, Lahore v. Sui Northern Gas Pipelines) is still served as an image-only scan, and Const. P. 875 of 2025 (National Bank of Pakistan v. Mirza Hamayun, 2026 SHC KHI 1583) is still served under a hash returning an unrelated order sheet.

Federal Constitutional Court of Pakistan

1 judgment

CONSTITUTION OF PAKISTAN, 1973 ARTS. 4, 20, 175E(5), 175F(1)(B)-(C), 199; CODE OF CRIMINAL PROCEDURE, 1898 SS. 99-A, 99-B; PRESS, NEWSPAPERS, NEWS AGENCIES AND BOOKS REGISTRATION ORDINANCE, 2002 SS. 19, 20; PUNJAB RULES OF BUSINESS, 2011 — A CONSTITUTIONAL PETITION CANNOT BE USED TO CIRCUMVENT LIMITATION; AND ACTION TAKEN UNDER STATUTORY AUTHORITY IS NOT 'EXECUTIVE ACTION' MERELY BECAUSE AN EXECUTIVE FUNCTIONARY TAKES IT

Muhammad Abdul Qadoos v. Province of Punjab and others (with six connected petitions)

PETITIONS DISMISSED AND LEAVE REFUSED; JUDGMENT OF THE LAHORE HIGH COURT AFFIRMED; APPROVED FOR REPORTING

F.C.P.L.A. No. 507 of 2025 with C.P.L.A. Nos. 1461-L, 1464-L, 1474-L, 1523-L, 1555-L and 1586-L of 2024, Federal Constitutional Court of Pakistan (against judgments dated 13.10.2025 and 30.04.2024 of the Lahore High Court, Lahore and Multan Bench) · Bench: Aamer Farooq and Syed Arshad Hussain Shah, JJ (judgment of the Court by Aamer Farooq, J) · Decided: 25.02.2026 · Uploaded: 08.09.2026

FACTS

The lead petitioner challenged Notification No. SO (IS-III) 6-15/2010 dated 25.06.2014, issued by the Home Department, Government of Punjab under section 99-A Cr.P.C., banning and forfeiting a publication titled 'Rohani Khazayeen, Volumes 1 to 23'. The connected petitioners challenged similar action under section 99-A against material described as seditious, and one challenged a show-cause notice issued under section 19 of the Press, Newspapers, News Agencies and Books Registration Ordinance, 2002. None of them invoked the statutory remedies available under section 99-B Cr.P.C. or section 20 of the Ordinance within the prescribed limitation; instead they filed petitions under Article 199, after delays which the Court set out case by case and which ranged from five months and twenty-one days to two years and seven months. The Lahore High Court dismissed the petitions on laches and failure to avail an alternate remedy. Before the Federal Constitutional Court it was contended that the ban infringed the right to profess, practise and propagate religion under Article 20, that fundamental rights cannot be curbed by executive action, that section 99-B was inapplicable where fundamental rights are involved, and that the decision was taken by the Home Department rather than the Government, contrary to *Mustafa Impex*.

LEGAL ISSUE

Whether writ petitions filed long after the expiry of the limitation prescribed for the statutory remedies under section 99-B Cr.P.C. and section 20 of the Ordinance were barred by laches; and whether a forfeiture notification issued by a departmental functionary under statutory authority is 'executive action' capable of infringing Article 20 on that ground alone.

HOLDING

The petitions were dismissed. The Court first assumed jurisdiction over one of them under Article 175E(5), applying the *Matracon* test that a substantial question of constitutional interpretation arises where the case concerns the meaning, scope or application of a constitutional provision with consequences extending beyond the immediate parties. On the merits it held that section 99-B Cr.P.C. and section 20 of the Ordinance provide a remedy before the High Court, which in those proceedings is arbiter of law and fact and competent to address impropriety, irregularity and illegality — and, being empowered to decide questions of law, is equally competent to decide a fundamental-rights issue. Having bypassed those remedies and come by way of Article 199 after inordinate delay, the petitioners were barred by laches. On the Article 20 point, the Court held that the correct inquiry is not whether the actor is an executive functionary but what the legal source of the power is; the action here was traceable to the Cr.P.C. and the Ordinance and so fell within a statutorily conferred framework rather than unfettered executive discretion. The *Mustafa Impex* objection failed because authority stood duly delegated under the Punjab Rules of Business, 2011. Finally, in the absence of the material which the statutory remedies would have produced, the Court declined to assess the validity of the bans on assumptions.

LEGAL SIGNIFICANCE

The judgment is significant on three fronts. First, it is a further working out of Article 175E(5) after *Matracon* (PLD 2026 FCC 127), treating it as both character-conferring and competence-enumerating, and its footnote traces the phrase 'substantial question of law as to the interpretation of the Constitution' from Article 175F(1)(b) back through the 1957 framework and A.K. Brohi's formulation — useful wherever that threshold must be argued. Secondly, its statement of the principle of legality, that every action must be traceable to a legal source, and its insistence that the identity of the actor must not be conflated with the character of the power exercised, will apply well beyond this subject matter. Thirdly, it is a blunt warning on laches: a claim that is time-barred under a statutory remedy cannot be relabelled 'constitutional' and brought under Article 199, and doing so is an abuse of process. Practitioners should note that the Court's refusal to decide the Article 20 question was a direct consequence of the petitioners' failure to build a record through section 99-B.

LEGAL PROPOSITIONS (VERBATIM)

- *The timely availment of remedies is essential, as limitation or even laches for that matter is not a mere technicality.*
- *Resorting to a constitutional petition to circumvent limitation, by disguising an otherwise time-barred claim as a "constitutional" matter, amounts to a clear abuse of the process of law.*
- *The correct approach is not to broadly label an act as "executive," but to determine the exact legal source from which the challenged action derives its authority.*
- *The mere involvement of an executive official does not ipso facto render the action executive in nature if its source and legitimacy are derived from positive law.*

LEGAL PRINCIPLES EXPOUNDED

Article 175E(5) confers on the Court a constitutional character to determine any case involving a substantial question of law as to the interpretation of the Constitution.

Source: *The test outlined in Matracon case, provides that a substantial question of law involving a question of the constitutional interpretation arises when "the case involves a dispute concerning the meaning, scope, or application of a constitutional provision and the resolution of the question [must have] consequences extending beyond the immediate parties, affecting the broader constitutional and/or legal framework of our Country".*

Authority: Article 175E(5), Constitution of Pakistan, 1973; *Matracon* (PLD 2026 FCC 127)

Every action, whatever its nature, must be rooted in law and traceable to a legal source from which it derives its authority.

Source: *any action, of whatever nature, must be firmly rooted in law and must be traceable to a legal source from which it derives its authority. This principle constitutes the fundamental affirmation of the constitutionality of our system of governance*

Authority: *Chief Secretary, Government of Balochistan v. Bayazid Khan Kharooti* (C.P.L.A. No. 217-Q of 2023, FCC)

Article 4 is the foundational guarantee from which the specific fundamental rights, including freedom of religion, draw their meaning and force.

Source: *The true source, the stream from which these rights flow, lies in Article 4, which operates as the foundational guarantee of the fundamental rights.*

Authority: Articles 4 and 20, Constitution of Pakistan, 1973

Fundamental rights are not absolute; a balance must be struck between the rights of individuals and the overriding interest of the community.

Source: *A balance has to be struck between these rights of individuals and the interests of the community.*

Authority: *Pakistan Muslim League (N) through Khawaja Muhammad Asif v. Federation of Pakistan* (PLD 2007 SC 642)

The statutory forum under section 99-B Cr.P.C. and section 20 of the Ordinance is arbiter of both law and fact and, being competent to decide questions of law, can equally decide a fundamental-rights issue.

Source: *The High Court, while conducting proceedings under s.99B Cr.P.C. and s.20 of the Ordinance is arbiter of law and fact and is competent to take into account the impropriety, irregularity or illegality committed by the respondents/Government.*

Authority: Sections 99-A and 99-B, Code of Criminal Procedure, 1898; sections 19 and 20, Press, Newspapers, News Agencies and Books Registration Ordinance, 2002

OPERATIVE ORDER

In light of the reasoning set out in Part C & D of the judgment, we hold that the impugned judgment before us does not suffer from any error of law or jurisdiction warranting our interference. Instant petitions stand dismissed and leave refused. Accordingly, all pending applications are also disposed of. Judgment is hereby entered.

