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IN THE COURT OF MEMBER (JUDICIAL)
FEDERAL LAND COMMISSION, ISLAMABAD

RP.1(748)/FLC/2025

1. Qaiser Abbas
2. Waseem Abbas sons of Sharifan Bibi and Safdar Hussain Caste Jatt, resident of Amer Kot Dena Nath, Multan Road, Lahore
.....Petitioners

Versus

1. The Deputy Land Commissioner, Hyderabad
2. The Deputy Land Commissioner, Kasur
3. The Assistant Land Commissioner, Chunian, Now Pattoki, District Kasur
4. The State

.....Respondents

5. Begum Jameela Malik (deceased) daughter of Akhtar Hussain Malik, through legal heirs:

- a. Amber Malik
- b. Nadeem Malik
- c. Raheel Malik
- d. Sohail Malik

Caste Jatt, resident of Thokar Niaz Baig, Lahore.

.....Proforma Respondents

PRESENT

1. Rana Muzaffar Hussain along with Malik Muhammad Asif Awan, Advocates High Court/Counsel for the petitioners
2. Mr. Muhammad Afzaal Ahmed, LRC, Kasur
3. Mr. Razaqat Ali, Patwari Halqa

ORDER

The above-titled revision petition has been filed under Section 27 of the Land Reforms Act, 1977 with the following prayer:

"In view of the above submissions, it is, therefore, most respectfully prayed that the instant petition may kindly be accepted and order dated 12.11.1977, order dated 12.12.1978 and order dated 06.01.1979 may kindly be set aside and mutation No.111 dated 23.06.1979 may kindly be cancelled and land transferred to the petitioners be excluded from the entitlement of the declarant and petitioners may be declared owner in possession of the transferred landed property, in the interest of justice.

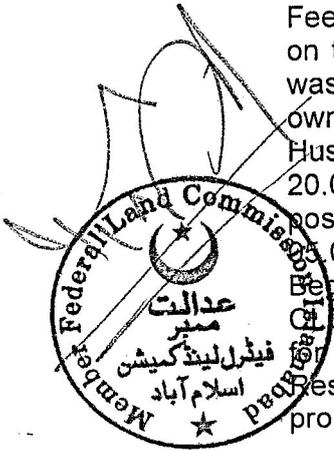


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Any other relief which this Honorable Court deems fit and proper may also be awarded."

2. The background of the titled case pertains to the determination of the land holding of Akhtar Hussain son of Bhai Mian, on promulgation of Land Reforms Act, 1977. His declaration form showed that the property measuring 64 acres 02 kanals in Chak Thathi Utaar had been transferred through agreement dated 20.08.1976 to his daughter Jameela Malik against consideration and possession was also delivered while land measuring 42 acres in Deh Jatti, Tehsil Tando Muhammad Khan was sold to Muhammad Aya Khan through agreement dated 11.12.1975 and possession was also delivered and thereafter he sold the remaining property to Mst. Sharifan Bibi in District Kasur of Punjab Province. Perusal of the record reveals that Akhtar Hussain son of Bhai Mian was owner of land measuring 192 acres equivalent to 4994 PIUs in Deh Jatti, Taluka Tando Muhammad, District Hyderabad while in Rakh Thathi Autar Shumali, Tehsil Chunian, District Kasur, he was holding land measuring 122 acres equivalent to 8034 PIUs. Hence, he held total land worth 13028 PIUS in two districts i.e. Hyderabad and Kasur. He was allowed by the DLC to retain 8000 PIUs and remaining land worth 5028 PIUs was proposed to be resumed by rejecting the sale alienations on the ground that they were through simple agreement i.e. promise to sale only and not valid as per provisions of Transfer of Property Act and Registration Act. Hence, land measuring 192-03 acres equivalent to 4994 PIUs was resumed in Deh Jatti, Taluka Tando Muhammad Khan while remaining 34 PIUs were resumed in District Kasur, vide order dated 12.12.1977 passed by the DLC, Hyderabad.

