

Supreme Court: Land Rights Cannot Be Cancelled Without Hearing, and the State Gets No Special Limitation Relief

In *Province of Punjab v. Bashir* and a connected matter, the Supreme Court protected vested land rights from cancellation without notice and rejected a separate provincial petition filed 4,402 days late.

Judgment analysis | Published 10 September 2026 | Shahbaz Shah, Advocate High Court

Cases: *Province of Punjab v. Bashir*; *Province of Punjab v. Rulya*

Proceedings: Civil Appeal No. 187-L of 2009 and C.P.L.A. No. 769-L of 2016

Court: Supreme Court of Pakistan | Appellate Jurisdiction

Bench: Justice Muhammad Ali Mazhar, Justice Musarrat Hilali and Justice Irfan Saadat Khan

Decision: Civil appeal dismissed; connected petition dismissed 4,402 days out of time

What the Supreme Court decided

The Supreme Court of Pakistan has decided two connected but legally distinct questions arising from old land-allotment litigation in Punjab.

First, the Court held that vested land rights could not be cancelled through a unilateral administrative order where the governing provision required a reasonable opportunity to show cause. The Province failed to establish that notice or an opportunity of hearing had been given before cancellation, and it also failed to produce tangible evidence of fraud or misrepresentation.

Second, the Court dismissed a connected civil petition that had been filed 4,402 days late. It held that a government department is not entitled to extraordinary leniency merely because the delay was caused within the official machinery. General allegations of negligence, high-handedness and unprofessional conduct by revenue officials did not amount to sufficient cause.

The consolidated judgment was delivered by Justice Muhammad Ali Mazhar, sitting with Justice Musarrat Hilali and Justice Irfan Saadat Khan, on 2 June 2026. It was approved for reporting.

The cases before the Court

The judgment decided Civil Appeal No. 187-L of 2009, *Province of Punjab, etc. v. Bashir*, and Civil Petition for Leave to Appeal No. 769-L of 2016, *Province of Punjab through District Collector, Sargodha, etc. v. Rulya*.

Both matters arose from Lahore High Court judgments dated 23 December 2003 in Civil Revisions Nos. 1291 and 1292 of 1995. The supplied judgment gives the detailed factual history of the Bashir appeal and separately determines the Rulya petition on limitation.

How the land dispute arose

Bashir had brought a suit for declaration and permanent injunction concerning 20 kanals and 10 marlas in Chak No. 89/NB, Tehsil and District Sargodha.

According to the case history recorded by the Supreme Court, 50 kanals and 5 marlas had originally been allotted to Muhammad Yousaf. He later transferred the disputed land to Bashir. The sale consideration was paid, possession was delivered, and the purchaser's name was entered in the revenue record.

The Member (Colonies), Board of Revenue, Punjab subsequently cancelled the original allotment. The stated grounds were that the land fell within a prohibited area extending five miles from the municipal limits and that the allotment had been obtained through fraud and misrepresentation.

The Civil Judge decreed Bashir's suit on 21 April 1992. The District Judge, Sargodha, allowed the Province's appeal and dismissed the suit on 24 November 1994. The Lahore High Court then accepted the civil revision, set aside the appellate decree and restored the trial court's decree. The Province challenged that result before the Supreme Court.

The Province's case

The Province argued that the Board of Revenue was competent to cancel tenancy rights obtained through fraud or misrepresentation. It relied upon the Colonization of Government Lands law and maintained that the land was inside the prohibited five-mile radius.

The Province also contended that notice had been issued to the original allottee and that the later purchasers were not separately entitled to notice.

The respondents answered that the allotment was lawful, the entire consideration had been paid, possession had been delivered, and the purchasers were recorded owners for value. They denied that the Province had established either the prohibited location or fraud. They further argued that the land could not lawfully be cancelled without notice and an opportunity to be heard.

Why notice and hearing were decisive

The Supreme Court treated the statutory opportunity to show cause as substantive, not ceremonial.

