

**FEDERAL CONSTITUTIONAL COURT OF PAKISTAN**

(Appellate Jurisdiction)

**Present:**

Justice Amer Farooq

Justice Muhammad Karim Khan Agha

**C.P.L.A.3912/2025, C.P.L.A.1449-L/2025, C.M.A.1142-L/2025 IN  
C.P.L.A.1449-L/2025, C.M.A.1164-L/2025, C.M.A.1165-L/2025  
C.P.L.A.2015-L/2025**

*(Against the judgment dated 08.07.2025 of the Lahore High Court,  
Lahore in W.P No(s).25439, 8841 & 12682 of 2014)*

Ghulam Hussain and another in C.P.L.A.3912/2025

Muhammad Nawaz in C.P.L.A.1449-L/2025 and  
C.M.A.1142-L/2025 in  
C.P.L.A.1449-L/2025

Muhammad Ayub in C.M.A.1164-L/2025 in  
C.P.L.A.NIL/2025 and C.M.A.1165-  
L/2025 in C.P.L.A.NIL/2025

Ali Imtiaz in C.P.L.A.2015-L/2025  
...Petitioner(s)

***Versus***

Member Board of Revenue, in C.P.L.A.3912/2025 &  
Punjab, Lahore and others C.P.L.A.2015-L/2025

Province of Punjab through in C.P.L.A.1449-L/2025, C.M.A.1142-  
Member (Consolidation), Board of L/2025 in C.P.L.A.1449-L/2025,  
Revenue, Punjab, Lahore and C.M.A.1164-L/2025 in  
others C.P.L.A.NIL/2025 and C.M.A.1165-  
L/2025 in C.P.L.A.NIL/2025  
...Respondent(s)

For the Petitioners : Syed Muhammad Kaleem Ahmad  
Khursheed, Senior ASC  
(in CPLA.2015-L/2025)  
Mr. Kamran Murtaza, Senior ASC and  
Ch. Ahsan-ul-Haq Virk, ASC  
(in FCPLA No.866/2025 and CMA Nos.1164-L and  
1165-L of 2025 in CPLA. Nil/2025)  
Syed Qalb e Hassan, ASC  
(in CPLA.3912/2025)  
Malik Noor Muhammad Awan, ASC  
(in CPLA No.1449-L/2025)  
Mr. Waseem Arif Bhaddar, ASC  
(for LDA in all cases)

For the Respondents : Mr. Khawar Ikram Bhatti, ASC  
(for respondent Nos.14,31,35,43,53,73,105,  
106,107,110,140,144,145,155,164 in case CPLA  
No.1449/2025)  
Mr. Iqbal Ahmad Khan Dhengal, ASC  
(for respondent Nos.7,8,26,62,67,73,77,94,96  
133,164 in case CPLA No.1449/2025)

For the Province of Punjab : Mr. Muhammad Amjad Pervaiz,  
Advocate General Punjab  
Rana Shamshad Khan, Addl. A.G.,  
Punjab  
Dr. Yaser Aman Khan, Addl. A.G.,  
Punjab  
Sanaullah Zahid, Addl. AG, Punjab  
Waseem Mumtaz Malik, Addl. AG,  
Punjab

Muhammad Adil Chatha, Senior  
Consultant

Assisted by : Zarrar Haider Bhatti, Law Clerk.

Date of Hearing : 29.04.2026

### **JUGDMENT**

**Muhammad Karim Khan Agha, J.:** The present petitions seeking leave to appeal stem from a consolidated judgment rendered by the Lahore High Court on 08.07.2025 in the exercise of its constitutional jurisdiction under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973 (the “**impugned judgment**”). The above captioned petitions will be adjudicated together, as they raise common questions of law and fact arising out of the same set of circumstances. Before addressing the legal issues involved, it is essential to first examine the factual background of the case.

2. The consolidation of the two villages of Lahore, Pakistan, Toor and Warriach, was initially confirmed on 31.12.1984, but was later annulled on 22.09.1992 by the Additional Commissioner (Consolidation). A revised consolidation scheme was subsequently introduced on 30.06.1996. Following its introduction, several allegations were raised, leading to an inquiry conducted by the Additional Deputy Commissioner (Consolidation) on 27.06.1999, which dismissed those claims. Thereafter, another inquiry was carried out by the Deputy District Officer (Consolidation), who, through a report dated 26.11.2008, recommended that the consolidation be annulled. Acting upon this report, the Member Board of Revenue (MBR), exercising *suo motu* powers under section 13 of the Consolidation of Holdings Ordinance (the “**Ordinance**”) annulled the consolidation scheme and its earlier confirmation through an order dated 04.02.2009. This order was challenged before the Lahore High Court through a writ petition, resulting in the matter being remanded to the MBR by an order dated 17.01.2011 (the “**remand order**”). The remand order was subsequently upheld by the Supreme Court of Pakistan on 23.01.2013. Upon

reconsideration, the MBR once again annulled the consolidation scheme. This decision was then challenged through multiple writ petitions before the Lahore High Court, which were decided through the impugned judgment. Thereafter, this Court granted an injunctive order on 04.02.2026.

