

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

Present:

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

C.P.L.A.5323/2024

*[against the order dated 26.09.2024 passed
by the Lahore High Court, Rawalpindi
Bench, Rawalpindi in W.P. No.977/2013]*

Khaliq us Zaman and another

...Petitioner(s)

Versus

*Deputy District Officer (Consolidation)
Tehsil Jhelum at Attock and others*

...Respondent(s)

For the Petitioner(s) : Syed Qalb-i-Hassan, Sr. ASC

For the Respondent(s) : Mr. Hashmat Ali Habib, ASC
*[Assisted by Ms. Burooj Huma Hashmat,
Adv. High Court]*

Date of Hearing : 26.10.2026

O R D E R

AMIN-UD-DIN KHAN, CJ.- Leave has been sought against the order dated 26.09.2024 passed by the High Court whereby the writ petition filed by the private respondents was disposed of. Learned counsel for the petitioners, at the very outset, referred to the order passed by the High Court dated 18.11.2024, whereby C.M. No. 2092/2024, filed by Mr. Maqsood Ahmad Malik, Advocate for the applicants, was allowed and the order dated 26.09.2024 was rectified to the extent that the sentence “*learned counsel for the Respondents have no objection in this regard*” was deleted from the said order. In this view, learned counsel for the petitioners states that it was not a consent order, whereas the case of learned counsel for the respondents is that the instant civil petition is not competent as the order was a consent order. The arguments of learned counsel for the respondents are factually incorrect in this regard.

2. We have gone through the order whereby it was directed that the revenue hierarchy shall ensure implementation of the earlier judgment of the High Court dated 12.01.2000. The case of learned

counsel for the petitioners is that the said order has been fully implemented by the revenue hierarchy. He has referred to various orders of the revenue hierarchy available in this file. We have gone through the orders and observed that, in the impugned order, the High Court has not decided that the previous order was not implemented. Initially, the impugned order dated 26.09.2024, against which leave has been sought, disposed of the writ petition on the basis of the consent of learned counsel for the parties and the Law Officer. However, when the part recording the consent of learned counsel for the petitioners was deleted by allowing C.M. No. 2092/2024 vide order dated 18.11.2024 by the same Judge, the question of consent no longer arise. In that situation, the High Court was required to adjudicate upon the matter on the basis of the documentary evidence and the orders passed by the revenue hierarchy, particularly when fresh consolidation was to be carried out in the light of the order of the Board of Revenue dated 20.03.1985, whereas the consolidation proceedings in the village had initially commenced in 1979.

3. When the High Court had not decided the petition on merits and had not taken into consideration the fact that the earlier order of the High Court dated 26.09.2024 had already been implemented by the revenue hierarchy, referring the matter back to the revenue hierarchy for consolidation purposes was not sustainable under the law. In this view of the matter, we convert this petition into an appeal and allow the same by setting aside the order passed by the High Court.

4. Before parting with this matter, we deem it necessary to express our concern over the inordinate delay in consolidation proceedings and its adverse implications for the proprietary rights of landowners. The record reveals that proceedings initiated in 1979 have remained embroiled in successive administrative and judicial proceedings for several decades. Such protracted litigation defeats the very object of consolidation, namely, rationalization of landholdings and certainty of proprietary rights. Prolonged administrative inaction not only perpetuates uncertainty regarding ownership and possession but also occasions financial hardship and multiplicity of litigation. The revenue authorities are, therefore,

under a statutory obligation to exercise their powers diligently, fairly and expeditiously, ensuring that valuable property rights, protected under Article 23 of the Constitution, are not rendered illusory through unwarranted delay.

5. We accordingly deem it appropriate to issue the following guiding principles to the revenue authorities, particularly the Senior Member, Board of Revenue, Punjab:

- (i) Consolidation proceedings shall be concluded expeditiously, within prescribed statutory timelines or, where none exist, within a reasonable period.
- (ii) Unnecessary adjournments and administrative delays shall be avoided, and reasons for unavoidable delays shall be recorded.
- (iii) Affected parties shall be afforded due opportunity of hearing, and all determinations shall be based on the relevant record and supported by cogent reasons.
- (iv) Orders attaining lawful finality shall not be reopened except under express statutory authority, and binding judicial directions shall be implemented promptly.
- (v) Repetitive remands and successive proceedings shall be discouraged to prevent multiplicity of litigation.
- (vi) The Senior Member, Board of Revenue, Punjab, shall ensure effective supervision, timely disposal of longstanding matters and accountability for unjustified delays, strictly in accordance with law.

CHIEF JUSTICE

JUDGE

Islamabad,
26.10.2026
APPROVED FOR REPORTING
RajaAhsan/-