

IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)

PRESENT: MR. JUSTICE MIAN SAQIB NISAR, HCJ
MR. JUSTICE FAISAL ARAB
MR. JUSTICE IJAZ UL AHSAN

CIVIL APPEALS NO.815 TO 855, 860 TO 974, 1476 TO 1487, 1601 TO 1743, 1883 TO 2015, 2089 TO 2105 AND 2204 TO 2287 OF 2016, CIVIL PETITIONS NO.2991-L, 2992-L, 2996-L, 3013-L TO 3016-L, 2997-L, 3017-L, 3018-L, 3020-L, 3026-L TO 3029-L, 3041-L TO 3049-L, 3112-L, 3171-L TO 3179-L OF 2016, 823-L TO 827-L, 918-L, 956-L TO 958-L, 991-L TO 994-L AND 1032-L TO 1034-L OF 2017, CIVIL MISC. APPLICATIONS NO.382-L TO 537-L, 1067-L TO 1077-L AND 1079-L OF 2016

(Against the judgments dated 26.12.2015, 27.10.2015, 3.11.2015, 11.11.2015, 16.11.2015, 19.11.2015, 20.11.2015, 22.12.2015, 14.1.2016, 3.2.2016, 9.2.2016, 16.3.2016, 5.5.2016, 18.5.2016, 19.5.2016, 11.5.2016, 13.5.2016, 16.5.2016, 17.5.2016, 20.5.2016, 10.5.2016, 31.1.2017, 30.1.2017, 6.2.2017, 8.2.2017, 1.2.2017 of the Lahore High Court, Lahore passed in W.P.No.15628/2015, 15618/2015, 15621/2015, 16001/2015, 16643/2015, 17036/2015, 17176/2015, 17238/2015, 17241/2015, 17243/2015, 17285/2015, 17379/2015, 17386/2015, 17387/2015, 17526/2015, 17670/2015, 17719/2015, 17768/2015, 17836/2015, 17841/2015, 17968/2015, 17970/2015, 18051/2015, 18053/2015, 18055/2015, 18089/2015, 18162/2015, 18164/2015, 18165/2015, 18166/2015, 18167/2015, 18299/2015, 18301/2015, 18302/2015, 18303/2015, 18304/2015, 18305/2015, 18306/2015, 18307/2015, 18310/2015, 18311/2015, 18312/2015, 18353/2015, 18376/2015, 18379/2015, 18417/2015, 18419/2015, 18438/2015, 18439/2015, 18441/2015, 18626/2015, 18681/2015, 18688/2015, 18746/2015, 18790/2015, 18791/2015, 18793/2015, 18795/2015, 18746/2015, 18831/2015, 18834/2015, 18853/2015, 19022/2015, 19044/2015, 19051/2015, 19257/2015, 19285/2015, 19550/2015, 19555/2015, 19557/2015, 19866/2015, 19874/2015, 19968/2015, 19994/2015, 20004/2015, 200050/2015, 20069/2015, 20071/2015, 20075/2015, 20077/2015, 20081/2015, 20097/2015, 20178/2015, 20283/2015, 20379/2015, 20538/2015, 20584/2015, 20587/2015, 20762/2015, 20887/2015, 22005/2015, 23734/2015, 23916/2015, 24147/2015, 24180/2015, 24813/2015, 28156/2015, 30300/2015, 30756/2015, 30757/2015, 30758/2015, 30759/2015, 30761/2015, 32450/2015, 32750/2015, 34503/2015, 34842/2015, 35432/2015, 18352/2015, 18356/2015, 19299/2015, 19302/2015, 19307/2015, 19310/2015, 19323/2015, 19344/2015, 19369/2015, 19376/2015, 19379/2015, 19437/2015, 19516/2015, 19517/2015, 20593/2015, 20626/2015, 20629/2015, 21189/2015, 22003/2015, 27017/2015, 28239/2015, 28814/2015, 19510/2015, 18081/2015, 18309/2015, 16465/2015, 1155/2012, 1156/2012, 1157/2012, 2264/2012, 2265/2012, 2266/2012, 2267/2012, 2268/2012, 2269/2012, 5303/2012, 5304/2012, 5305/2012, 11807/2012, 11808/2012, 22372/2015, 3401/2012, 3411/2012, 34956/2012, 39416/2015, 39928/2015, 35592/2015, 906/2016, 86/2016, 87/2016, 88/2016, 151/2016, 369/2015, 2816/2016, 2817/2016, 2831/2016, 2959/2016, 2961/2016, 3923/2016, 4406/2016, 4412/2016, 4419/2016, 4421/2016, 4442/2016, 4423/2016, 4424/2016, 4435/2016, 4440/2016, 4448/2016, 4452/2016, 4455/2016, 4456/2016, 4462/2016, 4470/2016, 4473/2016, 4480/2016, 4481/2016, 4482/2016, 4448/2016, 4486/2016, 4488/2016, 4489/2016, 4492/2016, 4499/2016, 4500/2016, 4501/2016, 4502/2016, 4503/2016, 4506/2016, 4508/2016, 4510/2016, 4512/2016, 4517/2016, 4579/2016, 4779/2016, 5108/2016, 5109/2016, 5110/2016, 5111/2016, 5115/2016, 5117/2016, 5119/2016, 5120/2016, 5121/2016, 5131/2016, 5133/2016, 5134/2016, 5136/2016, 5137/2016, 5138/2016, 5159/2016, 5161/2016, 5163/2016, 5167/2016, 5169/2016, 5171/2016, 5173/2016, 5174/2016, 5177/2016, 5178/2016, 5179/2016, 5181/2016, 5182/2016, 5183/2016, 5184/2016, 5186/2016, 5187/2016, 5188/2016, 5190/2016, 5192/2016, 5193/2016, 5195/2016, 5199/2016, 5205/2016, 5211/2016, 5213/2016, 5214/2016, 5216/2016, 5218/2016, 5219/2016, 5220/2016, 5221/2016, 5222/2016, 6102/2016, 5227/2016, 5228/2016, 5230/2016, 5232/2016, 5235/2016, 5248/2016, 5525/2016, 5620/2016, 5624/2016, 5684/2016, 6029/2016, 6030/2016, 6039/2016, 6044/2016, 6045/2016, 6046/2016, 6047/2016, 6102/2016, 6104/2016, 6105/2016, 6107/2016, 6108/2016, 6111/2016, 6116/2016, 6118/2016, 6290/2016, 6295/2016, 6298/2016, 6299/2016, 6302/2016, 6303/2016, 6305/2016, 6307/2016, 6310/2016, 6316/2016, 6376/2016, 6377/2016, 6378/2016, 7379/2016, 6677/2016, 7602/2016,