The cancellation or resumption power reproduced in the judgment allows the Board of Revenue to act where tenancy rights were acquired by fraud or misrepresentation, or where the person was otherwise ineligible. But the same provision requires that person to be given a reasonable opportunity of showing cause before the land is resumed, its area is reduced, or another adverse order is made.

The Court found no material showing that the respondents, including the original allottee Muhammad Yousaf, received the required notice before the adverse action. In the Court's view,

an order affecting tenancy or proprietary rights could not lawfully be made without compliance with that condition.

The judgment therefore reinforces a basic rule of administrative law: when a statute itself commands notice and hearing, non-compliance is not a minor irregularity. It invalidates the exercise of power.

Completed sale and vested proprietary rights

The Supreme Court also attached importance to the stage at which the Province acted.

The full sale consideration had been received, possession had been delivered, and the respondents were shown in the revenue record as owners in possession. No cancellation proceedings were pending against the original allottee when the proprietary transaction was completed.

The Court agreed with the Lahore High Court that the controversy did not merely concern unperfected tenancy rights. The rights had matured into proprietary rights after payment and execution of the sale deed. The authority could not destroy those secured rights through a one-sided administrative act, particularly without proof of fraud and without hearing the affected parties.

This does not mean that fraud can never justify resumption after proprietary rights have been acquired. The reproduced statutory provision expressly contemplates action notwithstanding acquisition of proprietary rights. The point is that the statutory grounds must exist and the prescribed opportunity to show cause must first be given.

The five-mile prohibited-area objection

The Province alleged that the land was within five miles of the outer municipal limits under the 1956 Scheme for the Resettlement of Ejected Tenants of Certain Categories.

During the Supreme Court proceedings, the Survey General's office used satellite imagery and mapping software to measure the disputed land from several reference points. The judgment records distances of 5.39 miles from the old Deputy Commissioner's office, 5.30 miles from Bhatti Chowk, 5.36 miles from the General Post Office, and 6.18 miles from the railway station to the nearest identified corner of the land.

An earlier order noted that a further question remained about measurement from the outer line of the municipal limits rather than from individual city landmarks. The final judgment, however, did not use the distance controversy to excuse the absence of notice, hearing and proof. It dismissed the Province's civil appeal on the due-process and evidentiary defects identified in the record.

The decision should therefore not be overstated as a universal ruling on how the five-mile radius must be calculated. Its binding outcome rests on the legality of the cancellation process in the case before the Court.

Article 10A and natural justice

The Supreme Court connected the statutory right of hearing with Article 10A of the Constitution and the principles of natural justice.

It held that courts and quasi-judicial authorities must examine whether a person affected by a decision received a fair opportunity to answer the case. An administrative decision must be rational rather than capricious or haphazard. A person should know the allegation, be able to offer an explanation, and have a fair opportunity to contest the proposed action before being condemned.

The judgment goes further than saying that hearing is required only when legislation uses express words. It states that even where a statute is silent, the principles of natural justice ordinarily require an opportunity of hearing before a decision affecting a person's rights is taken.

Outcome of the civil appeal

The Supreme Court found no illegality or irregularity in the Lahore High Court judgment that restored the trial court's decree. Civil Appeal No. 187-L of 2009 was dismissed.

The result preserved the respondents' proprietary position against the cancellation order considered in the proceedings. The decision was based on the absence of lawful notice and hearing, the completed proprietary transaction, and the lack of tangible evidence of fraud or misrepresentation on the record.

Why the connected petition was 4,402 days late

Civil Petition for Leave to Appeal No. 769-L of 2016 faced a separate and decisive problem: it was barred by 4,402 days.

The Province's application for condonation stated only that negligence, high-handedness and unprofessional behaviour by revenue officials had placed valuable public rights at risk and that the case was otherwise arguable on merits.

The Supreme Court described that explanation as mechanical and unpersuasive. It did not identify who caused the delay, explain the actual movement or obstruction of the file, or state what punitive or disciplinary action had been taken against the responsible official.