■ [View Full Judgment](#)

Supreme Court of Pakistan

2 judgments

PUNJAB COLONIZATION OF GOVERNMENT LANDS ACT, 1912 SS. 10, 16, 30(2), 32(2); CONSTITUTION OF PAKISTAN, 1973 ART. 10-A; LIMITATION ACT, 1908 — THE STATUTORY OPPORTUNITY TO SHOW CAUSE BEFORE RESUMPTION OF COLONY LAND IS A SUBSTANTIVE CONDITION, NOT A FORMALITY, AND NO PREFERENTIAL TREATMENT IN CONDONATION OF DELAY IS AVAILABLE TO A GOVERNMENT DEPARTMENT

The Province of Punjab, etc. v. Bashir

CIVIL APPEAL DISMISSED; APPLICATION FOR CONDONATION OF A 4,402-DAY DELAY DISMISSED AND THE CONNECTED CIVIL PETITION DISMISSED AS TIME-BARRED; APPROVED FOR REPORTING

Civil Appeal No. 187-L of 2009 and C.P.L.A. No. 769-L of 2016, Supreme Court of Pakistan (against the judgments dated 23.12.2003 of the Lahore High Court, Multan Bench in Civil Revisions No. 1291 and 1292 of 1995) · Bench: Muhammad Ali Mazhar, Musarrat Hilali and Irfan Saadat Khan, JJ (judgment by Muhammad Ali Mazhar, J) · Decided: 02.06.2026 · Uploaded: 09.09.2026

FACTS

Land measuring 50 kanals 5 marlas was allotted to Muhammad Yousaf, who sold 20 kanals 10 marlas of Chak No. 89/NB, Tehsil and District Sargodha to the respondent; the mutation was sanctioned and the respondent's name entered in the revenue record as owner in possession. The Member (Colonies), Board of Revenue, Punjab subsequently cancelled the original allotment on the ground that the land fell within the prohibited area of five miles' radius of the municipal limit and had been obtained by fraud and misrepresentation. The respondent sued for declaration and permanent injunction. The Trial Court decreed the suit on 21.04.1992; the District Judge, Sargodha allowed the appeal and dismissed the suit on 24.11.1994; and the Lahore High Court, in revision, set aside the appellate decree and restored the decree of the Civil Judge. On the prohibited-area point, the Survey General's office, acting on the Court's own direction, reported radial distances of 5.30 to 6.18 miles measured by satellite imagery from four reference points in Sargodha. The connected C.P.L.A. No. 769-L of 2016 was filed 4,402 days out of time, the application for condonation pleading only 'negligence, high handedness and unprofessional behaviour of revenue officials'.

LEGAL ISSUE

Whether the Board of Revenue could cancel an allotment, and with it the title of bona fide purchasers whose names stood in the revenue record, without issuing notice or affording an opportunity of showing cause under section 32(2) of the Punjab Colonization of Government Lands Act; and whether an inordinate delay by a Government department in filing a petition may be condoned on a generalised plea of official negligence.

HOLDING

The appeal was dismissed. The competent authority may proceed against fraudulent transfers of tenancy or lessees' rights under sections 16 and 30(2), but not in respect of land permanently settled on the allottees. Here the sale consideration had been fully paid, possession handed over, the land had vested in the respondents and their names stood in the revenue record, and no proceedings for cancellation were pending against the original allottee. No notice was issued to anyone, including the allottee, and no tangible evidence of fraud or misrepresentation was brought on record to trigger suo motu proceedings. The condition in section 32(2) of affording a reasonable opportunity of showing cause is substantive, and non-compliance renders the whole action an illegal exercise of power. On the connected petition, the Court dismissed the condonation application: the delay of each day must be explained, the application did not identify who was responsible or what disciplinary action followed, and no extraordinary clemency or preferential treatment may be accorded to a Government department.

LEGAL SIGNIFICANCE

Two separate holdings, each of wide application. The first is a firm statement that colony-land cancellations under the 1912 Act cannot proceed ex parte against purchasers whose title is already recorded — useful wherever the Board of Revenue exercises its suo motu resumption power. The second, and the more frequently citable, is the Court's treatment of condonation of delay: it squarely rejects the practice of pleading official negligence in stereotypical terms, observes that a Government department has its own legal branch and the Advocate General's office at its disposal and so should move for instructions on receipt of the judgment rather than await the expiry of limitation, and warns that a cavalier approach may smack of mala fide and of an appeal presented belatedly to hand the other side an undue advantage. The maxim the Court invokes — *vigilantibus non dormientibus jura subveniunt* — is paired with an express statement that equality before the law requires the State to be treated exactly as an ordinary litigant.

LEGAL PROPOSITIONS (VERBATIM)

- *It is the most dominant prerequisite of due process of law and right of audience that the decision of authority must be rational, not capricious or haphazard.*
- *Secured vested rights cannot be devastated or upset by unilateral actions when the relevant law itself advocated to afford right of audience.*
- *The doctrine of equality before law demands that all litigants, including the State, are accorded the same treatment and the law is administered in an even-handed manner.*
- *No doubt the law favours adjudication on merits, but simultaneously one should not close their eyes or oversee another aspect of great consequence, namely that the law helps the vigilant and not the indolent.*

LEGAL PRINCIPLES EXPOUNDED

No action detrimental to tenancy or proprietary rights in land may be initiated without notice, and the suo motu power of resumption cannot be exercised without evidence of the fraud alleged.

Source: *The law is clear on all fours that no action detrimental to the tenancy or proprietary rights of land could be initiated or elected without issuing notice.*

Authority: *Sections 16, 30(2) and 32(2), Punjab Colonization of Government Lands Act, 1912*

Where a statute itself prescribes compliance with natural justice, it must be adhered to stringently; and even where the statute is silent, no decision affecting a person's rights may be taken without an opportunity of being heard.

Source: *Furthermore, the principles of natural justice require that a person against whom action is taken should be afforded a fair opportunity to converge, offer explanation and contest it before he is found guilty and condemned.*

Authority: *Article 10-A, Constitution of Pakistan, 1973*

No extraordinary clemency or preferential treatment in condonation of delay may be accorded to a Government department, autonomous body or private organisation; such cases are to be dealt with uniformly with those of ordinary litigants.

Source: *It is also a well settled exposition of law that while considering the grounds for condonation of delay, whether rational or irrational, no extraordinary clemency or compassion and/or preferential treatment may be accorded to the Government department, autonomous bodies or private sector/organizations, rather their case should be dealt with uniformly and in the same manner as cases of ordinary litigants and citizens.*

Authority: *Limitation Act, 1908; Article 25, Constitution of Pakistan, 1973*

To establish sufficient cause the delay of each and every day must be explained; a generalised plea of departmental lapse will not do.

Source: *In order to establish sufficient cause, the delay of each and every day is also required to be explained which is also missing from the application moved for condonation of delay.*

Authority: *Limitation Act, 1908*

OPERATIVE ORDER

In the wake of the above discussion, we do not find any illegality or irregularity in the impugned judgment passed by the learned High Court which may warrant any interference. This Civil Appeal is dismissed accordingly. ... No plausible reasons have been shown for justifying grave inefficiency and negligence of the department in filing of the civil petition in time. The CMA for condonation of delay is dismissed. Accordingly, the civil petition is also dismissed

being barred by time.

■ View Full Judgment

DISPLACED PERSONS (LAND SETTLEMENT) ACT, 1958 SS. 14, 14(1-A), 16, 18, 19, 22, 25; LIMITATION ACT, 1908 ART. 91; CODE OF CIVIL PROCEDURE, 1908 O. VII R. 10 — LAND PERMANENTLY SETTLED ON A DISPLACED PERSON VESTS ABSOLUTELY IN THAT PERSON; AN UNCHALLENGED ALLOTMENT ORDER CANNOT BE CIRCUMVENTED BY A SUIT TO CANCEL THE GIFT DEED MADE UNDER IT

Noor Ahmed and others v. Mst. Rashida Bibi alias Jamila Bibi and others

BOTH APPEALS ALLOWED; JUDGMENTS OF THE TRIAL COURT, APPELLATE COURT AND HIGH COURT SET ASIDE; THE RESPONDENTS' SUIT DISMISSED AND THE DISPUTED 3/8 MUTATION CANCELLED; APPROVED FOR REPORTING

Civil Appeals No. 263 and 264 of 2015, Supreme Court of Pakistan (against the judgment dated 23.05.2014 of the Lahore High Court, Lahore in C.Rs. No. 2422 of 1996 and 2056 of 2002) · Bench: Jamal Khan Mandokhail and Irfan Saadat Khan, JJ (order by Jamal Khan Mandokhail, J) · Decided: 31.03.2026 · Uploaded: 08.09.2026

FACTS

Mst. Nawab Bibi, widow of Abdul Karim, migrated from India after Partition and applied to the Chief Settlement Commissioner for the grant of land under the Displaced Persons (Land Settlement) Act, 1958 in compensation for property left behind. Her claim was verified and the properties allotted to her, whereupon she gifted them to her daughter, Mst. Fazal Bibi, by registered gift deed dated 24.09.1963. The respondents, claiming to be collaterals of Abdul Karim, filed Civil Suit No. 254 of 1963 within weeks of the gift, contending that Mst. Nawab Bibi held her husband's leftover Indian property only as a limited owner and that they were entitled to a 3/8 share. The Civil Court returned the plaint on 28.05.1965 under Order VII Rule 10 CPC, holding that the subject matter was evacuee property beyond its jurisdiction; that order attained finality after the appellate and revisional remedies were exhausted. More than six and a half years later, on 08.05.1970, the respondents filed a fresh suit for cancellation of the same gift deed. It was decreed in 1980 and affirmed by the Appellate Court in 1996 and the Lahore High Court in 2014. The connected appeal concerns a further allotment made to Mst. Nawab Bibi in 1971, of which the respondents had succeeded in mutating a 3/8 share into their own names.

LEGAL ISSUE

Whether a second suit for cancellation of a gift deed was maintainable after the plaint in the earlier suit had been returned for want of jurisdiction over evacuee property; whether the suit was barred by Article 91 of the Limitation Act and by section 25 of the Act of 1958; and whether persons claiming as collaterals of the deceased, who never claimed displaced-person status, have any locus standi to challenge an allotment made to a displaced person in her own right.