3. The declarant filed an appeal against the above order before the Land Commissioner, Hyderabad Division dated 12.11.1977, who vide order dated 12.12.1978 set aside the impugned order and remanded the case to the DLC to decide afresh in accordance with law and hearing the declarant and all other persons who had vested interest in the land under dispute. Accordingly, vide order dated 06.01.1979, learned DLC, Hyderabad redetermined the holding and rejected the appeal treating the alienated property as the property owned by the declarant on 04.01.1977 by amending the order and allowing 7939 PIUs and resuming excess land worth 5089 PIUs under Land Reforms Act, 1977 i.e. 3801 PIUs from Rakh Thathi Autar Shumali, Tehsil Chunian, District Kasur, Punjab and 1288 PIUs from Deh Jatti, Tando Muhammad Khan, Hyderabad. Resultantly, mutation No.111 was sanctioned on 23.06.1979. Feeling aggrieved, the transferee Jamila Begum filed a civil suit for declaration on the ground that she paid whole consideration amount and that possession was also delivered to her, therefore, she became owner and the property owned by her could not have been included in the entitlement of Akhtar Hussain by the Land Reforms Authorities. The civil suit was decreed on 20.01.1983. On the other hand, Mst. Sharifan Begum, who was already in possession, filed civil suit on the same lines, which was decreed on 05.05.1998. However, during the period prior to civil suit filed by Mst. Sharifan Begum, the matter was challenged by the declarant Akhtar Hussain before the DLC, Punjab in revisional jurisdiction, and the case was remanded to the DLC for determination of the nature of the alienation made by Akhtar Hussain. Resultantly, the DLC, vide order dated 31.03.1994 changed the schedule of the property and transaction was held again invalid.



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4. Further perusal of the record reveals that the revenue authorities challenged the ex-parte decree dated 05.05.1998 through Deputy Commissioner Kasur by application under Order 9 Rule 13 read with Section 151 CPC for cancellation of the decree dated 05.05.1998 but the case was adjourned sine-die vide order dated 06.06.2015. In the meanwhile, Sharifan Bibi (deceased) through present petitioners (her legal heirs) invoked the jurisdiction of FLC under Section 27 of Land Reforms Act, 1977 by filing a revision petition, which was accepted vide order dated 28.09.2012 and whole purchased area was excluded in district Kasur by validating the sale agreement. The Province of Punjab, feeling aggrieved, filed a writ petition No. 29153 of 2013 before the Lahore High Court, Lahore whereby, vide judgment dated 15.01.2025, the impugned order dated 28.09.2012, passed by the Chairman, FLC was set aside holding that the Chairman, FLC has erred in law by observing that the proceedings before the DLC, Hyderabad were without jurisdiction. Hence, the petitioners again invoking the jurisdiction of this court under Section 27 of Land Reforms Act, 1977 for fresh decision under the law in the interest of justice and equity.

5. Report of the case alongwith para-wise comments were called from the Deputy Land Commissioners, Kasur and Hyderabad. The complete report and the said comments were submitted by the DLC, Kasur by TCS, which was received in the court on 03.09.2025. Perusal of the report reveals the above narrated facts of the case with some preliminary objections that the instant petition is not maintainable as the petitioners have not come with clean hands before this court by concealing material facts regarding possession upon government land as the present petitioners have not possession upon the said land since 1977 onward. It has been objected that the petitioners are falsely claiming the ownership of resumed land on the basis of fake and fabricated agreement to sell and that accordingly the civil court decree was obtained without proper verification of the revenue record. It has been submitted that the petitioners have concealed the facts regarding writ petition No.29153 of 2013 filed by the Province of Punjab against the order dated 28.09.2012 passed by the Chairman, FLC, which has been set aside by the august High Court while disposing of the said writ petition. It has been objected that the petitioner's interest in the subject land is based on purely personal and *mala fide* motives rather than any legitimate legal right and they are misleading this court for illegal personal gains, therefore, the petition is liable to be dismissed. Learned DLC, Kasur submitted the above report in detail mentioning the captions of the orders passed by the authorities below as well as passed by the August Lahore High Court. He has also submitted that Jameela Malik and Sharifan Bibi never remained in possession of the state land since the land was resumed and in this way the petitioners have absolutely no right or entitlement to maintain the petition as the then DLC, Hyderabad vide case No.1255-HVC-LR-11 of 1979 titled as Akhter Hussain has already declared that an agreement to sell does not confer ownership rights or title. He submitted that it was a contractual promise between parties and the declarant Akhter Hussain did not disclose the name of Mst. Sharifan Bibi (so called bona fide purchaser) while submitting the declaration forms under Land Reforms Act, 1977 to DLC, Hyderabad on 26.04.1976. Therefore, he submitted that the agreement to sell cannot be held as genuine and the same was fake, false, fabricated and fraudulently created.