8110/2016, 8112/2016, 8239/2016, 8734/2016, 8736/2016, 8748/2016, 8749/2016, 6028/2016, 4490/2016, 5189/2016, 5234/2016, 5410/2016, 6289/2016, 6312/2016, 6315/2016, 6317/2016, 8392/2016, 8906/2016, 8922/2016, 8923/2016, 8925/2016, 8927/2016, 8928/2016, 8929/2016, 8930/2016, 8932/2016, 8933/2016, 8935/2016, 8936/2016, 8937/2016, 8939/2016, 8940/2016, 8941/2016, 8942/2016, 8944/2016, 8945/2016, 8946/2016, 8947/2016, 8948/2016, 8949/2016, 8950/2016, 8951/2016, 8953/2016, 8954/2016, 8955/2016, 8956/2016, 8957/2016, 8958/2016, 8955/2016, 8961/2016, 8962/2016, 8963/2016, 8964/2016, 8965/2016, 9004/2016, 9033/2016, 9034/2016, 9714/2016, 9811/2016, 9814/2016, 9815/2016, 9816/2016, 9817/2016, 9818/2016, 9819/2016, 9820/2016, 9821/2016, 9822/2016, 9824/2016, 10137/2016, 10139/2016, 10140/2016, 10142/2016, 10144/2016, 10148/2016, 10149/2016, 10150/2016, 10155/2016, 10156/2016, 10157/2016, 10158/2016, 10159/2016, 10160/2016, 10161/2016, 10164/2016, 10776/2016, 11200/2016, 11203/2016, 11205/2016, 11207/2016, 11305/2016, 11308/2016, 11310/2016, 11313/2016, 11315/2016, 11597/2016, 11696/2016, 13361/2016, 13363/2016, 13375/2016, 13815/2016, 13817/2016, 13819/2016, 13840/2016, 14039/2016, 14040/2016, 14041/2016, 14042/2016, 14043/2016, 14044/2016, 14045/2016, 14047/2016, 14048/2016, 14049/2016, 14050/2016, 14051/2016, 14052/2016, 14053/2016, 14055/2016, 14056/2016, 14058/2016, 14373/2016, 14375/2016, 14630/2016, 14633/2016, 14634/2016, 14635/2016, 14634/2016, 14719/2016, 14720/2016, 14723/2016, 14724/2016, 14725/2016, 14746/2016, 14747/2016, 14748/2016, 14751/2016, 14755/2016, 14756/2016, 14757/2016, 14758/2016, 14775/2016, 14776/2016, 14779/2016, 14780/2016, 14781/2016, 14782/2016, 14784/2016, 14785/2016, 14787/2016, 16668/2016, 16671/2016, 16676/2016, 16678/2016, 16681/2016, 16696/2016, 16709/2016, 16769/2016, 16773/2016, 16843/2016, 16709/2016, 16872/2016, 16874/2016, 16886/2016, 16924/2016, 16926/2016, 16927/2016, 9714/2016, 16714/2016, 16868/2016, 12966/2016, 15459/2016, 15647/2016, 16082/2016, 16083/2016, 16242/2016, 16243/2016, 16245/2016, 16246/2016, 16248/2016, 16249/2016, 16256/2016, 16257/2016, 16258/2016, 16267/2016, 16272/2016, 16274/2016, 16275/2016, 16276/2016, 16277/2016, 16278/2016, 16280/2016, 16281/2016, 16282/2016, 16283/2016, 16334/2016, 16498/2016, 16500/2016, 16932/2016 & A.Nos.16984/2016, 16985/2016, 16986/2016, 16987/2016, 16988/2016, 16989/2016, 16992/2016, 16994/2016, 16996/2016, 16998/2016, 17000/2016, 17101/2016, 17102/2016, 17104/2016, 17105/2016, W.Ps.No.17106/2016, 17137/2016, 17144/2016, 17146/2016, 17147/2016, 17149/2016, 17151/2016, 17152/2016, 17153/2016, 17154/2016, 17156/2016, 17157/2016, 17157/2016, 17160/2016, 17161/2016, 17162/2016, 17163/2016, 17164/2016, 17165/2016, 17166/2016, 17169/2016, 17172/2016, 17175/2016, 17176/2016, 17179/2016, 17180/2016, 17194/2016, 17200/2016, 17203/2016, 17204/2016, 17205/2016, 17207/2016, 17208/2016, 17235/2016, 17236/2016, 17237/2016, 17238/2016, 16098/2016, 16990/2016, 16499/2016, 17155/2016, 17181/2016, 17191/2016, 16497/2016, 13603/2016, 17141/2016, 17158/2016, 16099/2016, 15829/2016, 15830/2016, 15832/2016, 15834/2016, 15732/2016, 15733/2016, 15753/2016, 15764/2016, 15756/2016, 15761/2016, 15763/2016, 15764/2016, 15828/2016, 16052/2016, 15590/2016, 15591/2016, 15611/2016, 15626/2016, 15627/2016, 15628/2016, 15629/2016, 15630/2016, 15631/2016, 4876/2015, 5206/2015, 5207/2015, 5208/2015, 5212/2015, 7803/2016, 6865/2015, 8541/2015, 493/2016, 4749/2016, 8118/2015, 8427/2016, 13416/2016, 491/2016, 9347/2015 and 8557/2015)