HOLDING

Both appeals were allowed. The right to seek allotment under the Act of 1958 was confined to displaced persons, and the respondents never claimed that status in either suit. The allotment to Mst. Nawab Bibi, being unchallenged through the remedies of recall, appeal and revision available under sections 14(1-A), 18 and 19, attained finality under section 22 and vested the land in her absolutely under section 16; without assailing that title document, a suit to cancel the gift deed made under it could not lie. Section 25 barred the Civil Court's jurisdiction, and the suit, filed in 1970 in respect of a gift deed known to the plaintiffs since 1963, was ex facie barred by Article 91 of the Limitation Act. Even on the respondents' own case the claim failed: the allotment was in lieu of Mst. Nawab Bibi's own share, not of the whole estate; and under the principle of Radd the residue would revert to the Qur'anic sharers rather than devolve on distant collaterals. Though the findings below were concurrent, they rested on misreading and non-reading of evidence and non-application of the relevant law and could not be sustained.

LEGAL SIGNIFICANCE

A valuable authority on evacuee and displaced-person property, an area where litigation continues seventy years on. Three points will be relied on. First, the finality conferred by sections 16, 22 and 25 of the Act of

1958 cannot be sidestepped by attacking a derivative instrument — the challenge must be to the allotment order itself, through the statutory remedies. Secondly, the Court's treatment of collateral succession is unusually explicit: the claim of collaterals is described as generally feeble, remote relationships require strong oral and documentary proof including birth and marriage records, and the claimant must establish the complete line of succession and the absence of nearer heirs. Thirdly, the Court restates the circumstances in which it will disturb concurrent findings, emphasising that as final adjudicator it must not be influenced merely by concurrence where the findings rest on misreading, non-reading or non-application of law.

LEGAL PROPOSITIONS (VERBATIM)

- *The right to seek allotment under the Act was therefore confined to displaced persons.*
- *It is a settled proposition of law that a document creating title in favour of a person carries with it a presumption of truth, unless rebutted.*
- *As per the law of inheritance, the claim of collaterals is generally feeble because inheritance rights typically flow downwards to children and upwards to parents, before devolving upon the collateral relatives.*
- *In cases involving a remote relationship, a claim of collateral succession requires strong and reliable oral and documentary evidence, such as birth records and marriage records, etc.*

LEGAL PRINCIPLES EXPOUNDED

Land on which a displaced person is permanently settled under the Act vests absolutely in that person, notwithstanding any other law.

Source: Notwithstanding anything contained in any other law for the time being in force, the land on which a displaced person is permanently settled under this Act shall vest absolutely in such person.

Authority: Section 16, Displaced Persons (Land Settlement) Act, 1958

An allotment order which has gone unchallenged through the statutory remedies attains finality and cannot be called in question in a Civil or Revenue Court; a suit attacking a derivative instrument without assailing the allotment does not lie.

Source: The allotment order has since remained unchallenged; hence, it attained finality and cannot be called in question in view of section 22 of the Act of 1958

Authority: Sections 14(1-A), 18, 19, 22 and 25, Displaced Persons (Land Settlement) Act, 1958

Where no male agnatic residuary exists, the residue reverts to the Qur'anic sharers under the principle of Radd rather than devolving upon distant collaterals.

Source: Under the principle of Radd, where no male agnatic residuary ('asabah') exists, the residue remaining after distribution of the prescribed shares ordinarily reverts to the Qur'anic sharers themselves, rather than devolving upon distant collaterals, particularly in presence of a widow and a daughter of the deceased.

Authority: Muhammadan law of inheritance

Concurrent findings will not be disturbed as a matter of course, but they cannot stand where they rest upon misreading or non-reading of evidence or the misapplication or non-application of the relevant law.

Source: Ordinarily, this Court does not interfere with concurrent findings of fact recorded by the courts below. However, if such concurrent findings are based on a misreading or nonreading of the evidence, a misapplication or non-application of the relevant law, they cannot sustain.

Authority: Article 185, Constitution of Pakistan, 1973

OPERATIVE ORDER

Thus, in view of the above, the judgments dated 04.11.1980, 30.07.1996 and 23.05.2014 passed by the Trial Court, the Appellate Court and the High Court, respectively are set aside. The suit filed by the respondents/plaintiffs is dismissed. ... In view of what has been discussed herein above, the judgment and decree dated 28.08.2000 passed by the Trial Court and upheld by the Appellate Court and the High Court vide judgments and decrees dated 03.08.2002 and 23.05.2014 are set aside. The suit filed by the appellants is hereby decreed. Consequently, the disputed mutation to the extent of 3/8 share in the name of the respondents/defendants is cancelled and the revenue authorities are directed to effect said mutation in the name of the appellants.

■ [View Full Judgment](#)

Lahore High Court

1 judgment

CODE OF CRIMINAL PROCEDURE, 1898 S. 491; GUARDIANS AND WARDS ACT, 1890; CONSTITUTION OF PAKISTAN, 1973 ART. 199 — SECTION 491 CR.P.C. IS A SUMMARY, PROTECTIVE JURISDICTION FOR INTERIM CUSTODY AND CANNOT BE USED TO IMPOSE SURETY AND TRAVEL RESTRICTIONS CURTAILING THE LIBERTY OF THE PARENT TO WHOM CUSTODY IS RESTORED

Mst. Misbah Bibi v. Additional Sessions Judge, etc.

PETITION ALLOWED; THE CONDITIONS IMPOSED BY THE ADDITIONAL SESSIONS JUDGE SET ASIDE TO THE EXTENT CHALLENGED; APPROVED FOR REPORTING

Writ Petition No. 46971 of 2026, Lahore High Court, Lahore (2026 LHC 5587) · Bench: Asad Ali Bajwa, J · Decided: 31.08.2026 · Uploaded: 08.09.2026

FACTS

The petitioner, a deserted wife residing with her parents in District Hafizabad, obtained the custody of her minor child, aged about one year, from the Additional Sessions Judge, Sheikhpura in proceedings under section 491 Cr.P.C. While handing over custody by order dated 10.08.2026, that Court imposed two conditions: that she furnish a bond in the sum of Rs. 700,000 with one local surety, and that she not remove the minor from the territorial jurisdiction of the Court except in an emergency on account of health. She challenged both conditions under Article 199, contending that they lay beyond the scope of section 491 and that the travel restriction was misconceived given her residence in Hafizabad. The respondent husband opposed the petition on maintainability and on the merits, relying on Muhammad Abbasi v. SHO Bhara Kahu (PLD 2010 SC 969) and two High Court decisions.

LEGAL ISSUE

Whether a Court exercising jurisdiction under section 491 Cr.P.C., having restored the interim custody of a minor of tender age to the mother, may impose conditions requiring a surety bond and restraining her from removing the child beyond its territorial jurisdiction.

HOLDING

The petition was allowed and both conditions set aside. The Court held the petition maintainable because no remedy against the impugned order was available. On the merits, the jurisdiction under section 491 is extraordinary, summary and protective, exercisable in cases of real urgency essentially to regulate interim custody and to secure release from illegal or improper detention; the question of final custody belongs to the Guardian Court under the Act of 1890, and the two jurisdictions operate in their respective fields. Having found the tender-aged minor fit to be entrusted to the mother, the Court below ran the entire jurisdictional gamut and was not obliged to proceed further. Binding a custodial parent not to remove the minor from the territorial bounds of the Court is itself an incident of the regulation of interim custody, which lies with the Guardian Court; imposing it under section 491 would push the two jurisdictions onto a collision course and clog the petitioner's right to choose the competent forum. An apprehension of removal may justify a provisional, proportionate condition, but not an indefinite or perpetual restraint on liberty.

LEGAL SIGNIFICANCE

A clear demarcation of two jurisdictions that are routinely conflated in practice, and a useful corrective for orders which, under the guise of regulating interim custody, impose surety and travel conditions on a mother. The reasoning turns on jurisdictional competence rather than discretion: the restraint sought is an incident of interim custody regulation, which the Act of 1890 assigns to the Guardian Judge, so the section 491 Court simply lacks the power. The judgment also supplies the proportionality test for any protective condition that is imposed — provisional, proportionate to the apprehended risk, and co-extensive with the purpose — and confirms that the remedy for a father who fears removal is to approach the Guardian Court, not to seek a perpetual embargo from the Sessions Court.

LEGAL PROPOSITIONS (VERBATIM)

— *The remedy under Section 491 Cr.P.C. is distinct from and does not supplant the jurisdiction of the Guardian Court.*

— This provision is neither substitution nor an alternate to the mechanism and procedure laid down in the Act, 1890.

— The conditions imposed by respondent No.1 are completely alien to the scheme and object of section 491 Cr.P.C.

— The jurisdiction under Section 491 Cr.P.C. is summary in nature and is primarily intended to secure release from illegal or improper detention.

LEGAL PRINCIPLES EXPOUNDED

The jurisdiction under section 491 Cr.P.C. in custody matters is extraordinary and confined to cases of real urgency, its office being to regulate interim custody only.