6. Replying to the contents of the petition, learned DLC, Kasur submitted that as per revenue record land measuring 1473 kanals 19 marlas



owned by Provincial Government situated at Mouza Thathi Ottar, Tehsil Patoki, District Kasur was allotted to Akhtar Hussain s/o Mian Bhai vide mutation No.24 dated 19.05.1968. Out of the allotted above allotment, land measuring 563 kanals 18 marlas was resumed vide mutation No.111 sanction on 23.06.1979 in favour of Provincial Government under Land Reforms Act, 1977. He submitted that this way petitioners have absolutely no right or entitlement against the resumed land and they are trying to get the land fraudulently on the basis of agreement to sell, which has no force of law. It has been stressed that about 21 years have elapsed and the mother of the petitioners Sharifan Bibi emerged as plaintiff by filing a suit for specific performance against respondent No.5 Begum Jameela Malik (deceased) before learned Civil Judge 1st Class, Lahore on 03.11.1997 whereby it was alleged that Akhtar Hussain had entered to an agreement to sell with her on 20.08.1976 regarding land measuring 562 kanals 18 marlas for consideration amount of Rs.150,000/- and obtained an ex-parte decree on 05.05.1998. It has been submitted that the said decree was challenged by the Revenue Department for cancellation of decree, which is pending sine-die vide order dated 06.06.2015 before appellate forum. Resultantly, it has been prayed that the instant petition may be dismissed being devoid of merits as the present petitioners did not come with clean hands.

7. Learned counsel for the petitioners, after narrating the overall facts of the case narrated above, vehemently denied the stance taken by the learned DLC, Kasur in his report and para-wise comments. He contended that the resumption of excess land was made at the back of the petitioners and mutation No.111 dated 23.06.1979 was unlawfully sanctioned by ignoring the right accrued to Mst. Jameela Begum, daughter of the declarant, through agreement for consideration and possession was delivered and similarly 42 acres situated in Jatti, Tehsil Tando Muhammad Khan were sold to Muhammad Aya Khan through agreement dated 11.12.1975 and possession was also delivered. Thereafter, they sold remaining land to Mst. Sharifan Bibi in Kasur, Punjab. He argued that the property was wrongly determined the holding of Akhtar Hussain under Land Reforms Act, 1977 by the DLC, Hyderabad but should have referred the case to DLC, Kasur as the major portion of land was situated in district Kasur. Learned counsel argued that the matter was decided without associating the petitioners and proforma respondents in respect of the property situated in district Kasur. Learned counsel argued that the determination order was only challenged by Muhammad Aya Khan and the petitioners were not knowing the proceedings before the Commissioner, which was accepted, vide order dated 12.12.1978 on the ground that Aya Khan has purchased the property, therefore, the same be excluded, but despite the fact that the property was also purchased by Jameela Begum and Mst. Sharifan Begum, the same was resumed without considering the said purchase and case was remanded to DLC, Hyderabad, who vide order dated 06.01.1979 held that the transaction was not completed as such those lands are to be included in the entitlement of the declarant and excess land to the extent of 5089 PIUs was to be resumed by amending the earlier schedule of land and area worth 3801 PIUs was to be resumed from Rakh Thathi Otar Shumali, Tehsil Chunian, district Kasur, Punjab and 1288 PIUs from Deh Jatti, Tehsil Tando Muhammad Khan, district Hyderabad, Sindh. He contended that, accordingly, mutation No.111 was sanctioned on 23.06.1979.

