

ORDER SHEET
HIGH COURT OF SINDH CIRCUIT COURT, HYDERABAD
C.P No.D-746 of 2020

DATE	ORDER WITH SIGNATURE OF JUDGE
1.	For orders on office objection(s)
2.	For orders on M.A No.3220/2025
3.	For orders M.A No.11388/2022
4.	For orders on M.A No.21880/2022
5.	For orders on M.A No.20310/2022
6.	For orders on M.A No.20311/2022
7.	For orders on M.A No.20312/2022
8.	For hearing of main case

22.05.2025

Secretary of the Petitioner – Society Mr. Ayaz Hussain Tunio, in person

Barrister Muhammad Sarfaraz Ali Metlo for applicant in M.A No.3220/2025, alongwith advocate Muhammad Saleem Mangrio.

Mr. Sibtain Mahmud, Additional A.G Sindh

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2. At the very outset, Barrister Muhammad Sarfaraz Ali Metlo, representing the applicant Sindh High Court Bar Karachi Cooperative Housing Society Limited, submits a statement confirming that no separate or independent petition has been filed, nor is any such matter under review in any Court regarding the society’s land grant. However, since the Court directed that the applicant society should be treated fairly, just like the petitioner society, the present application (M.A No.3220/2025) has been submitted.

Mr. Metlo argues that the applicant society is a legally registered cooperative housing society consisting of respected members of the Sindh High Court Bar Association, Karachi. He further explained that 2018 a formal request was sent to the Chief Minister of Sindh for the allotment of land, which was under due process. Meanwhile, through an order dated 04.06.2022, the Chief Legal Counsel of the Board of Revenue (BoR) assured the Court that the applicant society’s request would be treated equally with the Hyderabad Bar (the petitioner society). Later, in an order dated 13.08.2022, the Chief Legal Counsel placed on record a letter dated 09.06.2022, instructing the concerned Deputy Commissioners to provide details regarding available land, including a sketch, category, and current market price. He further explains that after following due process, the applicant society’s request was presented before the Provincial Cabinet as Agenda Item No.23. However, the decision was delayed because the cabinet needed clarification from the Court in light of an order dated 21.10.2024, passed by a Division Bench in C.P No.D-6359 of 2023. To support his argument, he refers to the minutes of the cabinet meeting held on

24.01.2025 attached to the application. He strongly emphasizes that the mentioned Court order does not relate to the land requested by the applicant society and does not restrict the allotment of land to cooperative societies. However, the matter continues to be delayed by government authorities. He concludes that since the Court issued directives for the applicant society in the present petition, and the Government of Sindh has raised no objections other than seeking clarification, this application is appropriately filed within the scope of the present case instead of starting a separate legal proceeding.

In response, Mr.Sibtain Mahmud, Additional Advocate General Sindh, submits a statement signed and stamped by the Section Officer of the Land Utilization Department, Government of Sindh. He clearly states that the Sindh Government has no legal objection to allotting land to the applicant society as long as it follows the law. However, due to the Court's order dated 21.10.2024 in C.P No.D-6359 of 2023, which contains several directives, the Provincial Cabinet postponed the decision until necessary clarifications were obtained.

After hearing arguments from the applicant's counsel, Mr. Metlo, and the Additional Advocate General Sindh regarding M.A No.3220 of 2025 and carefully reviewing the documents, including the order dated 21.10.2024, we now examine the matter.

It is clear that the applicant society's request for residential land has been pending before government authorities since 2018, even before any rulings in the related petition. A detailed review of the court order dated 21.10.2024 in C.P No.D-6359 of 2023 reveals that the Division Bench of this Court in Karachi issued final rulings on land allocation matters. These directives require that applications for land allotment to cooperative societies comply with legal, procedural, and policy requirements, including the Cooperative Societies Act, 2020. Notably, the ruling does not prohibit the allotment of land.

Moreover, the Division Bench has ruled that the Chief Minister has no absolute authority to directly grant residential or commercial land without following an open auction. However, there is an exception for cooperative societies created to benefit low-income groups, allowing them to receive land outside the auction process. Since the applicant society is a legally incorporated cooperative society consisting of members of the Sindh High Court Bar Association, its request does not violate the legal restrictions imposed by the Court.

The ruling further states that all leases granted for agricultural or industrial purposes must be used for those purposes only. If not, they will be automatically cancelled. Therefore, any land given to the applicant society

must strictly be used for cooperative housing purposes and cannot be misused. Additionally, the Court acknowledges that the Chief Minister has the authority to grant land to cooperative societies to support marginalized communities. While the applicant society does not fall under that category, cooperative housing laws still allow its request to be considered, provided it meets all legal requirements.

The Division Bench also highlights the need for open and transparent auctions when state land is allocated for commercial use, ensuring it is sold at market value. However, cooperative societies that meet legal and policy criteria are exempt from this requirement, supporting the applicant society's claim. Constitutional principles and Supreme Court rulings stress that public land cannot be allocated arbitrarily and must follow strict procedures to protect the public interest. Since the applicant society's request has gone through the proper administrative process, it does not violate these principles.

Additionally, the Division Bench mandates strict monitoring of land transactions to ensure that recipients do not misuse the granted land. Any violations will result in immediate lease cancellation and repossession of the land. Government agencies must also enforce verification systems, including NADRA-linked oversight, to prevent irregularities in land allocations. While these safeguards apply broadly to state land matters, cooperative societies follow their own regulatory rules.

Furthermore, industrial land leases must only be used for their intended purpose and not be converted for commercial exploitation. The judgment also emphasizes that public land is a national asset, and the government must handle it fairly, transparently, and responsibly. Based on these legal rulings, there are no restrictions preventing the Government of Sindh from proceeding with the applicant society's land allocation as long as it adheres to existing laws, regulations, and policies.

As a result, the present application (M.A No.3220 of 2025) is disposed of in line with the legal findings stated above.

1&3to8. To come up after summer vacations.

JUDGE

JUDGE