Source: The jurisdiction under Section 491, Cr.P.C. in matters relating to the custody of minors is extraordinary and is to be exercised in cases of real urgency, essentially for regulating interim custody

Authority: Section 491, Code of Criminal Procedure, 1898; Hussan Begum v. 1st Additional District and Sessions Judge, Karachi West (2013 P.Cr.L.J. 1503)

Section 491 is a carve-out provision to be used sparingly; it cannot be stretched to encroach upon the Guardian Court's power to regulate interim custody, which includes binding a custodial parent as to the minor's movement.

Source: It is well settled that jurisdiction under section 491 Cr.P.C. being a carve out provision must be used sparingly and in cases of real urgency and cannot be so extended and stretched to encroach upon the regular jurisdiction of the Guardian court which is empowered under the Act, 1890 to regulate interim custody.

Authority: Nisar Muhammad v. Sultan Zari (PLD 1997 SC 852); Mst. Nadia Perveen v. Mst. Almas Noreen (PLD 2012 SC 758)

The legislative purpose of section 491 is to secure liberty from illegal confinement and to make a stop-gap arrangement restoring a tender-aged minor to the parent unlawfully deprived of custody.

Source: The fundamental legislative purpose underlying Section 491 Cr.P.C is to ensure the liberty of persons in illegal public or private confinement and an emergency and/or stop-gap arrangement for ensuring the restoration of the custody of the minors of tender age to the parent who have been deprived from such custody on account of unlawful snatching of the minor.

Authority: Section 491, Code of Criminal Procedure, 1898

A protective condition, where justified, must remain provisional, proportionate to the apprehended risk and co-extensive with the purpose for which it is imposed; it may not operate as a permanent curtailment of liberty.

Source: Any such restriction must necessarily remain provisional, proportionate to the apprehended risk, and co-extensive with the purpose for which it is imposed.

Authority: Section 491, Code of Criminal Procedure, 1898; Constitution of Pakistan, 1973

OPERATIVE ORDER

In view of the foregoing discussion, the instant petition is allowed. Consequently, the conditions imposed upon the petitioner vide impugned order dated 10.08.2026 passed by respondent No.1, to the extent challenged herein, are hereby set aside.

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Sindh High Court

6 judgments

SINDH CIVIL SERVANTS (APPOINTMENT, PROMOTION AND TRANSFER) RULES, 1974 R. 11-A; SINDH CIVIL SERVANTS ACT, 1973 S. 2(B); CONSTITUTION OF PAKISTAN, 1973 ARTS. 10-A, 199, 199(1A), 212(3); SINDH GOVERNMENT RULES OF BUSINESS, 1986 R. 26 — THE SAVING IN GENERAL POST OFFICE V. MUHAMMAD JALAL PROTECTS APPOINTMENTS ACTUALLY MADE; A FORGED INSTRUMENT IS NO APPOINTMENT AT ALL, BUT FORGERY CANNOT BE FOUND ON AFFIDAVITS WITHOUT NOTICE AND HEARING

Hosh Muhammad Panhwar v. Province of Sindh and others (with four connected petitions)

PETITIONS DISPOSED OF WITH A DIRECTION TO CONSTITUTE AN INQUIRY COMMITTEE AND DETERMINE THE AUTHENTICITY OF THE DOCUMENTS ON NOTICE AND HEARING WITHIN SIXTY DAYS; NO INTERIM DIRECTION FOR RELEASE OF SALARY; APPROVED FOR REPORTING

C.P. Nos. D-1540, D-1541, D-1542, D-1551 of 2025 and D-1914 of 2025, High Court of Sindh, Bench at Sukkur; 2026 SHC SUK 1697 · Bench: Arbab Ali Hakro and Muhammad Osman Ali Hadi, JJ (order by Arbab Ali Hakro, J) · Decided: 10.09.2026 (heard 02.09.2026) · Uploaded: 10.09.2026

FACTS

Five petitioners, each the child or, in one case, the widow of a deceased employee of the School Education & Literacy Department, claimed appointment against the deceased-employee quota. Each said his case had been processed departmentally, approved by the Chief Secretary, recommended by the District Selection Committee, Khairpur at its meeting of 07.06.2024, and followed by an offer letter dated 08.08.2024 and an appointment order dated 15.08.2024 for the post of Junior Clerk (BPS-11), upon which each joined and has since been shown on the muster roll. Their salaries were withheld by reference to the Supreme Court's judgment of 26.09.2024. The respondents' answer went further than the ordinary: they asserted that no recommendation, offer or appointment ever emanated from a competent authority. Two sets of minutes exist for the same meeting — one circulated on 30.07.2024 showing eight cases, another circulated on 31.07.2024 showing the residue of twenty-six. The Deputy Commissioner who presided denied issuing the second set; the Section Officer (SR-II) disowned his signature; the District Education Officer denied signing the offer letters and appointment orders; and the Senior Superintendent of Police and the Medical Superintendent reported the character antecedent and medical fitness certificates to be fake. A fact-finding inquiry by the Additional Secretary (Services-I) found the disputed minutes unsigned and unissued, but no petitioner was noticed, summoned or heard in it.

LEGAL ISSUE

Whether a writ can issue for release of salary and continuation in service upon instruments whose authenticity is denied by every authority from which they purport to emanate; and what course a Court should adopt where an allegation of forgery is weighty on the material but incapable of determination on affidavits and has never been put to the persons affected.

HOLDING

The petitions were disposed of with directions rather than granted or dismissed. The Court first repelled the Article 212(3) objection on the respondents' own showing: if the petitioners were never appointed they are not civil servants under section 2(b) and the Service Tribunal has no jurisdiction, and the respondents cannot in the same breath deny the appointments and insist on a forum open only to civil servants. It then dispelled the departmental misconception that General Post Office, Islamabad v. Muhammad Jalal (PLD 2024 SC 1276) barred the claim: that judgment operates prospectively and expressly saves appointments already made, so had these appointments been genuine it would have furnished no answer. But the saving protects appointments made, and a forged instrument is not an appointment at all. The controversy therefore reduced to the genuineness of the documents, a question of fact requiring originals, expert comparison and cross-examination, which the Court declined to determine under Article 199. Nor could the earlier fact-finding inquiry conclude the matter, having proceeded on photocopies and WhatsApp images without notice to the petitioners. The Court directed a fresh inquiry on notice, with forensic examination, within sixty days.

LEGAL SIGNIFICANCE

An instructive judgment on how a constitutional court should handle a serious allegation of fraud that it cannot itself try. The Court's answer to the objection founded on PLD 2025 SC 11 — that a High Court has no suo motu jurisdiction and cannot travel beyond the prayer, a principle now in Article 199(1A) — repays close

reading: a direction that the respondents determine, on notice and hearing, the very question on which their own defence rests is characterised as a lesser relief comprehended within the greater one sought, not as relief granted suo motu. The distinction the Court draws between an irregular appointment (where the appointee does not suffer for the appointing authority's lapse, per Collector of Customs, Zulfiqar Ali, Muhammad Akhtar Shirani and Ghulab Khan) and an appointment that never existed is the key to the case: a forgery is not the lapse of an appointing authority, it is the absence of one.

LEGAL PROPOSITIONS (VERBATIM)

- *It is, however, one thing to say that the material is weighty and quite another to record a finding of forgery.*
- *A fact-finding inquiry is an internal and preliminary step taken to ascertain whether a case for further action exists; it is no substitute for a proceeding in which the person affected is confronted with the material and heard.*
- *The second is that nothing upon this record connects any of the petitioners personally with the fabrication.*
- *But the principle presupposes an appointment made by someone in authority. It has no application where the very existence of the act of appointment is denied and the instruments evidencing it are said to be forged, for a forgery is not the lapse of an appointing authority; it is the absence of one.*

LEGAL PRINCIPLES EXPOUNDED

The saving in General Post Office v. Muhammad Jalal protects appointments already made; it cannot operate upon a forged instrument, which is not an act of the State at all.

Source: *A forged instrument is not an appointment made; it is not an act of the State at all, and there is nothing upon which the saving may operate.*

Authority: *General Post Office, Islamabad v. Muhammad Jalal (PLD 2024 SC 1276); The Province of Sindh v. Azhar Ali (2025 SCLR 6)*

The judgment in General Post Office operates prospectively, appointments already effectuated being protected under the doctrine of past and closed transactions.

Source: *It is by now settled that the said judgment operates prospectively and that appointments already effectuated and matters which have attained finality, stand protected under the doctrine of past and closed transactions*

Authority: *General Post Office, Islamabad v. Muhammad Jalal (PLD 2024 SC 1276); The Province of Sindh v. Azhar Ali (2025 SCLR 6)*

The genuineness of a signature is a question of fact requiring originals, expert comparison and cross-examination, and is not to be determined in constitutional jurisdiction.

Source: *The genuineness of a signature is a question of fact which ordinarily requires the production of the originals, comparison by an expert and the testing of the deponents by cross-examination.*

Authority: *Article 199, Constitution of Pakistan, 1973; Special Secretary-II (Law & Order), Home & Tribal Affairs Department, Government of Khyber Pakhtunkhwa v. Fayyaz Dawar (2023 SCMR 1442)*

A direction that the competent authority determine, on notice and hearing, the very allegation on which its own defence rests is a lesser relief comprehended within the greater relief sought, and offends neither Article 199(1A) nor the rule against suo motu jurisdiction.