8. Learned counsel for the petitioners contended that feeling aggrieved as the property was transferred in the name of Jameela Begum, she

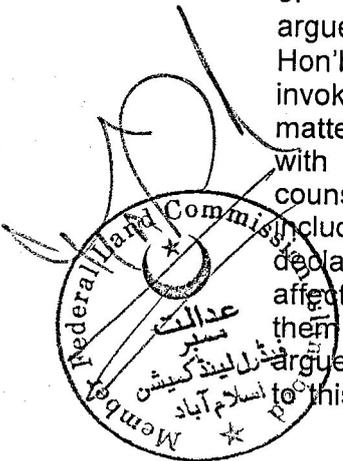


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filed a suit for declaration that she had paid the whole consideration of the property transferred to her and the possession was also delivered and she had become owner of the said property. Therefore, the said property was not required to be included in the holding of Akhtar Hussain, the declarant, under Land Reforms Act, 1977 by the authorities below. Learned counsel argued that finally the suit was decreed on 20.01.1983 and thus the mutation so sanctioned became worthless, however, since Sharifan Begum who was also in possession of the property, on the same line suit for declaration was filed through her legal heirs, which was decreed on 05.05.1998. Learned counsel argued that during the period the matter was challenged in revision before the Chief Land Commissioner, Punjab, who remanded the case to DLC, Hyderabad, who vide order dated 31.03.1994 declaring the said transaction again invalid. Learned counsel argued that the petitioners were unaware of whole proceedings and they came to the knowledge about the resumption proceedings when notice was issued on 04.06.2011 for vacation of the property under Sections 32 & 34 of Colonization of Government Act, the petitioners without knowing the previous fact considering that it was not a Colony land and the said provisions of Sections 32 & 34 were not applicable, challenged the proceedings through civil suit but the stay was refused. Thereafter, the petitioners challenged that order before the High Court and thereafter they got the knowledge that the matter pertains to land reforms and since the order was already passed by the CLC, Punjab, they filed revision petition before the FLC and vide order dated 28.09.2012 the same was accepted but detailed order was not passed by the Chairman, FLC as the case was decided only on single point that the land in terms of PIUs was excess in Kasur, therefore, the DLC, Hyderabad was not competent to pass the order of resumption and DLC, Kasur was the only competent authority. Learned counsel argued that the merits were not discussed in the order, and it was decided technically by accepting the petition, which was challenged before the High Court by the Punjab Government in W.P. No.29153/2013 and the same has also been decided on such technical grounds wherein the FLC's order dated 28.09.2012 has been set aside as below:

"In view of the above, respondent No.1 has erred in law by observing that the proceedings before respondent No.3 were without jurisdiction. In this way, impugned order is not sustainable in the eyes of law. Hence, this petition is allowed. Consequently, impugned order passed by respondent No.1 is set-aside."

9. Advancing his arguments, learned counsel for the petitioners argued that the matter has been disposed of on technical grounds in the Hon'ble High Court, therefore, it does not bar the jurisdiction of this court to be invoked in the titled petition, therefore, this court is competent to decide the matter on merits determining the nature of alienations and their effect along with illegality of their inclusion in the entitlement of the declarant. Learned counsel contended that the orders of the land reforms authorities below including the land transferred in favour of the petitioners in the entitlement of declarant Akhtar Hussain is illegal, ultra vires and without jurisdiction and not affecting the ownership rights of the petitioners in the property transferred to them after paying whole amount and delivery of possession. Learned counsel argued that Section 27 of Land Reforms Act, 1977 provides ample jurisdiction to this court to take cognizance of the matter and set aside the illegal action



