

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

**Present**

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

**C.R.P.463/2024 IN C.M.Appeal.167/2023 IN Const.P.NIL/2023**

*[for review of order dated 12.09.2024 passed by the  
Supreme Court of Pakistan in C.M.Appeal 167/2023 in  
Const.P. Nil/2023]*

*Syeda Nasreen Zohra (deceased) through L.Rs*

**...Petitioner(s)**

**Versus**

*Government of Punjab, through Secretary  
Communication & Works Department, Lahore and  
others*

**...Respondent(s)**

For the Petitioner(s) : Mr. Kamran Murtaza, Sr. ASC  
Mr. Shahazada Mazhar, ASC

For the Respondent(s) : Rana Muhammad Shamshad, Addl. AG.  
Mr. Asif Munir, DD Legal, C&W

**On Court's Notice**

For the Federation : Ch. Aamir Rehman, Addl. AGP

For the MDA : Mr. Nadeem Azam, ASC  
Mr. Arsalan Zafar, DD (L), MDA

Date of Hearing : 17.02.2026

**ORDER**

**AMIN-UD-DIN KHAN, CJ.-** This review petition is filed under Article 188 of the Constitution of the Islamic Republic of Pakistan, 1973 **[the Constitution]**, read with Order XXVI of the Supreme Court Rules, 1980 **[the Supreme Court Rules]**, for review of the order dated 12.09.2024 passed in C.M.Appeal No.167/2023, in Constitution Petition Nil/2023, which was filed against the order of the Assistant Registrar (Civil-II) dated 08.11.2023.

2. Petitioner(s) filed a petition under Article 184(3) of the Constitution for a declaration that judgment passed in C.P No.2013-L/2018, C.As No. 5718, 5719, 5799/2021 dated 07.02.2022, and decision dated 12.09.2022 in C.R.P. No.130/2022, both passed by two member bench of the Supreme Court, are *per incuriam*, as it tends to alter, vary and take away rights created in favour of the petitioner(s) by three member bench judgment dated 07.07.2015 passed in C.A. No.1011/2006, C.P. No.538/2006 and C.A. No.2786/2006 reported as *Mst. Nasreen Zahra v. Multan Development Authority and others* (**2015 SCMR 1440**).

3. The office of the Supreme Court raised objection with regard to the maintainability of the petition under Article 184(3) of the Constitution, against the said office objection, the petitioner(s) opted to file a Chamber Appeal, the Judge hearing Chamber Appeal ordered that it be fixed for hearing as C.M.Appeal in the court and a three member bench of the Supreme Court heard and dismissed the appeal vide order dated 12.09.2024, which is reproduced:

*“Through this Civil Miscellaneous Appeal the office order dated 8.11.2023 has been assailed. For ready reference we reproduce clause (a) to (d) of the office order whereby it was ordered that Constitution Petition be returned to the petitioners:*

*a. That the petitioners have not pointed out as to what questions of public importance in the instant case are involved with reference to enforcement of any of the Fundamental Rights guaranteed under the Constitution, so as to directly invoke jurisdiction of the Supreme Court under Article 184(3) of the Constitution.*

*b. That the petitioners are invoking the extraordinary jurisdiction of the Supreme Court under Article 184(3) of the Constitution for the redressal of an individual grievance, which is not permissible in terms of judgment reported as 1998 SCMR 793 titled as "Zulfiqar Mehdi Vs. PIA, etc."*

*c. That ingredients for invoking extraordinary jurisdiction of this Court under Article 184(3) of the Constitution have not been satisfied.*

*d. That the Petitioner has already exhausted legal remedies upto this Court.*

2. In the petition filed under Article 184(3) of the Constitution, the appellant has prayed as follows:

*"It is, therefore, most respectfully prayed that instant petition may kindly be accepted and a declaration may kindly be passed to the effect that judgments passed by the Honourable two member Bench of this Honourable Court in CP 2013-L of 2018, CP 5718, 5719, 5799 of 2021 dated 07.02.2022 and decision dated 12.09.2022 and in CRP 130 of 2022 are **PER INCURIAM** as these decisions have altered, varied and have taken away the rights created in favour of the petitioners through three member Bench judgments dated 07.07.2015 passed in CA No. 1011 of 2006, C.P.No.538 of 2006 & CA No. 2786 of 2006 (reported in 2015 SCMR 1440) as well as judgment dated 26.05.1998 (passed in CA 492 of 1993), and the*