Source: *A direction that the allegation be determined by the competent authority upon notice and hearing, before any adverse consequence is visited upon the petitioners, is not a relief foreign to these petitions; it is a lesser relief comprehended within the greater one which they seek and which we decline for the present.*

Authority: *Article 199(1)(a)(i) and 199(1A), Constitution of Pakistan, 1973; PLD 2025 SC 11; Article 10-A, Constitution of Pakistan, 1973*

A respondent cannot simultaneously deny that the petitioners were ever appointed and insist that they pursue a forum open only to civil servants.

Source: *Nor can the respondents, in the same breath, deny that the petitioners were ever appointed and insist that they seek their remedy before a forum open only to civil servants.*

Authority: *Section 2(b), Sindh Civil Servants Act, 1973; Article 212(3), Constitution of Pakistan, 1973*

OPERATIVE ORDER

Accordingly, in view of the disputed factual matrix and the seriousness of the allegations raised by both parties, these petitions are disposed of as follows: (i) The Chief Secretary, Government of Sindh, shall constitute an inquiry committee, headed by an officer not below BPS-20 of the Services, General Administration & Coordination Department, with a nominee each from the Deputy Commissioner, Khairpur, and the School Education & Literacy

Department as members. (ii) The Committee shall determine the authenticity of the minutes of the District Selection Committee dated 07.06.2024 ... (iii) The Committee shall issue notice to each of the petitioners and to every other person named in the disputed minutes ... afford them a personal hearing and an opportunity to produce their originals, and record a speaking finding in respect of each. ... (v) The inquiry shall be concluded within sixty days of receipt of a copy of this order ... (vi) Should the Committee find the documents genuine, the competent authority shall, within thirty days of receipt of the report, pass a speaking order confirming the petitioners' entitlement to salary from the date of joining and to continuation in service ... (vii) Until the conclusion of the inquiry and the passing of a speaking order, no coercive action shall be taken against the petitioners beyond the process herein directed. Equally, for the reasons recorded above, no direction is issued for the release of salary or for continuation in service in the interregnum.

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WEST PAKISTAN CIVIL SERVICES PENSION RULES, 1963 R. 1.8(A)-(B); FUNDAMENTAL RULES R. 54-A; CONSTITUTION OF PAKISTAN, 1973 ARTS. 9, 14, 199 — A PENSION MAY BE WITHHELD ONLY UPON CONVICTION FOR A SERIOUS CRIME OR A FINDING OF GRAVE MISCONDUCT REACHED AFTER DUE PROCESS; AN F.I.R. REGISTERED AFTER RETIREMENT IS NO WARRANT FOR WITHHOLDING ANYTHING

Karimullah Khaskheli v. The Province of Sindh and others

PETITION ALLOWED; WITHHOLDING OF PENSION, GP FUND, COMMUTATION, LPR ENCASHMENT AND PAY DECLARED WITHOUT LAWFUL AUTHORITY; RELEASE DIRECTED WITHIN THIRTY AND FIFTEEN DAYS RESPECTIVELY; APPROVED FOR REPORTING

C.P. No. D-1594 of 2025, High Court of Sindh, Bench at Sukkur; 2026 SHC SUK 1696 · Bench: Arbab Ali Hakro and Muhammad Osman Ali Hadi, JJ (order by Arbab Ali Hakro, J) · Decided: 08.09.2026 · Uploaded: 08.09.2026

FACTS

The petitioner joined the Police Department as a Constable on 13.04.1983 and retired on superannuation as a Sub-Inspector (BPS-14) on 14.05.2024, after forty-one years' service, having latterly been posted as Incharge Kot (Arms and Ammunition Store) at Police Headquarters, District Khairpur. The retirement order of 03.05.2024 simultaneously sanctioned 365 days' lump sum pay as encashment in lieu of Leave Preparatory to Retirement. Two years later he had received nothing — no pension, no General Provident Fund, no commutation, no LPR encashment. His successor was posted on the very day he demitted office. An enquiry into an alleged shortage of arms was entrusted only on 01.10.2024 and reported on 29.01.2025; a checking committee constituted on 12.06.2025 had still reported nothing; F.I.R. No. 227 of 2025 under section 409 PPC was registered on 28.07.2025 and the papers sent to the Anti-Corruption Establishment on 04.08.2025. The department rested on two grounds: the absence of a Clearance Duty Certificate from the successor, and the pending criminal case. There was no statement of allegations, charge-sheet, show-cause notice, or any order at any time withholding the pension; the pension case had simply not been prepared.

LEGAL ISSUE

Whether the pension and other retirement dues of a civil servant who retired on superannuation with nothing pending against him may be withheld on the strength of an F.I.R. registered more than fourteen months after retirement and the want of a departmental clearance certificate.

HOLDING

The petition was allowed. Maintainability was upheld: the petitioner ceased to be a civil servant on retirement, there was no order from which he could appeal to the Service Tribunal, his grievance was against inaction alone, and payment of pension touches Articles 9 and 14. Rule 1.8(a) prescribes two conditions only — conviction for a serious crime, or a finding of grave misconduct reached after following the procedure for the penalty of removal — and neither was present. An F.I.R. is an accusation, not an adjudication, and to treat it as a conviction would invert the presumption of innocence and read a third condition into the Rule. Rule 1.8(b) presented a further and insuperable obstacle: recovery is permitted only of a loss found in judicial or departmental proceedings, and no departmental proceedings may be instituted more than a year after retirement — a year which expired on 14.05.2025, before the committee, the F.I.R. and the request for departmental proceedings. The clearance certificate ground was rejected: no rule makes it a condition precedent, the duty to obtain it lay with the department, and a formality designed to safeguard revenue

cannot defeat the right the same rules confer. The GP Fund is the petitioner's own money, held in trust.

LEGAL SIGNIFICANCE

A forceful judgment that will be cited in every case of a pension withheld on the strength of a pending criminal case. It fixes the two conditions in Rule 1.8(a) as exhaustive and identifies the one-year limit in Rule 1.8(b) as a hard bar on belated departmental proceedings — a point often overlooked by departments that begin inquiries after retirement. The Court's treatment of the clearance certificate is equally useful: it locates the duty to obtain it on the department, notes that the successor was posted the same day, and declines to let the department convert its own default into a disability of the pensioner. The judgment also records that the department's own enquiry report contradicted the F.I.R., the M.P.-5 rifle having been found deposited back in the Kot store and the entries traced to 2009. The direction to the Inspector General of Police to examine why the case lay unprocessed for over two years gives the decision teeth.

LEGAL PROPOSITIONS (VERBATIM)

- *An F.I.R. is an accusation; it is not an adjudication.*
- *To treat the mere lodging of a criminal case as though it were a conviction would be to invert the presumption of innocence and to read into Rule 1.8(a) a third condition which its framers did not put there.*
- *A departmental formality devised to safeguard public revenue may not be pressed into service as an instrument for defeating a right that same body of rules confers.*
- *It is the accumulation of the petitioner's own deductions, held by the State in trust for him and at no stage does it become the property of the department.*

LEGAL PRINCIPLES EXPOUNDED

Only two conditions permit the withholding of a pension: conviction for a serious crime, or a finding of grave misconduct reached after following the procedure prescribed for the penalty of removal from service.

Source: Two conditions alone are thus prescribed for the withholding of a pension: conviction for a serious crime or a finding of guilt of grave misconduct arrived at after following the procedure prescribed for the imposition of the penalty of removal from service.

Authority: Rule 1.8(a), West Pakistan Civil Services Pension Rules, 1963 (as applicable in Sindh)

Recovery from a pension requires a loss found in judicial or departmental proceedings, and no such proceedings may be instituted more than one year after retirement.

Source: a finding of such loss in judicial or departmental proceedings is a condition precedent to recovery and that no inquiry could be conducted after one year of the pensioner's retirement

Authority: Rule 1.8(b), West Pakistan Civil Services Pension Rules, 1963; *Province of the Punjab v. Munir Hussain Shah* (1998 SCMR 1326)

Pension is not bounty but deferred wages, a right protected by Articles 9 and 14; withholding it leaves the pensioner exposed to indignity, vulnerability and want.

Source: it has been held that pension is not a matter of bounty, charity or benevolence but a right protected by Articles 9 and 14 of the Constitution, being deferred wages earned by years of faithful service and that to withhold it is to leave the pensioner exposed to indignity, vulnerability and want

Authority: *Shakeel Ahmed Kayani v. Managing Director/Chief Executive Officer* (2026 SCMR 449); *Government of N.-W.F.P. v. Muhammad Said Khan* (PLD 1973 SC 514)

Disciplinary proceedings not concluded before superannuation abate; an employee may not be penalised for an inquiry left incomplete at his retirement.

Source: it was held that an employee cannot be penalised for an inquiry that was not completed before his retirement

Authority: Rule 54-A, Fundamental Rules; *Abdul Lateef v. Services, General Administration and Coordination Department* (2025 PLC(CS) 732)

The duty to complete the handing and taking over of charge and to obtain the clearance certificate lies with the department, not the retiring officer.