and decisions authorities below to protect the rights of the petitioners as right to have the property is protected in the Constitution of Islamic Republic of Pakistan, 1973. Learned counsel contended that transfer was made on 20.08.1976 after payment made and possession was delivered. He contended that though the agreement was made yet it shall be considered to have created interest in favour of the petitioners under the land reforms as not only the complete transaction but if the interest is created that too be considered and property validly transferred is to be excluded from the entitlement of the declarant Akhtar Hussain. Reliance was placed on PLD 1981 Kar. 393, PLD 1981 Kar. 114 and 1991 SCLR 736. Learned counsel argued that the original declarant exercised his choice and surrendered the land situated in Hyderabad, which was acted upon and after his death no change in the declaration could have been made, therefore, after his death, on appeal of Aya Khan the case could not have been decided and hence it is not permissible under Section 4 of Land Reforms Act, 1977. He contended that the case of the petitioners was pleaded before the Member, Board of Revenue claiming exclusion of already transferred land by relying upon above quoted case laws, having not been attended by the FLC, could not have been ignored. Learned counsel argued that the petitioners having purchased the land on 20.08.1976 through agreement and paid whole of the price and possession was delivered to them, was a complete sale and should have been excluded from the entitlement of the declarant. Learned counsel argued that since the transfer having been made to the predecessor-in-interest of the petitioners and was shown in the declaration form, the land reforms authorities below were obliged to associate the petitioners in the proceedings but failed, therefore, this court is competent to scrutinize the decisions of the Sindh Land Reforms Authorities and set aside the same as per prayer of the above titled petition by excluding the land transferred to the petitioners by declaring them lawful owners in possession of the said property in the interest of justice, fair play and equity.

10. Heard the learned counsel for the petitioners and perused the record. All the series of the orders passed in the cases of declarant Akhtar Hussain and present petitioners along with orders passed by the Chairman, FLC dated 28.09.2012 and the judgment dated 15.01.2025 passed in writ petition No.29153 of 2013 have minutely been perused by this court to determine the case on merits as the earlier decision was on technical point, which has been decided by the Hon'ble High Court, therefore, this court has the jurisdiction to determine the case on merits. Since the determination was made by DLC, Hyderabad, at that time and though the transfer has been made in favour of Mst. Jameela Malik daughter of declarant for land in Kasur and in respect of other land by DLC, Hyderabad, the transferees in Kasur were not heard, as such they prayed that the case is to be decided on merits after hearing them. So, the transfer made prior to the enforcement of Land Reforms Act, 1977, could not be included in the entitlement of the declarant as the right and interest of the petitioners had already been created, which were not considered. The provisions of Sections 6 and 7 of Land Reforms Act, 1977 do not say the transaction to be legally created through registered sale deed rather refer to defecto transfer or creation of any interest. For ready reference the provisions of Sections 6 and 7 of Land Reforms Act, 1977 are reproduced as under:

6. Certain transfers void:- (1) The transfer of any land, and the creation of any right or

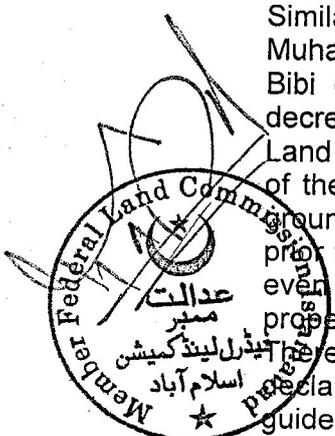


interest in, or encumbrance on any land, made in any manner whatsoever in respect of any area, on or after the commencement of this Act by any person holding immediately before that date an area exceeding his entitlement under section 3, shall be and shall be deemed always to have been void, and the land so transferred or encumbered shall be deemed to have been owned or possessed, as the case may be, by the person by whom it was owned or possessed immediately before that date. (2) Nothing in subsection (1) shall apply to any transfer of land or the creation of any right or interest in or encumbrance on any land left with a person after he has surrendered the land in excess to his entitlement under this Act."

"7. Declarations (1) A Provincial Land Commission may, by notification in the official Gazette, require that any person or class of persons mentioned therein, shall submit such declaration to such authority, in such manner and form and by such date, as may be specified in the notification.