*petitioners may kindly be granted compensation in accordance with the three member Bench decision of this Honourable Court dated 07.07.2015, with any other relief which this Honourable Court deems fit and proper in the circumstances of the case may also be granted in the interest of justice."*

*3. We have heard the learned counsel for the appellant. With regard to maintainability of the petition filed under Article 184(3) of the Constitution against the final determination by this Court when even the Civil Review Petition was dismissed on 12.09.2022, learned counsel is unable to satisfy us that the office objections are not sustainable as he failed to show that the matter pertains to enforcement of any fundamental right and it is not an individual grievance and relates to question of public importance. In these circumstances, when the matter has been finally decided by this Court and the review petition was also dismissed challenging the said judgment and before that appellate jurisdiction was exercised by this Court under Article 185(3) of the Constitution, the petition subject matter of the instant C.M.Appeal is not competent. The office objections are sustained. This C.M.Appeal stands dismissed."*

4. The petitioner(s) filed a review petition under Article 188 read with Order XXVI of the Supreme Court Rules for review of the said order which is now under discussion.

5. Learned counsel for the petitioner(s) argues that when a three-member bench of the Supreme Court earlier decided twice in favour of the petitioner(s), the two-member bench of the Supreme Court was not competent to decide/determine the rights of the parties in contradiction with the earlier judgment of the Supreme Court, and the dismissal of the review petition was also against the law. Therefore, the petition under Article 184 read with Article 187 was filed, which was competent. Even otherwise, the petition can be considered as curative review. The office has wrongly raised the objection with regard to maintainability of petition under Article 184(3) of the Constitution and the order of dismissal of the chamber appeal is not sustainable, therefore, the instant review petition. Learned counsel for the petitioner(s) has relied upon *President, Zarai Taraqiati Bank Limited, Islamabad v. Agha Hassan Khursheed (2022 SCMR 710)*, *State v. Alif Rehman (2021 SCMR 503)*, *PLD 2013 SC 829*, and *Abid Jan v. Ministry of Defence through Secretary, Islamabad (2023 SCMR 1451)*.

6. On the other hand, learned Additional Advocate General, Punjab has referred to the order dated 12.09.2024 whereby the C.M. Appeal was dismissed and states that there is absolutely no scope for filing this review petition and the office objections were rightly sustained while C.M.A was dismissed, and relies upon *Syed Shabar Raza Rizvi v. Federation of Pakistan* **2018 SCMR 514**. He prays for dismissal of the instant review petition.

7. Mr. Aamir Rehman, Additional Attorney General for Pakistan, argues that the petition under Article 184(3) was not maintainable. Further argues that after the Constitution (Twenty-seventh Amendment) Act, 2025 [**27<sup>th</sup> Amendment**], now the matter can be considered under Article 175E(3). He argues that there is no question of public importance with reference to the enforcement of any of the fundamental rights conferred by Chapter 1 of Part II of the Constitution. Therefore, he prays for dismissal of the review petition and with regard to the submission concerning curative review, he refers to the proceedings in the case relating to Qazi Faez Isa and submits that the circumstances of that case were exceptional and arose within a distinct constitutional context. He maintains that no general curative jurisdiction was recognized so as to permit re-opening of concluded judgments as a matter of course. He prays for dismissal of the same.

8. The primary question for determination before this Court is whether the review petition challenging the previous judgement of the Supreme Court under Article 184(3) of the Constitution (as it was before the 27<sup>th</sup> Amendment, and now Article 175E(3)) is maintainable.

9. In these circumstances, it will be appropriate that first the maintainability of the petition under Article 184(3)/175E is decided rather than going into the merits of the case because this review petition challenges the decision of the Supreme Court rendered in C.M.Appeal whereby it was held that petition under article 184(3) is not maintainable. If the answer is in the negative, that the petition under Article 184 is not competent, then there will be no need to further go into the merits, and if the petition is competent, then the determination of the matter on the basis of previous judgments passed by the Supreme Court's three-member bench, as well as the matter decided through the two-member bench of the Supreme Court against which the petition under Article 184 was filed, will be relevant for consideration.

10. The principal controversy before this Court pertains to the maintainability of a petition filed under Article 188 read with Order XXVI of the Supreme Court Rules, against a final judgment of the Supreme Court. The resolution of this question requires an examination of the constitutional scheme, the nature of original jurisdiction in constitutional matters, and the doctrine of finality of judicial decisions.

