

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
CP No. D-2259 of 2024
(*Iqbal Ahmed v. The Province of Sindh & Others*)

DATE:	ORDER WITH SIGNATURE(s) OF JUDGE(s)
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For Orders as to Maintainability of Petition

15-4-2025

Mr. Tauqeer Ahmed (Nephew of Petitioner)

- Sana Akram Minhas J:** In paragraph 1 of the Petition, the Petitioner seeks implementation of certain purported orders allegedly passed in CP No. D-1315/1997 (*Mirza Mehboob Baig & Others v. Deputy Settlement Commissioner (Land) & Others*) (“**CP D-1315**”), while in paragraph 2, the Petitioner instead seeks to have three immovable properties leased in his favour, volunteering to pay the differential amount for properties despite having no existing right, title, or interest therein.
- Aside from the fact that the present Petition seeks implementation of alleged orders issued in a separate petition – which is impermissible – the record further reflects that CP D-1315 has since been dismissed by order dated 24.2.2025.
- It is important to highlight that even prior to the dismissal of CP D-1315¹ on 24.2.2025, a separate Division Bench of this Court, vide an exhaustive order dated 12.12.2001, had earlier allowed an application under Section 12(2) CPC (moved by the Member, Land Utilization Board of Revenue, Sindh) and had recalled its consent order dated 7.7.1997² (whereby it had disposed of CP D-1315), holding that the same had been passed without jurisdiction – an order authored by the late Justice Sabihuddin Ahmed and reported as **Mirza Mehboob Baig v. Deputy Settlement Commissioner (Land)** (2002 MLD 1512) (“**Mirza Mehboob 12(2) CPC Order**”).

¹ On different dates between 1993 and 1996, the Secretary (RS & EP) Board of Revenue passed different orders allotting various pieces of lands to the petitioners of CP No.D-1315/1997. Since physical possession of land was not delivered to the petitioners, they approached the High Court through said CP No.D-1315/1997.

² The consent order of 7.7.1997 disposed of CP No.D-1315/1997 in terms of the undertaking given on behalf of the official respondents, that the directions of the Secretary, Land Utilization Department dated 28.10.1996 to the Deputy Commissioner, Karachi East, directing implementation of seven (7) orders would be given effect within 15 days.

4. The central issue before the Division Bench, which was seized of the application under Section 12(2) CPC, was whether under Section 2(2) of the *Evacuee Property & Displaced Persons Laws (Repeal) Act, 1975 ("Repeal Act 1975")* – which repealed several evacuee laws pertaining to evacuee properties – unsatisfied verified claims (under the now-repealed *Displaced Persons (Land Settlement) Act, 1958*, and the *Displaced Persons (Compensation and Rehabilitation) Act, 1958*), could be considered “*pending proceedings*”, thus entitling displaced persons to land allotments instead of merely monetary compensation at best.
5. While passing the *Mirza Mehboob 12(2) CPC Order*, the Division Bench examined the provisions of the Repeal Act 1975 and ruled that unutilized Produce Index Units or verified claims did not qualify as “*pending proceedings*” under the said Repeal Act, thus denying the petitioners land allotment rights based solely on unutilized Produce Index Units under the repealed statutes. Very importantly, the Division Bench also noted that at the time of the enactment of the Repeal Act 1975, no proceedings under the laws pertaining to evacuee properties or displaced persons were pending before any court or authority which could be subsequently decided by officers notified by the Provincial Government under Section 2(2) of the Repeal Act. In sum, the *Mirza Mehboob 12(2) CPC Order* considered the substantive merits of the petitioners’ purported claim and found it without foundation.
6. The *Mirza Mehboob 12(2) CPC Order* was challenged by its petitioners before the Supreme Court in Civil Petition No.1030-K/2001 (*Mirza Mehboob Baig & Others v. Member (Land Utilization), Board of Revenue & Others*). The said CP D-1315 was instituted by its petitioners through their purported “General Attorney”, viz. one Parvez Rais Siddiqui. Notably, Parvez Rais Siddiqui was murdered in or around the year 2011 – a fact duly recorded in the order of the Supreme Court dated 22.2.2011 in Civil Petition No.1030-K/2001 – which Supreme Court order has been reproduced in order dated 28.2.2014 passed in CP D-1315. As a result, the Supreme Court dismissed the Civil Petition No.1030-K/2001 and consequently, the order of this Court’s Division Bench dated 12.12.2001 i.e. the *Mirza Mehboob 12(2) CPC Order* (allowing the application under 12(2) CPC) attained finality.
7. To make matters worse, the Petitioner in the instant petition (at paragraphs 1 and 4) relies upon purported “*Para-Wise Comments On Behalf of Defendant No.1*,” filed on 15.12.2021 in CP D-1315. The Petitioner alleges that the official Respondents “*have agreed in their para-wise comments that they*

would lease out the properties for 99 years to the petitioner, subject to payment of differential amounts.”

8. Shockingly and outrageously, these Para-Wise Comments (at paragraph 6) themselves rely upon the Division Bench’s earlier consent order dated 7.7.1997 and purport to implement it – even though that order had already been recalled by the Mirza Mehboob 12(2) CPC Order dated 12.12.2001 (passed on an application under Section 12(2) CPC). This critical fact was neither disclosed by the present Petitioner nor by the officer who submitted these false and misleading Para-Wise Comments in CP D-1315, which were verified and sworn on oath through an affidavit dated 13.12.2021 by one Abdul Rehman Shoro, son of Wali Muhammad Shoro, who is stated to be serving as Section Officer (Litigation), Land Utilization Department, Karachi.
9. The egregious and continued suppression of material facts by the Petitioner is both astounding and reprehensible, and it fully warrants dismissal of the present Petition with exemplary costs.
10. In view of the foregoing, the Petition – being devoid of merit and constituting a gross abuse of the process of this Court – is hereby **dismissed** with costs in the sum of **Rs.1,000,000/-** (*Rupees One Million*). Imposition of punitive costs is deemed necessary to deter the misuse of judicial time and resources through baseless and dishonest litigation. The aforesaid amount shall be deposited within thirty (30) days from today into the account of the High Court Clinic, and proof of deposit shall be submitted to the Office. In the event of non-compliance, the Office is directed to place the matter before the Court forthwith for appropriate further orders.
11. As for the false “*Para-Wise Comments On Behalf Of Defendant No.1*” (presented on 15.12.2021) filed in CP D-1315 by Abdul Rehman Shoro, Section Officer (Litigation) Land Utilization Department Karachi (holding CNIC No.41204-3700268-3) having regard to the seriousness of the matter and the unending influx of collusive claims being brought before the courts, we hereby direct:
 - i) The Chief Secretary, Sindh to initiate a comprehensive inquiry into the conduct and actions of the official Respondents, as well as any other public officials who may have aided, abetted, or facilitated the Petitioner in advancing fraudulent claims, fabricating documents, or submitting misleading statements intended to deceive the Court.
 - ii) All individuals found to be involved shall be clearly identified, and, where culpability is established, appropriate disciplinary and legal

action – including the initiation of criminal proceedings, if warranted – shall be undertaken without delay.

- iii) The MIT-II shall oversee compliance with this directive and bring the matter before the Court without delay should the compliance report not be submitted within the prescribed time frame.
- iv) The office is directed to transmit a copy of this order to the learned Advocate General Sindh for necessary action and to ensure compliance.

JUDGE

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