(2) In case a person, who is required to make declaration under this section, owns or possesses land in more than one Province, he shall make the declaration to the Commission for the Province where he permanently resides, and the said Commission may call for any information in respect of the declaration from any other Province where the declarant owns or possesses land and pass orders thereon." (emphasis supplied)

Perusal reveals that the transfer document fulfills the requirement of the aforesaid section of Land Reforms Act, 1977 and makes it a valid transfer inasmuch as declarant transferred 65 acres 2 Kanals to his daughter Jameela Begum on 20.08.1976, received whole consideration and delivered possession. Similarly, land measuring 42 acres was transferred to Aya Khan in Tando Muhammad Khan, Hyderabad vide judgment dated 11.12.1975. Mst. Sharifan Bibi on the basis of agreement dated 20.08.1976 filed a suit, which was decreed on 05.05.1998. All these were affected before the enforcement of the Land Reforms Act, 1977, and as such could not be included in the entitlement of the declarant. The Hon'ble High Court decided the case only on technical grounds and did not discuss the merits, therefore, the transaction made already prior to the enforcement of Land Reforms Act, 1977 cannot be scrutinized and even were to be scrutinized regarding completion of the sale, even through proper application of mind and validly determining the rights of the petitioners. Therefore, the validity of transaction and determination of holding of the declarant is required to be properly decided on merits. Hence the case on the guideline available in the above referred judgment of the Hon'ble Apex Court



regarding sale of the land to the petitioners is wide open to be decided by this court under the provisions of Section 27 of the Land Reforms Act, 1977 being the appropriate forum of Land Reforms Laws to clarify the merits of the case after the above verdict of Hon'ble Lahore High Court. In this regard, I would like to place reliance upon 1985 SCMR 312 – Zuhra Khatoon and others Vs Member, FLC, wherein the Apex Court held that inclusion of area alienated in surrendered land could be challenged by the alienees, if transaction was otherwise lawful and effective, to resist such act of alienor before Land Commission Authorities so as to compel him to surrender other than so alienated land. It was further held that even if it was assumed that as alienees did not qualify condition of being aggrieved party, in order to protect their interest recognized by the Land Commission Authorities, it was essential to implead them as respondents.

11. Learned counsel for the petitioners referred to the transfer made by Akhtar Hussain to his daughter by taking the amount and delivery of possession, similarly the transfer to Aya Khan in Tando Muhammad Khan, Hyderabad was also acknowledged by the Land Reforms Authorities, but did not declare it void merely because the sale deed was not completed and mere agreement does not create any rights, though at that time the transfer made to Mst. Sharifan Bibi was not considered but that too was established even by the competent civil court, as such all the transactions made prior to the enforcement of Land Reforms Act, 1977 are valid and could not have been included in the entitlement of the declarant. This law was considered by the Superior Courts in various judgments that creation of right or interest in the property does not mean that it should be completed through registered documents as held in PLD 1981 Karachi 114 (at page 120-122-A) that not only the complete transaction and duly registered by the sale deed, but also other transactions which create rights or interest of the land though the sale may not be completed under the law. Similar view was taken in 1981 Karachi 393 and 1991 SC 736 (at page 743-744), relevant portion of which is reproduced as under:

"While construing the word 'transfer' it was necessary that the purpose and the spirit of the Land Reforms Regulation, 1972 should have been kept in view. It must be noted that this Regulation has not been enacted to regulate the transfers of immovable property from one party to another. Therefore, it was wrong to have given that meaning to the expression 'transfer' which, under the law governing the transfers of property, it normally carries. The error of Land Commission Authorities lies in the fact that they construed the word 'transfer' strictly in a manner which would be justified only in a case where the dispute was between the transferer, and the transferee. In the present case, it may be noted that there is no conflict between the positions taken by the Government servant who is the transferor, and the petitioners who are the transferees. It is the government as a third party that is seeking to hold the transfer invalid in order to resume the bulk of the land in question. In these circumstances, what the Land Commission is to see is whether in effect the transfer is complete even if it is not strictly so under the general law



governing the transfers of property. In my opinion, for the purposes of the Regulation, it is the de-facto position that counts and not the de jure one except where the validity of the transfer is disputed also by one or the other party to the transfer. Similarly, while interpreting the words 'own' and 'possess' occurring in paragraph 10 of the Regulation and Land Commissions should always bear in mind the purposes of the Regulation itself."

If the aforesaid two transactions are excluded even Akhtar Hussain does not remain affectee of Land Reforms Act, 1977 or even otherwise sale dated 20.08.1976 in favour of Mst. Sharifan Bibi, who had paid whole of the amount and possession was delivered to her, was also could not have been included in the entitlement of the petitioners.

