

**In the Federal Constitutional Court of Pakistan**  
(Appellate Jurisdiction)

**Present:**

Justice Aamer Farooq  
Justice Syed Arshad Hussain Shah

**C.P.L.A. No.2470-L of 2017**

(On appeal from judgment of Lahore High Court, Lahore  
dated 13.9.2017 passed in Writ Petition No.15807 of 2016)

Secretary Housing & Town Planning Department Government of  
Punjab, Lahore & others

Petitioners

**Versus**

Ghulam Muhammad

Respondent

For the petitioners:

Dr. Yaser Aman Khan,  
Addl. A.G. Punjab a/w Tariq Mehmood,  
Director, PHATA, Jhang  
Mr. Khalid Ejaz, Housing Inspector,  
PHATA

Respondent:

N.R.

Date of hearing:

9.3.2026

**Judgment**

**Syed Arshad Hussain Shah, J:** Leave to appeal has been sought against the judgment of the Lahore High Court, Lahore whereby order passed by the Secretary, Housing Urban Development & Public Health Engineering Department, Government of the Punjab (hereinafter referred to as the Secretary) was set aside and that of District Coordination Officer Jhang (hereinafter referred to as the DCO) was upheld, resulting in restoration of allotment of the plot in favour of the respondent.

2. We have heard the Learned Additional Advocate General, Punjab, who vehemently contended that the learned Judge in Chambers of the High Court did not appreciate the facts of the case in their true perspective and upheld the order of the DCO passed on a time barred application filed by the respondent thereby restoring the allotment of the plot in his favour.

3. Perusal of record depicts that this protracted litigation relates to plot No.58/3-Z, measuring seven marlas situated at Area Development

Scheme, Chiniot allotted to the respondent on 13.2.1976 under Low Income Housing Scheme launched by the Punjab Housing and Town Planning Agency, Government of the Punjab. Upon payment of first instalment by the respondent, physical possession of the plot was handed over to him on 24.5.1977. The respondent raised some structure over the plot and thereafter transferred the same to one Abdul Waheed, who further constructed the house over the plot in dispute.

4. The District Housing Committee, Jhang, after issuance of show cause notice, which remained unserved upon the respondent, cancelled the allotment of the plot on 8.12.1981 on the grounds of failure of the allottee/respondent to pay remaining instalments by 24.11.1979 and non-construction of the house within stipulated period as well as transfer of the plot to third party in violation of the terms and conditions of allotment. The cancellation order was challenged by the allottee/respondent before the Lahore High Court through Writ Petition No.21668 of 1999. The learned Single Judge in Chambers of the Lahore High Court disposed of the writ in the following terms:-

“3. I have given my anxious consideration to the contentions [contentious] fact that the petitioner has not attached copy of application filed by petitioner alongwith this writ petition, therefore, the same is pre-mature. The petitioner is well within his right to approach the respondents for redressal of his grievance. The respondents are duty bound to redress the grievance of petitioner strictly in accordance with law. Disposed of accordingly.”

5. Consequent upon the above order of the High Court, the respondent filed an appeal before the DCO, who, after hearing the parties and perusal of the record, found that the plot had been cancelled on wrong premises. Accordingly, the appeal was allowed in the following terms:-

“The appeal of party, therefore, is accepted and plot is restored subject to the condition that the appellant shall pay/deposit 10% restoration fee with appropriate dues, and any other dues that Government requires to paid [pay] in this case, to respondent department within a period of two months. Failure of payment of these dues in time shall result in automatic cancellation of this allotment.”

6. The abovementioned order was assailed by the department before the Secretary through an appeal, which was allowed, order of DCO was set aside and cancellation of the allotment was upheld. Against this order, the respondent again invoked the Constitutional jurisdiction of the High Court by way of filing Writ Petition No.15807 of 2016, judgment whereof has been impugned in the instant petition.