Source: The duty to maintain the Kot register, to supervise the handing and taking over of charge, and to obtain the certificate at the time of relinquishment lies with the department itself

Authority: West Pakistan Civil Services Pension Rules, 1963

OPERATIVE ORDER

For the foregoing reasons, this petition is allowed. We declare that the withholding of the petitioner's monthly pension, General Provident Fund, commutation, encashment in lieu of Leave Preparatory to Retirement, and admitted pay, in the absence of any conviction, any finding of grave misconduct recorded after due process, and any departmental proceedings instituted within one year of 14.05.2024, is without lawful authority and of no legal effect. Consequently, we direct as follows: i. Respondents Nos. 2 and 3 shall finalise the pension papers of the petitioner and transmit the Pension Payment Order and Last Pay Certificate to respondent No. 4 within thirty days of receipt of this order, the want of a Clearance Duty Certificate notwithstanding; ii. Respondent No. 4 shall, within fifteen days of receipt of the papers, release to the petitioner his pension, together with arrears with effect from 14.05.2024, his General Provident Fund, commutation, and the amount of encashment in lieu of Leave Preparatory to Retirement sanctioned by order dated 03.05.2024, together with such pay as may, on verification, be found outstanding; iii. Nothing in this order shall be read as expressing an opinion on the merits of F.I.R. No. 227 of 2025, or as impeding its investigation or trial in accordance with law and iv. Should the petitioner hereafter be convicted of a serious crime, or should any loss be found against him in judicial proceedings to have been caused by his negligence or fraud, it shall be open to the competent authority, after notice to him and an opportunity of hearing, to take such action under Rule 1.8 of the Pension Rules as the law permits.

■ View Full Judgment

NEPRA CONSUMER SERVICE MANUAL CLL. 5.2.6, 8.4, 10.3; ELECTRICITY ACT, 1910 S. 26(6); GENERAL CLAUSES ACT, 1897 S. 24-A; CONSTITUTION OF PAKISTAN, 1973 ART. 199 — A DISPUTED ELECTRICITY BILL IS FOR THE ELECTRIC INSPECTOR AND THE DEPARTMENTAL COMPLAINT MECHANISM, NOT CONSTITUTIONAL JURISDICTION; BUT THE EXISTENCE OF AN ALTERNATE REMEDY DOES NOT ENTITLE THE AUTHORITY TO LEAVE A GRIEVANCE UNATTENDED

Ghulam Shabir v. Federation of Pakistan and others

PETITION DISMISSED IN LIMINE FOR WANT OF MAINTAINABILITY, WITH THE OBSERVATION THAT THE SEPCO FUNCTIONARIES REMAIN UNDER A LEGAL OBLIGATION TO DECIDE ANY DULY SUBMITTED APPLICATION; APPROVED FOR REPORTING

C.P. No. D-740 of 2026, High Court of Sindh, Circuit Court, Larkana; 2026 SHC LAR 1705 · Bench: Riazat Ali Sahar and Ali Haider 'Ada', JJ (order by Ali Haider 'Ada', J) · Decided: 09.09.2026 · Uploaded: 09.09.2026

FACTS

The petitioner sought a declaration that an electricity bill for August 2026 of Rs. 4,04,114 raised against his meter was illegal, on the ground that he was no longer a consumer, the meter having been permanently disconnected. He relied on his request dated 09.12.2025 and a letter of 12.02.2026 seeking approval for permanent disconnection, and said he had approached the Superintendent Engineer, Executive Engineer and Sub-Divisional Officer of SEPCO by courier without response. No order or document evidencing actual permanent disconnection was annexed, nor was there anything to show that the security deposit had been refunded as clause 5.2.6 of the Consumer Service Manual contemplates on permanent disconnection.

LEGAL ISSUE

Whether the High Court should, in constitutional jurisdiction, declare a disputed electricity bill illegal where the fact of permanent disconnection is not established on the record and statutory and departmental remedies exist; and what obligation lies on the distribution company in respect of representations it has received.

HOLDING

The petition was dismissed in limine. Clause 8.4 of the NEPRA Consumer Service Manual prescribes the procedure for permanent disconnection on a consumer's request — application to the load sanctioning officer, arrangement of the final bill, payment, and issue of a permanent disconnection order effected through ERO — and a mere request followed by correspondence does not establish that the connection stood disconnected. The absence of any refund of the security deposit under clause 5.2.6 pointed the same way. Whether the bill was justified required factual determination on the billing record, meter status, previous consumption and disconnection record, for which section 26(6) of the Electricity Act, 1910 provides a statutory mechanism before the Electric Inspector, with a further reference to the Provincial Government, and clause 10.3 of the Manual provides a departmental billing-complaint mechanism. The Court nevertheless recorded that the SEPCO functionaries remain bound to decide any duly submitted application, section 24-A of the General Clauses Act requiring statutory powers to be exercised reasonably, fairly and justly, with

reasons given.

LEGAL SIGNIFICANCE

A short but practically useful decision for utility litigation. It sets out precisely what a consumer must produce to establish permanent disconnection — the disconnection order itself, and, as corroboration, the refund of the security deposit — and confirms that correspondence alone will not do. It equally confirms that a billing dispute belongs before the Electric Inspector under section 26(6), following *Erum Heights* (2001 CLC 321) and *Muhammad Saleem* (2010 YLR 2946). The passage of real value to practitioners is the Court's refusal to let the availability of that remedy excuse departmental silence: an authority that receives a representation within its jurisdiction must consider and decide it within a reasonable time, and section 24-A obliges it to give reasons and supply a copy of the order to the person prejudicially affected.

LEGAL PROPOSITIONS (VERBATIM)

- *Thus, a material factual aspect as to the actual status of the petitioner's electricity connection remains unresolved and cannot be determined merely on the basis of the correspondence placed on record.*
- *A perusal of the aforesaid provision further shows that refund of the security deposit is contemplated as a consequence of permanent disconnection.*
- *The said provision obligates the executive authorities to exercise statutory powers in a fair, reasonable, and transparent manner and to provide reasons for their decisions.*
- *Administrative authorities cannot simply disregard a grievance falling within their jurisdiction.*

LEGAL PRINCIPLES EXPOUNDED

A dispute between a licensee and a consumer as to the correctness of a meter or measuring apparatus is to be decided by the Electric Inspector under the statutory mechanism, with a further reference to the Provincial Government.

Source: *In this regard, Section 26(6) of the Electricity Act, 1910 provides a statutory mechanism for resolution of disputes arising between a licensee and a consumer, including disputes requiring determination by the Electric Inspector.*

Authority: *Section 26(6), Electricity Act, 1910*

The legality of an electricity bill is to be resolved through the statutory forum, and the High Court will not enter that factual controversy in constitutional jurisdiction.

Source: *wherein it was observed that a controversy relating to the legality or otherwise of an electricity bill ought to be resolved through the statutory forum/Electric Inspector available under the Electricity Act, 1910, and that it was not appropriate for the High Court to enter into such factual controversy in constitutional jurisdiction*

Authority: *M/s Erum Heights Residents Welfare Association v. Karachi Electric Supply Corporation Ltd. (2001 CLC 321); Muhammad Saleem v. Chief Controller of Billing, K.E.S.C. (2010 YLR 2946)*

A public authority which receives a representation within its jurisdiction must consider and decide it in accordance with law and within a reasonable time.

Source: *If a representation or complaint is duly received by a public authority and relates to a matter falling within its lawful jurisdiction, the concerned authority is expected to consider and decide the same in accordance with law and within a reasonable time.*

Authority: *Section 24-A, General Clauses Act, 1897; Muhammad Ashraf Tiwana v. Pakistan (2013 SCMR 1159)*

The existence of an alternate remedy does not authorise the authority to leave a grievance unattended; it redirects the aggrieved person to the competent forum, which must then decide.

Source: *The existence of an alternate remedy does not authorize the concerned authorities to leave a grievance unattended; rather, the appropriate course is for the aggrieved person to approach the competent statutory or departmental forum, which is then required to consider and decide the matter in accordance with law.*

Authority: *Section 24-A, General Clauses Act, 1897; clause 10.3, NEPRA Consumer Service Manual*

OPERATIVE ORDER

Accordingly, the instant Constitution Petition, being not maintainable in view of the availability of an efficacious alternate remedy and the disputed factual nature of the controversy, is hereby dismissed in limine.

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CODE OF CIVIL PROCEDURE, 1908 S. 11, O. XVII R. 3; FINANCIAL INSTITUTIONS (RECOVERY OF FINANCES) ORDINANCE, 2001 — ORDER XVII RULE 3 REQUIRES JUDGMENT ON THE PLEADINGS AND RECORD AFTER THE PARTY HAS HAD ITS OPPORTUNITY, AND SECTION 11 CANNOT BE INVOKED ON THE STRENGTH OF A JUDGMENT DELIVERED THE SAME DAY IN WHICH NO INDEPENDENT DETERMINATION WAS MADE

M/s Pak National Dates (Pvt) Ltd. and others v. Regional Development Finance Corporation and others

BOTH APPEALS DISPOSED OF; IMPUGNED JUDGMENTS SET ASIDE AND THE SUITS REMANDED TO THE BANKING COURT FOR DECISION WITHIN THREE MONTHS; APPROVED FOR REPORTING

1st Appeals No. D-05 and D-06 of 2020, High Court of Sindh, Bench at Sukkur; 2026 SHC SUK 1684 · Bench: Division Bench, High Court of Sindh, Bench at Sukkur · Decided: 03.09.2026 · Uploaded: 03.09.2026

FACTS

The Regional Development Finance Corporation sued the appellant customers in Suit No. 163 of 1999 before the Banking Court. After issues were framed, the Bank's Incharge Manager Recovery testified and the Bank closed its side. Two witnesses for the customers filed affidavits-in-evidence together with applications, including one to bring the legal heirs of an appellant on record; all the applications were dismissed on the same date without notice, as the court diary of 21.11.2019 shows. On 14.12.2019 the customers sought an adjournment because one of their two witnesses was absent; the request was refused and judgment was given under Order XVII Rule 3 CPC. On the same date, and on the strength of that judgment, the customers' own Suit No. 372 of 2015 was dismissed under section 11 CPC as barred by the decision in the earlier suit. The finding of fraud against the customers was recorded without discussing the evidence, and nothing was said about how much finance was availed, adjusted, or what mark-up accrued. United Bank Limited stated before the High Court that the customers had cleared the outstanding facility and it had no monetary claim against them.