3. Learned counsel for the petitioners submit before this Court that the mandate contained in the remand order passed by the Lahore High Court on 17.01.2011 has not been adhered to by the MBR Consolidation. Instead of confining itself to the scope of the remand, it is argued, the MBR Consolidation exceeded its jurisdiction by undertaking fresh factual inquiries and deciding matters that fell outside the parameters set by the remand order. It is further contended that the petitioners were condemned unheard, with some not even being impleaded as parties at various stages of the proceedings, and no show-cause notices were issued to them. Additionally, the petitioners maintain that the land in question remains amenable to consolidation; in this regard, it is asserted that the acquisition proceedings do not alter its status and consolidation should not be annulled. In contrast, the learned Advocate General, Punjab, contends that the land has lost its agricultural status and, as such, is no longer capable of being consolidated and is in the process of being acquired under the Land Acquisition Act 1894 and any grievance which the petitioners have can now be sought under that Act which is a self contained Act dealing with such situations. It is further submitted that, in any event, the remand order has been duly complied with.

4. Learned counsel for the parties have relied upon various precedents and statutory provisions relevant to the present lis. We have carefully examined the available record with the able assistance of the parties and heard the parties at considerable length.

5. Our analysis begins with the very object underlying land consolidation. Consolidation proceedings are undertaken to promote better agricultural use of land by reorganizing fragmented holdings into more efficient units. In this regard, reference may be made to the case of **Roop Chand v. State of Punjab, 1963 AIR SC 1503**, wherein the purpose of consolidation laws has been succinctly articulated as under:

*“[T]he objects of the [Consolidation] Act appears to be to pool together the entire lands held by different persons in a village and redistribute the same among them on a more utilitarian basis in accordance with a scheme framed for the purpose. The final result that the Act is that instead of his original holding a person is given some other holding”.*

[Emphasis supplied]

Thus, when consolidation pools together disparate parcels of land, its primary objective remains the “improvement of agricultural operations” as held in **Surjan Singh & Ors. v. Financial Commissioner and Ors. 142 (2007) DLT 123 (Delhi High Court)**.

6. **The petitioners themselves conceded before the Lahore High Court that the land in question has lost its agricultural character.** It is now an **admitted position** that land which was once agricultural has been developed with houses and roads, has become part of the urban fabric, and stands connected through the Lahore Ring Road. This transformation and commercialisation have extinguished the very purpose underlying consolidation. It is trite law that once the foundational basis is lost, the superstructure built upon it cannot survive. Accordingly, the object of consolidation, namely, the advancement of agricultural operations, stands frustrated by the subsequent commercialisation of the land. In this regard we cite with approval the judgment of the Supreme Court of Pakistan in **Shamir Khan v. Member (Cons.) Board of Revenue, Punjab, 1992 PLD SC 333** wherein the Court addressed the question whether land, having assumed the character of a residential or commercial area, could be

made the subject matter of consolidation or not. The Court answered the question in the negative, in terms as follows.

***“The idea behind consolidation of holdings is redistribution of or any of the lands in an estate or a division of estate so as to reduce the number of plots. Obviously, consolidation of land was not of the other properties which have undergone the change from its agricultural use to residential or commercial purpose s. As stated earlier, the disputed land, though bearing Khasra numbers and forming part of the estate, is being used for commercial purpose since more than twenty years prior to the initiation of the consolidation proceedings, and the same could not be conveniently included in the consolidation proceedings primarily meant for the agricultural property”. (Emphasis supplied)***

7. Furthermore, it has been brought to our attention by the parties, particularly the Advocate General, Punjab, that land acquisition proceedings have already been initiated and are presently underway under the Land Acquisition Act 1894. This, in itself, gives rise to a significant legal impediment and constitutes an independent ground for dismissal of the petitions. Land acquisition by the State is undertaken for a public purpose and is governed by a distinct and self-contained statutory regime, under which the parties may seek appropriate relief in terms of the Land Acquisition Act, 1894. In this context, it is pertinent to note that the Delhi High Court in **Smt. Sushila Goel v. Govt. of NCT of Delhi, W.P. No. 8157/2024 etc. of 2024** has held that once land acquisition proceedings commence, consolidation proceedings are rendered infructuous. This is so because, when land acquisition proceedings commence under the Land Acquisition Act, 1894, consolidation proceedings become infructuous because the very purpose of the land changes. As we have already noted the purpose of consolidation is aimed at improving agricultural operations by reorganizing fragmented holdings, whereas acquisition is undertaken for a public purpose, leading to the transfer of land to the State. Once

the land is earmarked for acquisition it renders any exercise of consolidation futile. Consequently, the foundational basis of consolidation stands extinguished, and it cannot meaningfully continue.