7. It is a settled proposition of law that the exercise of powers by public authorities is circumscribed not only by the constitutional mandate

contained in Article 4 of the Constitution of the Islamic Republic of Pakistan, 1973, which ensures that every citizen shall be dealt in accordance with law, but also by the statutory requirement embodied in Section 24-A of the General Clauses Act, 1897. The said provision obligates that *where any authority is conferred with the power to make a decision, issue directions, or take action, such power must be exercised reasonably, fairly, justly, and for the advancement of the purposes of the enactment.* By now the legal position is that *public authorities must act strictly within the bounds of law and in a fair and reasonable manner.* Pakistan Broadcasters Association and others v. Pakistan Electronic Media Regulatory Authority and others PLD 2016 SC 692 (Per Maqbool Baqar, J) ad-rem. It is further well-established that *the right to be treated in accordance with law encompasses the principles of due process and natural justice, which require that no adverse action affecting the rights of a person be taken without affording a fair opportunity of hearing.* Tahira Begum and others v. Federation of Pakistan 2025 SCMR 1887 (Per Muhammad Ali Mazhar, J) ad-rem. *The public functionaries are duty-bound to perform their functions in good faith and within the limits prescribed by law so as to ensure equal and fair treatment.* Province of Punjab through Chief Secretary versus Qasim Mehmood and others 2025 SCMR 14 (Per Muhammad Ali Mazhar, J) ad-rem.

8. Here it seems appropriate to mention that the allotment of the plot was cancelled on 8.12.1981 for the reasons that the respondent failed to make payments in time; did not construct the house within stipulated period and transferred the rights to third person in violation of the terms & conditions for allotment of the plot. Record appended with this petition negates the grounds made the basis for cancellation of allotment of the plot. First, the plot could not have been cancelled due to failure of the allottee/respondent to make payments by 24.11.1979, as the Government had extended the period for payment(s) upto 31.12.2005 vide order dated 8.8.2003; secondly, the plot could not have been cancelled due to delay in construction of house as the period had been extended upto 31.12.1982 vide letter dated 25.8.1982 without any surcharge/penalty; thirdly, the Government had allowed transfer of all rights to third party vide letter dated 10.12.1989 and lastly, the show cause notice issued by the department was never served upon the allottee/respondent, as required under letter dated 15.11.1966 issued by Director General, West Pakistan Housing and Settlements Agency, Lahore.

9. It can be seen with naked eye that this is a clear case of misuse of authority by th/e Government functionaries, whereby the respondent was

dragged in a prolonged and unnecessary litigation. Here it may also be noted that the impugned judgment was passed on 13.9.2017. No compliance of the directions passed by the High Court has so far been brought on record by the petitioners/Government functionaries despite the fact that operation of the impugned judgment has never been suspended. Keeping in view the injustice done to the respondent for no fault on his part, amount of compensation of Rs.10,000/- awarded by the High Court is enhanced to Rs.100,000/- to be paid to the respondent. The Chief Secretary Punjab is directed to ensure strict compliance of the directions passed in this judgment as well as in the judgment of the High Court and place copies of the same in the personal files/dossiers of all officers responsible for this frivolous litigation, bring them to book and submit compliance report within a period of thirty working days for our perusal in Chambers. Office is directed to send copy of this judgment to Chief Secretaries, Governments of the Punjab, Sindh, Balochistan, KP, AJK and Gilgit Baltistan for circulation/implementation of the directions passed by the superior judiciary from time to time and ensure that the Government functionaries/officers/officials should act in accordance with law and not in a self-willed style.

10. In view of the facts and circumstances of the case, it is held that the cumulative effect of the constitutional and statutory principles is that any administrative action which is arbitrary, unreasonable, taken without lawful authority, or in violation of due process cannot sustain in law and is liable to be set aside. Accordingly, leave to appeal is refused and this petition, being baseless, frivolous and devoid of any merit is hereby dismissed.

Judge

Judge

**Islamabad**

9<sup>th</sup> March, 2026

Approved for reporting.

Riaz