LEGAL ISSUE

Whether a Banking Court may decide a suit under Order XVII Rule 3 CPC where a party's witness was present but not examined, and whether, on the strength of that judgment delivered the same day, the party's own separate suit may be dismissed under section 11 CPC as res judicata.

HOLDING

Both judgments were set aside and the suits remanded. Order XVII Rule 3 is ordinarily invoked where the parties do not produce evidence even after time has been allowed, and the judgment must then be given on the basis of the pleadings and the record available, not in haste. Where one of the customers' witnesses was present, he should have been examined; merely observing that he did not enter the witness box was not sufficient and showed a helplessness on the part of the Court which should not exist. A finding of fraud was recorded without discussing the evidence, and the quantum of the facility, its adjustment and the mark-up accrued were nowhere dealt with. The second judgment compounded the first: section 11 was applied on the same day on the strength of a judgment in which no independent determination of the parties' rights and interests had been made. Both provisions having been misapplied and misinterpreted, the jurisdiction was not properly exercised and the matter had been decided in a slipshod manner.

LEGAL SIGNIFICANCE

A short appellate judgment but a pointed one, and useful to any party met with a summary decision under Order XVII Rule 3 followed by a res judicata bar. It makes two things clear. First, Order XVII Rule 3 is not a licence for haste: the obligation to decide on the pleadings and record survives, a present witness must be examined, and findings as serious as fraud cannot be recorded without discussing the evidence. Secondly, section 11 CPC cannot be bootstrapped onto a judgment delivered the same day which contains no independent determination of the rights and interests of the parties — there must be something actually decided before it can operate as res judicata. The remand gives the customers one further chance to adduce evidence, failing which the matter proceeds.

LEGAL PROPOSITIONS (VERBATIM)

— The said provision is usually invoked when the parties did/do not produce the evidence, even after allowing time by the Court.

— Secondly, the other requirement is that the Judgment is to be given on the basis of pleadings and the record available and not in haste as is done by the learned Banking Court.

— This blatant illegality cannot be ignored.

— It means that the jurisdiction was not properly exercised by the Banking Court which decided the matter in a slipshod manner.

LEGAL PRINCIPLES EXPOUNDED

Where a party's witness is present, he must be examined; an observation that he did not enter the witness box does not suffice and betrays a helplessness which should not exist in a court.

Source: merely by observing that he did not enter the witness box, is not suffice; conversely, it shows somewhat helplessness on the part of the Court, which should not exist.

Authority: Order XVII Rule 3, Code of Civil Procedure, 1908

Section 11 and Order XVII Rule 3 CPC cannot be applied so as to dismiss a separate suit on the strength of a same-day judgment containing no independent determination of the parties' rights.

Source: Consequently, both the above Judgments cannot be sustained and interference is required in this Appellate Proceedings, because both the above provisions (Section 11 and Order 17, Rule 3 of CPC) have been mis-applied, rather mis-interpreted to hand down the impugned Judgments.

Authority: Section 11 and Order XVII Rule 3, Code of Civil Procedure, 1908

A finding of fraud cannot be recorded without discussing the evidence, nor can a banking decree issue without dealing with the facility availed, the adjustments made and the mark-up accrued.

Source: Finding of fraud is given against the Appellants (Customer) without discussing the evidence

Authority: Financial Institutions (Recovery of Finances) Ordinance, 2001; Order XVII Rule 3, Code of Civil Procedure, 1908

OPERATIVE ORDER

Upshot of the above is that both the Impugned Judgments are set-aside. Matters are remanded to the Court. The concerned Banking Court will decide the Suits within three months. One chance will be given to the Appellant-Customer to adduce the evidence failing which the matter will proceed further. Both Appeals disposed of in the above terms.

■ View Full Judgment

CODE OF CRIMINAL PROCEDURE, 1898 SS. 22-A, 22-B, 54, 87, 88, 344, 512; POLICE RULES, 1934 RR. 21.5, 26.1, 26.2, 26.5; FEDERAL CAPITAL AND SIND COURTS CRIMINAL CIRCULARS CH. VI PT. F-II R. 3; SINDH WITNESS PROTECTION ACT, 2013; CONSTITUTION OF PAKISTAN, 1973 ART. 199 — NINE DIRECTIONS FOR JUDICIAL SUPERVISION OF ABSCONDING AND PROCLAIMED OFFENDERS, AND THE LIMITS OF ARTICLE 199 WHERE SECTIONS 22-A AND 22-B PROVIDE A REMEDY

Muhammad Azeem Khuhro v. Province of Sindh and others

PETITION DISMISSED IN THE TERMS OF THE DIRECTIONS ISSUED; APPROVED FOR REPORTING

C.P. No. D-317 of 2026, High Court of Sindh, Circuit Court, Larkana; 2026 SHC LAR 1679 · Bench: Riazat Ali Sahar and Ali Haider 'Ada', JJ (order by Ali Haider 'Ada', J) · Decided: 01.09.2026 · Uploaded: 01.09.2026

FACTS

The petition raised the recurring grievance of complainants that, after registration of an F.I.R., the nominated accused are simply not arrested. The Court framed the issue as whether the police and other law-enforcement agencies fulfil their legal obligations regarding arrest, and examined the statutory scheme: section 54 Cr.P.C. (arrest without warrant), sections 87 and 88 (proclamation and attachment), section 512 (preservation of evidence against an absconder whose apprehension is not likely), Rules 26.1, 26.2 and 26.5 of the Police Rules, 1934 (deferring arrest and obtaining warrants), Rule 21.5 (absconders and hardened criminals), and Chapter VI, Part F-II, Rule 3 of the Federal Capital and Sind Courts Criminal Circulars (maintenance of case diaries recording the processes issued). The Court recorded that in practice such

processes are not issued, notices to sureties are not taken out, warrants are not affixed at conspicuous places including the residence of the accused, and no proper execution reports are obtained; and that once a case is entered in the General Criminal Calendar and Dormant Register, effective judicial oversight often ceases.

LEGAL ISSUE

What steps a trial Court is required to take, once an F.I.R. is registered and a challan submitted against an absconding accused, to secure his attendance; and whether the extraordinary jurisdiction of the High Court may be invoked for that purpose where sections 22-A and 22-B Cr.P.C. and the trial Court's own powers are available.

HOLDING

The petition was dismissed in the terms of nine directions. The Court identified the principal cause of the problem as the absence of effective judicial supervision over the implementation of the law, the prescribed SOPs having gone unmonitored. Where an accused becomes a fugitive, the trial Court must initiate proceedings under sections 87 and 88, renew warrants of arrest where necessary, and complete the essential requirements of those provisions; mere attempts to serve notices are not sufficient compliance, and upon proclamation the Court may at any time order attachment of the proclaimed offender's movable or immovable property. Cases involving absconding accused are not to be consigned to dormant files as a matter of routine but fixed at least twice a month and monitored; all Courts were directed to review their dormant files immediately. Complainants dissatisfied with the progress of investigation should ordinarily avail sections 22-A and 22-B before invoking the extraordinary jurisdiction, and where the challan has been submitted but an accused remains unarrested, the trial Court is to examine whether the requisite process has been undertaken.

LEGAL SIGNIFICANCE

A practice-shaping order rather than a narrow adjudication, and one that should be on the file of anyone prosecuting or defending in a case with an absconding co-accused. The nine directions collect in one place the obligations of the police, the provincial and federal Home departments, the Magistrates and trial Courts, and the prosecution, and tie them to specific provisions and rules. Two directions have immediate practical bite: cases with absconding accused must be fixed at least twice a month rather than consigned to dormant files, and all Courts must immediately review dormant files and fix them for regular proceedings. For practitioners the order also confirms the sequencing: sections 22-A and 22-B are the ordinary remedy for a dissatisfied complainant, and the High Court's extraordinary jurisdiction is not a substitute for the competent forum where statutory and judicial mechanisms exist.

LEGAL PROPOSITIONS (VERBATIM)

- Upon a considered examination, it is evident that the principal reason for the situation referred to hereinabove is the absence of effective judicial supervision over the implementation of the law.
- It is, therefore, the duty of the Court to maintain these registers and ensure effective monitoring of dormant cases.
- This Court finds that the principal reason for the situation is the lack of consistent judicial supervision.
- The extraordinary jurisdiction of this Court is not to be invoked as a substitute for the remedies available before the competent forum, particularly where effective statutory and judicial mechanisms exist.