**8.** If we are to take up the contention of the parties that the remand order has not been complied with, we find such a submission to be wanting. The remand order gave a mandate to the MBR Consolidation on 4 distinct grounds. Firstly, to provide adequate opportunities to the parties, perusal of the revenue record, determine the right of subsequent purchasers and the land which has been acquired. Upon perusal of the record, we find that the mandate has been complied with or at the very least substantial compliance has been made. In this respect, we cite with approval the case of **Shahin Shah v. Government of Khyber Pakhtunkhwa** (2022 SCMR 1810). The MBR Consolidation **has mentioned in its order that both the parties appeared before the Court and made oral submissions as well as submitted written arguments** (in para 3 of the MBR Consolidation's order). **The Order effectively perused the revenue record as is evident from the lengthy discussions taken from para 4-18. Furthermore, rights of subsequent purchasers were dealt with in para 14,15,16 and 18 of the Order and land acquisition matter came under discussion in para 19. This shows, that the remand order has been duly complied with by the MBR Consolidation.**

9. Indeed, a remand order is to be complied with in letter and spirit. Its substantial compliance undertaken "faithfully" does the duty. A remand order sets the tone and scope of the proceedings and no lower court could exceed the mandate of the remand order. That it is indeed a trite law and we cite with approval the case of **Muhammad Nawaz v. Notified Officer/ Additional Commissioner Inland Revenue, Lahore, 2002 CLR 1582** in the following terms:

“The perusal of the judgment of the Hon'ble Supreme Court of Pakistan the operative part whereof has been reproduced above would show that ***the matter had been decided and a specific direction had been given by their Lordships, which was to be adhered to by the respondent who was obliged to implement that judgment. It was not open for him to enter into any other controversy.*** It is to be remembered that respondent No.1 had to execute and not to adjudicate. He had to carry out the terms of the remand order of the Hon'ble Supreme Court of Pakistan *faithfully*. He could not impair its efficacy by any means.” (Emphasis supplied)

10. Recently, the Supreme Court has also held in the case of **Chief Land Commissioner, Punjab v. Administrator Auqaf Department, CP. No. 2915-L of 2015 etc.**, which we cite with approval at para 3 that:

**“A remand is not an invitation to delay and when superior courts issue remand directions, they are to be complied with *faithfully and expeditiously*.** Such failure is contrary to the constitutional duty of all authorities to act in aid of judicial orders”. (Emphasis supplied)

11. The expression “faithfully” in the context of compliance with a remand order cannot be construed in a narrow or pedantic sense so as to demand rigid, literal adherence to every procedural formality. Rather, it signifies that the authority seized of the matter must give effect to the true import, substance, and purpose of the remand directions. Faithful compliance is thus achieved where the mandate of the superior court is carried out substantially, and in both letter and spirit, ensuring that the core issues identified for reconsideration are addressed and the object of the remand is fulfilled. It does not require mechanical or ritualistic conformity, but prohibits any deviation that would dilute, frustrate, or defeat the essence of the directions issued by the superior court.

12. We further note that the MBR Consolidation, in his order, has observed that there has been tampering with the record. It is difficult to comprehend how such a finding could have been reached without due examination of the revenue record. On the one hand, the petitioners contend that the revenue record was not properly perused, while on the other, they argue that the MBR Consolidation was not competent to undertake any factual inquiry. These positions are inherently contradictory and cannot be sustained together. Under no circumstances could the MBR Consolidation be expected to turn a blind eye to any apparent tampering of the record. To do so would run contrary to the very foundations of our legal system, which does not permit silence or inaction in the face of an evident wrong.

13. The petitioners' counsel has contended that they were neither heard nor impleaded as parties. We find this submission to be unpersuasive and seemingly aimed at prejudicing the proceedings. The record reflects that litigation concerning the land has persisted for over two decades, making it implausible for certain petitioners, such as Imtiaz Ali, to claim complete ignorance and assert that they became aware of the impugned order only recently and by chance. In circumstances where prolonged and repeated litigation has involved numerous villagers, such a plea by a handful of individuals carries little weight and cannot be accepted. Interestingly, we note that Imtiaz Ali was a petitioner in this on going litigation so such argument of not knowing about the proceedings and not having a right to be heard is rejected. **The court must also be alive to ground realities and the environment in which we all live.** In a village comprising thousands of residents and landowners, it beggars belief how only seven petitioners are before us claiming to be adversely affected. The suggestion that, out of such a large body, only these few stand condemned is wholly implausible and does not merit acceptance based on the particular facts

and circumstances of the case and the prolonged litigation which must have been the talk of the small closely connected villages where each neighbour tends to know the others business and what is going on in the locality through word of mouth. We also note herein that the contention of the parties that they were not given any show-cause notice is also futile as the remand order expressly **“directed” the parties to appear before the MBR Consolidation and thus, it does not seem to us that the requirement of a show cause notice was vital in such a situation.** Such arguments seem to us to be of technical nature as well and we cannot ignore the substantive provisions of the law over mere technicalities as Supreme Court has observed previously in **Province of Punjab through the District Collector, Bhakkar v. Muhammad Chiragh, CP No. 385-L of 2025** which we cite with approval:

“It is this ability to prioritise substantial justice over mere technical compliance that fortifies the integrity and efficacy of our legal processes.”

14. It is further reiterated in **Dr. Rahimullah v. The State, Crl.P.L.A 721-L of 2025** that

“However, the law must strike a delicate balance between strict procedural adherence and the wider demands of justice, allowing flexibility to prevent technicalities from obstructing the pursuit of substantive truth...”

15. The process for the annulment of a consolidation scheme is provided in the Punjab Consolidation of Holdings Rules, 1998 and the Ordinance itself. The contention that such a scheme could not have been annulled is therefore also misconceived. The relevant law, as contained in the Ordinance and the Punjab Consolidation of Holdings Rules, 1998, clearly provides a comprehensive mechanism regulating the initiation of consolidation proceedings. In particular, Section 13 of

the Ordinance operates as a double-edged sword: it empowers the authority to act both *suo motu* or upon an application by an aggrieved person. Even where the limitation period prescribed under Section 13(b), i.e., 90 days, is not observed, the Board of Revenue retains the authority to call for and examine the record on its own motion, without being constrained by any time limitation so the argument that the BOR could not have taken *suo moto* proceedings is without force.

16. The Rules framed under Section 29 of the Ordinance lay down a complete procedure for the annulment of a consolidation scheme in Part X. When read together with Section 13, these provisions vest the power to call for the record and annul a consolidation scheme in the Board of Revenue. The term “Board of Revenue” is defined under Section 2(b) of the Ordinance as a body constituted under the Board of Revenue Act, 1957. A reading of the Board of Revenue Act, 1957 shows that, under Section 3, the Board consists of members appointed by the Government, i.e., the Government of Punjab as defined in Section 2(ii) of that Act. The functions of the Board are carried out by its members in accordance with the distribution of business under Section 6, and by virtue of Section 6(2), any order passed by a member is deemed to be an order or decree of the Board itself. Consequently, the MBR Consolidation, being the officer entrusted with consolidation matters, functions under the authority and seal of the Board of Revenue. In this capacity, he is competent to exercise the power of annulment of consolidation proceedings, subject to the law.

17. A plain reading of Rule 52 shows that certain preliminary steps are required to be undertaken before resorting to annulment, where circumstances so demand. Thereafter, Rule 53 contemplates three possible courses of action for the authority seized of the matter. Among these, the third eventuality, read with Rule 52(1)(c), **permits annulment** of the consolidation scheme where the omissions and

irregularities are of such a nature that they cannot be rectified through the measures provided under Rule 52(1)(a) and (b). **In the present case, the MBR Consolidation, while dealing with the matter in remand proceedings, recorded detailed findings to the effect that, upon thorough scrutiny of the consolidation record of Mauza Toor Warriach, it had become evident that the record was extensively tampered with, overwritten, and manipulated in favour of certain individuals. It was further observed that the *Parat Patwar* and *Parat Sarkar* did not correspond with each other. Compounding the issue, the MBR Consolidation also noted that the *Parat Sarkar* pertaining to the relevant *Jamabandies* had been destroyed in a fire incident during the 90s.** In this backdrop, although the petitioners cannot be held at fault for these circumstances, the law cannot remain oblivious to such serious discrepancies, nor permit the process to be misused for the benefit of a few. Consequently, the nature and extent of the irregularities and omissions render them incapable of rectification, thereby justifying annulment under the applicable legal framework.

18. An argument was also advanced by the Petitioners side that a non-speaking order has been passed by the MBR Consolidation. Such an argument is untenable. A detailed and comprehensive order of 8 pages deals with counsel submissions and undergoes the analysis of the record and makes a finding for the annulment of the consolidation scheme.

19. In light of our above discussion, we find that the impugned judgment does not suffer from any illegality, irregularity or jurisdictional defect. The impugned judgment is upheld and the petitions stand dismissed and as such all pending applications are also disposed of.

**JUDGE**

**JUDGE**

**Announced in open Court**  
**at Islamabad on**  
**07.05.2026**

**Judge**

**APPROVED FOR REPORTING**  
*Muhammad Ahmed*