12. I am in agreement with the arguments rendered by the learned counsel for the petitioners, which have a force of law. Record reveals that land declared by Akhtar Hussain (declarant) also mentioned in the declaration forms that property measuring 64 acres 02 kanals in Chak Thathi Utaar, Kasur was transferred through agreement dated 20.08.1976 to his daughter Jameela Malik against consideration. Similarly land measuring 42 acres in Jatti, Tehsil Tando Muhammad Khan, Sindh was sold to Muhammad Aya Khan through agreement dated 11.12.1975 and thereafter also sold remaining property to Mst. Sharifan Bibi in District Kasur. After determination land to the extent of 4994 PIUs was resumed from Deh Jatti, District Hyderabad, on the choice of the declarant while 34 PIUs were resumed from Kasur. Later on, matter was challenged by one Muhammad Aya Khan (a purchaser) in appeal which was accepted by the Commissioner, vide order dated 12.12.1978 by remanding the case while the other purchasers were ignored at all. Resultantly, DLC, vide order dated 06.01.1979 by amending the schedule of resumption i.e. 3801 PIUs were resumed from Rakh Thathi Utaar Shumali, Tehsil Chunian, District Kasur and 1288 PIUs from Deh Jatti, Tehsil Tando Muhammad Khan, Hyderabad by denying the same transactions and accordingly mutation No.111 was sanctioned on 23.06.1979. Record reveals that Jameela Begum and Mst. Sharifan Bibi filed civil suits and obtained declaratory decrees on 20.01.1983 and 05.05.1998 respectively. Further record reveals that Aya Khan filed revision petition before the CLC, Punjab who vide order dated 14.01.1990 remanded the case to the DLC, Hyderabad to re-examine the alienations made by the declarant Akhtar Hussain son of Mian Bhai. Accordingly, learned DLC, Hyderabad vide order dated 31.03.1994 admitting the same of Muhammad Aya Khan for a consideration of 60,000/- as per simple agreement executed on 11.12.1975 and excluded from resumption by modifying the order dated 06.01.1979. Civil court decree in respect of Jameela Begum dated 20.01.1983 was on record and the learned authorities below would have taken the same into consideration while passing the order dated 31.03.1994 and thereafter the decree dated 05.05.1998 in respect of Mst. Sharifan Bibi. If the land purchased simple agreement by Aya Khan could have been excluded then on that precedence authorities below would have excluded the land purchased by Mst. Jameela Begum and Sharifan Bibi instead of treating the same as fake, fraudulent or forged. The petitioners have lawfully and rightly agitated the matter before the Chairman, FLC, wherein the learned counsel for the petitioners discussed the sale in his order dated 28.09.2012 duly supported by case laws but the Hon'ble Chairman, FLC, while concluding the case decided



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the matter under technicalities and could not impart his decision on the said sale made to the petitioners. This is why his order could not sustain before the higher forum.

13. Forgoing in view and placing reliance upon 1985 SCMR 312, 2003 SCMR 948 and 2018 SCMR 762 along with reliance placed in the revision petition i.e. 1991 SCMR 736, PLD 1981 Kar. 114 and PLD 1981 Kar. 393, the above titled revision petition is allowed to the extent of the petitioners, being bona-fide purchasers of the impugned land, and the land transferred to the petitioners is excluded from the entitlement of the declarant (Akhtar Hussain). Accordingly, they shall remain owners of the land in possession transferred to them by agreement to sell while the orders dated 12.11.1997, 12.12.1978 and 06.01.1979 passed by DLC, Hyderabad along with resulted mutation No.111 dated 23.06.1979 to the extent of the land transferred to the present petitioners are set aside and stand cancelled. The DLC, Kasur is directed to make compliance to this order within 30 days of the official receipt of this order with a report to the Registrar, FLC. Any status quo/Stay order already granted shall stand vacated in a result of this final order.

14. The judgment of this case was reserved, which is announced today and communicated to the DLC, Kasur and Hyderabad through Registrar, FLC, Islamabad for necessary compliance as ordered in preceding paragraphs.



Announced
24.11.2025


(Asad Mahmood Qazi)
Member