11. Article 184(3), prior to the 27<sup>th</sup> Amendment, in its settled jurisprudential understanding, conferred original jurisdiction upon the Supreme Court in matters of public importance relating to the enforcement of any of the Fundamental Rights guaranteed under Chapter I of Part II of the Constitution. The scope and ambit of this provision were authoritatively delineated in *Benazir Bhutto v. Federation of Pakistan (PLD 1988 SC 416)*, wherein it was held that the jurisdiction is extraordinary in character and is intended to address issues affecting the public at large rather than to serve as a forum for the redress of individual grievances arising out of concluded litigation. The Court emphasized that public importance and enforcement of fundamental rights are jurisdictional preconditions and not mere formalities.

12. The jurisprudence that followed, including *Watan Party v. Federation of Pakistan (PLD 2011 SC 997)* and *District Bar Association, Rawalpindi v. Federation of Pakistan (PLD 2015 SC 401)*, consistently reaffirmed that Article 184(3) is not an appellate or revisional provision. It does not constitute an avenue for re-agitating matters already adjudicated upon through regular judicial hierarchy. Rather, it is a constitutional mechanism designed to intervene in situations where systemic or structural violations of fundamental rights demand immediate constitutional scrutiny.

13. In the present case, the petitioner(s), having availed the remedy of appeal before the Supreme Court and thereafter the constitutional remedy of review under Article 188 (which was dismissed), invoked Article 184(3). The attempt is, in substance, to challenge a final judicial determination rendered by the apex Court in exercise of its appellate jurisdiction. The constitutional scheme, however, does not contemplate a horizontal appeal against a final judgment of the Supreme Court through invocation of its original jurisdiction.

14. Article 188 of the Constitution expressly provided for review of judgments of the Supreme Court, subject to law and rules framed by the Court. The presence of the review mechanism indicates that the Constitution recognizes only a limited corrective jurisdiction after final adjudication. In *Muhammad Nawaz Sharif v. President of Pakistan (PLD 1993 SC 473)*, the Supreme Court observed that finality of judgments is indispensable to the administration of justice and that unending re-litigation undermines certainty and institutional authority. Similarly, in *Messrs Elahi Cotton Mills Ltd. v. Federation of Pakistan (PLD 1997 SC 582)*, it was held that constitutional interpretation must preserve coherence and cannot permit circumvention of expressly provided remedies.

15. The petitioner(s) has argued that the constitutional reconfiguration introduced by the 27th Amendment, particularly the incorporation of Article 175E(3), permits a broader examination. However, constitutional provisions of similar nature, even after an amendment in the constitution, must be construed harmoniously within the structural framework of the Constitution. Nothing in Article 175E(3) suggests that the Federal Constitutional Court is vested with a supervisory, review or appellate jurisdiction over final judgments of the Supreme Court rendered in appeal and affirmed in review. The jurisdiction continues to be conditioned upon the existence of a question of public importance with reference to enforcement of fundamental rights. It cannot be transmuted into a collateral appellate mechanism.

16. It is equally significant that the dispute at hand concerns compensation arising out of land acquisition proceedings. The matter has traversed the entire judicial hierarchy, including two rounds of appeals before the Supreme Court and a petition filed under article 184(3). The grievance articulated is not one that implicates enforcement of fundamental rights of the public at large; rather, it is a continuation of a private dispute between legal representatives of a landowner and the Provincial Government. The invocation of review petition against an order sustaining the office objection while dismissing C.M.Appeal which held that petition filed under 184(3) was not competent, therefore, appears to be an attempt by the petitioner to reopen a concluded controversy under the guise of constitutional enforcement.

17. If such a course were to be sanctioned, it would render Article 188 redundant and destabilize the doctrine of finality. The Constitution does not envisage perpetual litigation. Judicial discipline demands that there must be a terminus to adjudication. The office objection, therefore, was grounded in constitutional principle and cannot be faulted.

18. For these reasons, we are of the considered view that this review petition is not maintainable against an order whereby C.M.Appeal was dismissed. Hence, this Review Petition is dismissed.

**CHIEF JUSTICE**

**JUDGE**

***Announced in Open Court at Islamabad on 04/03/2026.***

RajaAhsan/-

Approved for reporting