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

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

F.C.P.L.A.1766/2026
[against the judgment dated 15.06.2026 passed by the Lahore High Court, Multan Bench, Multan in W.P. No.4736/2022]

Iqrar Haider ***...Petitioner(s)***

Versus

The Member (Consolidation) Board of Revenue, Punjab, Lahore and others ***...Respondent(s)***

For the Petitioner(s)	:	Mr. Agha Muhammad Ali Khan, ASC Syed Rifaqat Hussain Shah, AOR
For Respondent Nos.1-3	:	Mr. Khalid Masood Ghani, Addl. AG
For Respondent No.4	:	Mian Zafar Iqbal, ASC
Research Assistance by	:	Dr. Muhammad Mumtaz, *Research Officer*
Date of Hearing	:	29.10.2026

JUDGMENT

AMIN-UD-DIN KHAN, CJ.- This petition has been filed under Article 175(F)(1)(C) of the Constitution of the Islamic Republic of Pakistan, 1973 challenging the judgment dated 15.06.2026 passed by the Lahore High Court, Multan Bench in Writ Petition No. 4736/2022, whereby the writ petition filed by the petitioner(s) was dismissed.

2. The dispute concerns succession to a horse-breeding tenancy in Chak No. 135/9-L, District Sahiwal, following the death of the petitioner's father, Athar Ali, on 21.06.2019. Despite the District Remount Officer's recommendation and relinquishment of claims by the other legal heirs in the petitioner's favour, the District Collector allotted the tenancy to Respondent No. 4 on 22.01.2021. The Commissioner reversed that order on 16.06.2021, but the Board of Revenue restored it on 16.03.2022. The petitioner's constitutional petition was dismissed by the Lahore

High Court, Multan Bench, on 15.06.2026. Hence, this petition for leave to appeal.

3. We have heard learned counsel for the parties and carefully examined the record in light of their respective submissions.

4. The central question is whether the petitioner's claim to allotment was adjudged in accordance with the governing conditions and policy, upon due consideration of the evidence bearing on his suitability. The discretion conferred upon the Collector under section 10(3) of the Colonization of Government Lands (Punjab) Act, 1912 ("the Act") must be exercised on relevant considerations and in furtherance of the purposes of the grant. Such discretion remains subject to judicial scrutiny where material evidence is disregarded, the governing policy is misconstrued, or an adverse determination lacks a sustainable factual foundation.

5. The legal position governing succession to a horse-breeding tenancy merits clarification. Such tenancy does not devolve upon the heirs as an ordinary heritable estate. Memorandum No. 868-C dated 19.02.1952 nevertheless accords preference, other things being equal, to a suitable heir of a deceased lessee having a good breeding record. Suitability is thus a condition precedent to the application of that preference. The petitioner's claim required consideration of both his status as an heir and his demonstrated capacity to discharge the breeding obligations. Failure to consider the memorandum left the impugned determination deficient in its application of the governing policy.

6. In the present case, the petitioner's suitability was supported by contemporaneous official material. The District Remount Officer, after interviewing the legal heirs, expressly recommended the petitioner in his report dated 24.02.2020, noting his practical experience, association with the deceased allottee and satisfactory management of the bound animal. His appointment as caretaker by the Collector in 2016, together with the appreciation certificates issued by the Remount Department, further substantiated that assessment. The support of the other heirs, though insufficient by itself to confer any right to the tenancy, was also a relevant

consideration. This material required due appraisal, and any finding of unsuitability necessitated cogent reasons addressing its evidentiary significance. Although the District Remount Officer's recommendation did not bind the Collector, it merited due weight as a technical assessment directly bearing upon the purpose of the tenancy. The petitioner's practical experience in managing bound animals and the support of the deceased tenant's family were likewise relevant considerations. Any departure from that recommendation required cogent reasons supported by relevant material. Yet, the petitioner's claim was displaced without an adequate technical assessment of Respondent No. 4's suitability or a reasoned explanation as to why the petitioner's established experience was insufficient. The preference accorded to Respondent No. 4 cannot, therefore, be sustained as a judicious exercise of discretion.

7. Likewise, the mere allegation that the petitioner had installed an electric turbine and erected two structures could not, without more, establish his disqualification. The authorities were required to identify the condition allegedly breached, ascertain the nature and use of those improvements, and consider his explanation that they served irrigation, residential and animal-housing needs. The impugned determination discloses no adequate examination of these matters. It is unnecessary to determine whether the petitioner possessed an unrestricted right to undertake such works; the material infirmity lies in the absence of a reasoned finding that the acts alleged contravened any identified prohibition under the governing conditions. Reliance upon section 24 of the Act must be examined within its statutory framework. Before imposing a penalty or resuming a tenancy for breach, the authority must afford the tenant an opportunity to state his objections. Where the breach is capable of rectification, the proviso further requires written notice allowing a reasonable period, not less than one month, for compliance. A general opportunity of hearing does not satisfy this separate statutory requirement. Accordingly, insofar as the alleged breaches formed the basis for punitive termination or resumption, the authorities were required

to determine whether they were capable of rectification and to observe the safeguards attracted by that determination.

8. This statutory protection must be distinguished from the determination of a tenancy upon the allottee's death under clause 25 of the notification No.2838-C dated 01.07.1942. Section 24 neither confers an automatic right of succession upon an heir nor requires a rectification notice merely because competing claims to fresh allotment are under consideration. Its procedural safeguards cannot, however, be circumvented where the action taken amounts, in substance, to punitive resumption for breach. Even where the allegations are relied upon solely to reject the petitioner's candidature, they require due verification and a reasoned determination of their bearing upon his suitability.

9. Respondent No. 4's eligibility and suitability likewise required determination before preference could be accorded to his claim. The allegations made in his application against the petitioner did not, by themselves, establish his eligibility or superior suitability. Nor could the association attributed to him with the deceased allottee justify disregarding the official record of the petitioner's experience without supporting evidence and a reasoned comparative assessment. The Board of Revenue neither reconciled its conclusion with that record nor disclosed a sustainable basis for reversing the Commissioner's order.

10. These infirmities go to the legality of the decision-making process and disclose non-reading of material evidence. Judicial intervention on these grounds ensures that statutory discretion is exercised lawfully, without substituting the Court's assessment of suitability for that of the competent authority. The learned High Court failed to examine these material questions and thus left undisturbed an administrative determination vitiated by misapplication of the governing framework and disregard of relevant evidence.

11. For the foregoing reasons, leave to appeal is granted, the petition is converted into an appeal and allowed. The impugned judgment dated 15.06.2026 of the Lahore High Court, Multan

Bench, and the order dated 16.03.2022 of the Board of Revenue, Punjab, are set aside. Consequently, the Commissioner's order dated 16.06.2021, reversing the Collector's order dated 22.01.2021 and allotting the tenancy to the petitioner, is restored. The allotment shall remain subject to the governing conditions and continued compliance with the prescribed breeding obligations. No order as to costs.

CHIEF JUSTICE

JUDGE

Islamabad,
29.10.2026
APPROVED FOR REPORTING
RajaAhsan/-