LEGAL PRINCIPLES EXPOUNDED

Warrants of arrest must be renewed where necessary and the requirements of sections 87 and 88 duly observed; mere attempts at service are not sufficient compliance.

Source: The trial Court is also required, where necessary, to renew the warrants of arrest on subsequent dates; mere attempts to serve notices upon the accused cannot be treated as sufficient compliance.

Authority: Sections 87 and 88, Code of Criminal Procedure, 1898; Rasool Bakhsh v. The State (PLD 2019 Balochistan 63)

Upon issuance of a proclamation the Court may at any time order attachment of the movable or immovable property of the proclaimed offender.

Source: It is further noteworthy that, upon issuance of a proclamation under Section 87, Cr.P.C, the Court may, at any time, order attachment under Section 88, Cr.P.C. of any movable or immovable property belonging to the proclaimed offender.

Authority: Sections 87 and 88, Code of Criminal Procedure, 1898; *Mst. Zarizadgai v. Fida Muhammad* (PLD 1989 Peshawar 10)

Section 512 Cr.P.C. preserves evidence already recorded against an accused who has absconded and whose immediate apprehension is not likely.

Source: In this regard, Section 512, Cr.P.C provides a mechanism for preserving the evidence already recorded against an accused who has absconded and whose immediate apprehension is not likely.

Authority: Section 512, Code of Criminal Procedure, 1898; *Tanveer Ahmad v. The State* (2009 PCr.LJ 919)

Continuous judicial supervision is necessary for the effective implementation of the law and the apprehension of absconding accused; dormant-file cases must be fixed regularly and monitored.

Source: Continuous judicial supervision is, therefore, necessary to ensure effective implementation of law and the apprehension of absconding accused.

Authority: Federal Capital and Sind Courts Criminal Circulars, Ch. VI, Pt. F-II, r. 3; sections 87, 88 and 344, Code of Criminal Procedure, 1898

Cases involving absconding accused are to be fixed at least twice a month and their progress monitored until the lawful process is exhausted.

Source: Such cases shall be regularly fixed, at least twice a month, and their progress shall be effectively monitored until the lawful process for securing the accused is exhausted.

Authority: Federal Capital and Sind Courts Criminal Circulars; sections 87 and 88, Code of Criminal Procedure, 1898

OPERATIVE ORDER

In view of the foregoing circumstances and the directions issued hereinabove, matters concerning the arrest of absconding or proclaimed accused shall ordinarily be dealt with by the competent trial Court in accordance with law. The extraordinary jurisdiction of this Court is not to be invoked as a substitute for the remedies available before the competent forum, particularly where effective statutory and judicial mechanisms exist. Accordingly, the instant Constitutional Petition, being devoid of any further justification for interference, is dismissed in the above terms.

■ View Full Judgment

SINDH FOOD GRAINS (LICENSING CONTROL) ORDER, 1957 CLL. 7, 11; CONSTITUTION OF PAKISTAN, 1973 ART. 199 — A LICENCE AUTHORISES THE REGULATED ACTIVITY SUBJECT TO ITS CONDITIONS; IT CONFERS NO RIGHT TO STORE BEYOND THE PRESCRIBED LIMITS AND NO IMMUNITY FROM LAWFUL INSPECTION, SEARCH AND SEIZURE

Ramesh Lal and others v. Province of Sindh and others

PETITION DISMISSED AS MISCONCEIVED AND DEVOID OF MERIT; APPROVED FOR REPORTING

C.P. No. D-584 of 2026, High Court of Sindh, Circuit Court, Larkana; 2026 SHC LAR 1703 and 2026 SHC LAR 1704 · Bench: Riazat Ali Sahar and Ali Haider 'Ada', JJ (order by Ali Haider 'Ada', J) · Decided: 02.09.2026 (heard 12.08.2026) · Uploaded: 02.09.2026

FACTS

The petitioners, holders of licences issued under the Sindh Food Grains (Licensing Control) Order, 1957 authorising them to keep and store wheat within prescribed limits, complained that the District Food Controllers and other functionaries of the Food Department had unlawfully interfered with their business, conducted unnecessary inspections of their godowns and sealed their wheat stocks. They relied on a Notification dated 08.07.2026 permitting licence holders to retain the maximum permissible quantity at any given time. The respondents answered that the Notification was issued in the larger public interest to regulate stocks, prevent hoarding and profiteering and ensure availability throughout the Province; that they were empowered to inspect premises and act against violations of stock limits; and they relied on a Notification dated 12.06.2026 directing immediate action against unauthorised hoarders and speculators, together with a decision of the Provincial Cabinet. They asserted that two of the petitioners held no valid licences, and

disclosed that certain F.I.R.s had been registered in connection with alleged theft of wheat stocks. The petitioners produced no stock registers or contemporaneous record.

LEGAL ISSUE

Whether functionaries of the Food Department act without lawful authority in inspecting the godowns of licence holders and verifying wheat stocks, and whether a licence by itself entitles the holder to resist inspection or to store in excess of the prescribed limits.

HOLDING

The petition was dismissed. Clause 7 of the Order of 1957 empowers the Licensing Authority to require any person or class of persons holding stocks in excess of the normal prescribed quantity to furnish the requisite information and comply with directions issued according to law. It was for the petitioners to produce their stock registers and other relevant record to establish the quantity actually held and to demonstrate that it was within the permissible limits, and no such exercise was undertaken. The authority therefore could not be said to have acted without jurisdiction merely by requiring production of the record, inspecting the godowns and verifying the quantity. Clause 11 confers additional powers of entry, search and seizure of food grains in respect of which a contravention is found or reasonably suspected, together with inspection of documents and records. A licence merely authorises the regulated activity subject to its conditions and does not authorise any act in contravention. The Court balanced this by recording that inspection, search and seizure must be undertaken strictly in accordance with the prescribed procedure and on lawful and reasonable grounds, and that the regulatory framework must not cause unwarranted hardship to genuine growers, producers, traders and licence holders holding stocks within the permissible limits.

LEGAL SIGNIFICANCE

Timely guidance for a regulatory area that becomes contentious each procurement season. The judgment allocates the burden clearly: a licence holder who complains of unlawful sealing must come to Court with his stock registers and contemporaneous record, and cannot rest on the licence alone. It confirms that clause 11 supplies ample power of entry, search and seizure where a contravention is found or reasonably suspected, and that the validity of a licence is a separate question from compliance with its conditions — the authority remaining free to initiate proceedings if a licence has been obtained, continued or used in violation, subject to challenge before the appropriate forum. The closing caution that the framework must not be applied so as to cause unwarranted hardship to genuine traders holding within-limit stocks is the counterweight a licence holder can deploy against indiscriminate sealing.

LEGAL PROPOSITIONS (VERBATIM)

- *Mere production or annexation of a license cannot, by itself, confer a right upon the license holder to retain or store wheat in excess quantity or to claim immunity from lawful inspection and verification.*
- *A license merely authorizes the holder to carry on the regulated activity subject to the terms and conditions imposed by the applicable law; it does not authorize any act in contravention thereof.*
- *At the same time, the competent authority is required to exercise its statutory powers strictly within the parameters of the law.*
- *At the same time, the regulatory framework cannot be applied in a manner that causes unwarranted hardship to genuine growers, producers, traders or license holders who, in the ordinary course of their business, may have quantities of food grains within the permissible limits at their premises or godowns.*

LEGAL PRINCIPLES EXPOUNDED

The burden lies on the licence holder to produce the stock registers and record establishing the quantity actually held and that it is within the prescribed limits.

Source: *It is, therefore, incumbent upon the petitioners to produce their stock registers and other relevant record before the competent authority so as to establish the actual quantity of wheat in their possession and to demonstrate that the same did not exceed the prescribed limits.*

Authority: *Clause 7, Sindh Food Grains (Licensing Control) Order, 1957*

Requiring production of the record, inspecting the godowns and verifying the quantity of stock is a lawful exercise of jurisdiction, not an act without authority.

Source: *In such circumstances, the competent authority cannot be said to have acted without jurisdiction merely by requiring the petitioners to produce the relevant record, conducting inspection of their godowns and verifying the quantity of wheat stock maintained therein.*

Authority: *Clauses 7 and 11, Sindh Food Grains (Licensing Control) Order, 1957*

The Order confers power to enter and search premises and to seize food grains in respect of which a contravention is found or reasonably suspected, together with inspection of the related documents and records.

Source: *The said provision authorizes the concerned officer, in the circumstances contemplated by law, to enter and search any premises and to seize any quantity of food grains in respect of which a contravention is found or reasonably suspected, besides inspecting the documents and records relating thereto.*

Authority: *Clause 11, Sindh Food Grains (Licensing Control) Order, 1957*

The regulatory measures exist in the larger public interest, to ensure availability of food grains and to prevent hoarding, profiteering and artificial shortage.

Source: *It is also pertinent to observe that the laws and regulatory measures in question have been framed in the larger public interest, with the object of ensuring adequate availability of food grains for supply to the public at large and preventing hoarding, profiteering and the creation of an artificial shortage.*

Authority: *Sindh Food Grains (Licensing Control) Order, 1957*

OPERATIVE ORDER

For the foregoing reasons and in the circumstances discussed above, the instant petition, being misconceived and devoid of merit, is hereby dismissed.

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