

**IN THE SUPREME COURT OF PAKISTAN**  
(Appellate Jurisdiction)

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**PRESENT**

Mr. Justice Jamal Khan Mandokhail  
Mr. Justice Syed Hasan Azhar Rizvi

**Crl. M.A. Nos. 7-K & 8-K of 2015 and H.R.C. No. 3193-P of 2009 and C.M.A. No. 1124-K of 2016**

**In attendance:**

Mr. Sibten Mehmood, Addl. AG Sindh  
Mr. Baqaullah Unar, Sr. Member BOR  
Mr. Muhammad Ayoub Soomro, Addl. Secy Irrigation  
Mr. Anwer Ali, Survey Superintendent BOR

Malik Akhter Hussain, Addl. AG KP

Date of Hearing : 23.12.2022

**ORDER**

The learned Additional Advocate General (**AAG**), Sindh and the Senior Member, Board of Revenue (**SMBR**) state that a PC-I has been submitted before the competent authority and after approval thereof and upon release of the required funds, the process for computerization of the land record, e-mutation and e-registration shall commence. He informs that the Anti-Encroachment Cell has so far recovered 5,700 acres of land from the encroachers and 68 FIRs have also been lodged in this regard. The learned AAG, Sindh concedes that a large area of state land still remains under illegal occupation and assures that every step will be taken for its recovery. The SMBR states that the officials of the Anti-Encroachment Cell face resistance from the encroachers during the Anti-Encroachment Drive, therefore, to cope with such a situation, assistance of the law enforcement agencies, especially that of Rangers, is required. The learned AAG, Sindh assures that the Government of Sindh will provide every assistance for the protection of the officials of the Anti-Encroachment Cell and assist them during the process of recovery of state land.

2. This matter is pending since 2013 and we have noted from the record that the progress of recovery of the encroached state land and that of computerization of the land record is unsatisfactory. The Director,

Anti-Encroachment Cell should continue with and expedite the Anti-Encroachment Drive taking all necessary measures for the protection of the Anti-Encroachment Cell staff and retrieve the encroached state properties. The concerned superintendent (**SP**) should provide assistance to the Anti-Encroachment Cell at the time of the Anti-Encroachment Drive. The Inspector General of Police (**IGP**), Sindh should issue general instructions to all the SPs of the Province on this behalf. In case the assistance of more force is required during the Anti-Encroachment Drive, the Secretary, Home Department, Government of Sindh should ensure the availability of the same and that of Rangers as well, if required. Moreover, there is no plan in place to protect state property from encroachment, therefore, a concrete plan on this behalf is required to be evolved by the Government of Sindh. The SMBR should compile a district-wise list of the encroached state properties with a plan to recover them and for their protection, with the approval of the Government of Sindh. The process should start from Karachi Division and the AAG, Sindh should submit a report on this behalf before the next date of hearing.

3. The learned AAG, KPK states that 8,700,000 kanals of state land was encroached upon, out of which 40% of the land, including the amenity land, has been recovered and an Anti-Encroachment Drive is underway for the remainder. He pointed out that land of the newly merged Districts of erstwhile Federally Administered Tribal Areas (**FATA**) and Provincially Administered Tribal Areas (**PATA**) are unsettled, having no land record. He states that for the land settlement and for preparation of the revenue record of the newly established Districts, a PC-I has been submitted before the competent authority and the process for land settlement would commence upon its approval and the release of funds. He further states that the land settlement already started in District Dir is likely to be completed soon. He also adds that the computerization of the land record for the rest of the Province of KPK is likely to be completed by June 2023. He seeks time to submit a compliance/progress report on the next date of hearing.

4. Today, the Provinces of Punjab and Balochistan are unrepresented. The learned Advocate General (**AG**), Punjab should submit a report with regard to the recovery of state properties, illegally occupied and encroached upon. The report should also reflect the compliance of the



Court's orders passed in this petition to the extent of the Province of Punjab. He should also apprise the Court about the plan of the Government of Punjab, if any, with regard to computerization of the land record.

5. The learned AG, Balochistan should submit a report regarding steps taken so far against the encroachment of state properties, especially that of amenity plots, roads and official buildings. The SMBR, Balochistan should also submit a report through the learned AG, Balochistan with regard to the process of land settlement underway in the Province of Balochistan. The report should also contain the Government of Balochistan's plan for the computerization of the land record, e-mutation and e-registration. The Chief Secretary, Government of Balochistan should hold a meeting with the SMBR, Balochistan along with all the divisional commissioners and other relevant officials in order to propose bylaws, plans and policies to manage, secure and protect the state properties as well as the property rights of the citizens, including monitoring of the public and private housing projects in the Province of Balochistan. The proposal should be submitted before the Government of Balochistan for consideration in order to protect the rights of the citizens as guaranteed by the Constitution.

To be fixed in the Session after six weeks.

  
Karachi  
23<sup>rd</sup> December, 2022  
K. Anees