Government departments receive no preferential treatment

The Court rejected the assumption that delay within government machinery should routinely be excused.

It observed that a private litigant must personally obtain advice, decide whether to challenge the judgment, engage counsel, supply documents and pursue the matter. A government department, by contrast, has access to its own legal branch and to the offices of the Attorney General or Advocate General. That institutional support should enable prompt instructions after receipt of a judgment.

The Court warned that extreme delay may sometimes create a suspicion that a belated appeal was filed merely as a formality, possibly to give an undue advantage to the opposite party, rather than as a genuine attempt to challenge the decision.

The governing principle is equality before law. Government departments, autonomous bodies, private organizations and ordinary citizens are to be treated uniformly when limitation is applied. The public character of the litigant does not itself amount to sufficient cause.

Each day of delay must be explained

For a delay of this scale, the Supreme Court required a concrete explanation covering each day rather than stereotyped assertions about administrative negligence.

The Court acknowledged that law ordinarily favours adjudication on merits. But that consideration does not erase limitation. It applied the settled maxim that the law assists the vigilant, not those who sleep over their rights.

As no plausible reason was shown for the department's grave inefficiency and negligence, the Court dismissed the application for condonation and, consequently, dismissed the civil petition as time-barred.

Important textual caution about the cited provision

The supplied judgment contains inconsistent labels for the land-resumption provision. It refers in different places to sections 30(2) and 32(2), and to the statute as an Act of 1912 and 1992. The official Punjab statute is titled the Colonization of Government Lands (Punjab) Act, 1912, and the fraud-based resumption text reproduced in the judgment is associated with section 30(2).

This article therefore states the legal principle proved by the judgment without silently reproducing the inconsistent section and year references as though they were identical. A practitioner should check the current official statutory text and the certified judgment before citing the provision in pleadings.

What the judgment does not decide

The decision does not prevent the Board of Revenue from acting against an allotment actually obtained through fraud or misrepresentation. It requires lawful grounds, supporting material and compliance with the right to show cause.

It does not decide that every purchaser from an allottee automatically acquires an indefeasible title. The stage of the allotment, payment, possession, execution of title documents, statutory restrictions, notice and proof of fraud remain material.

It also does not say that every short official delay must be refused. Condonation remains dependent on sufficient cause. What failed here was an extraordinary 4,402-day delay supported only by a generalized allegation against unnamed officials.

Practical significance

For a party facing cancellation or resumption of allotted land, the record should include the allotment order, payment receipts, possession documents, sale deed, mutation history, municipal-limit notification, survey material, show-cause notice, proof of service, reply and final cancellation order.

For the public authority, the file must disclose the statutory source of power, the exact alleged fraud or ineligibility, the evidence supporting it, the persons whose rights will be affected, proper service of notice, consideration of their answer and reasons for the final order.

For limitation applications filed by government departments, a vague reference to official delay is unsafe. The application should present a dated chronology, identify the officers or branches through which the matter moved, explain every period of inactivity, attach supporting record and state what corrective action followed.

Final outcome

Civil Appeal No. 187-L of 2009 was dismissed on merits, leaving intact the Lahore High Court judgment that had restored the decree in favour of Bashir.

The application to condone 4,402 days of delay in Civil Petition for Leave to Appeal No. 769-L of 2016 was dismissed, and the civil petition was consequently dismissed as barred by time.

The consolidated judgment dated 2 June 2026 was approved for reporting. The supplied copy does not state a reported citation.

Judgment source and verification note

This analysis is based on the complete ten-page Supreme Court judgment supplied for publication. The case titles, proceeding numbers, bench, hearing date, land measurements, statutory discussion, outcomes, 4,402-day delay and reporting status were checked against that copy.

This is independent legal analysis for research and general information. Readers should verify the complete court record, current statutory text and subsequent judicial treatment before relying on it in proceedings.