In C.A.815/2016:	Member (Taxes) Board of Revenue Punjab,Lahore,etc v. Qaiser Abbas
In C.A.816/2016:	Member (Taxes), Board of Revenue Punjab,Lahore,etc v. Syed Fakhar Riaz
In C.A.817/2016:	Member (Taxes), Board of Revenue Pujnab,Lahore,etc v. Muhammad Arshad
In C.A.818/2016:	Member (Taxes), Board of Revenue Punjab,Lahore,etc v. Khursheed Bibi
In C.A.819/2016:	Province of Punjab through its Chief Secretary, Punjab, Lahore, etc v. Syed Javed Hasnain Shah

In C.A.820/2016:	Government of the Punjab through Ministry of Finance,Civil Secretariat,Lahore,etc v. Abdul Razzaq
In C.A.821/2016:	Province of Punjab through District Collector, Chiniot, etc v. Bilal Ahmad ,etc
In C.A.822/2016:	Province of Pnujab through Chief Secretary, Punjab,Lahore,etc v. Ghulam Dastagir Lak
In C.A.823/2016:	Government of the Punjab through Ministry of Finance,Civil Secretariat,Lahore,etc v. Asghar Ali
In C.A.824/2016:	Government of the Punjab through Ministry of Finance,Civil Secretariat,Lahore,etc v. Walayat Ali
In C.A.825/2016:	Government of the Punjab through Ministry of Finance, Civil Secretariat, Lahore, etc v. Muhammad Ameen
In C.A.826/2016:	Government of the Punjab through Ministry of Finance,Civil Secretariat,Lahore,etc v. Malik Zaheer Abbas
In C.A.827/2016:	Province of Punjab through its Chief Secretary, Punjab,Lahore,etc v. Muhammad Hayat
In C.A.828/2016:	Province of Punjab Through its Chief Secretary, Punjab,Lahore,etc v. Imran Ahmad Maikan
In C.A.829/2016:	Province of Punjab through its Chief Secretary, Punjab,Lahore,etc v. Ch.Iftekhar Hussain Gondal
In C.A.830/2016:	Province of Punjab Through its Chief Secretary, Punjab,Lahore,etc v. Muhammad Shoaib shah
In C.A.831/2016:	Province of Punjab Through its Chief Secretary, Punjab,Lahore,etc v. Mian Faisal Shafi
In C.A.832/2016:	Government of the Punjab through Ministry of Finance,Civil Secretariat,Lahore,etc v. Safdar Ali Wahla
In C.A.833/2016:	Government of the Punjab through its Chief Secretary,,Civil Secretariat,Lahore,etc v. Muhammad Saeed Akhtar
In C.A.834/2016:	Government of the Punjab Through its Chief Secretary, Punjab,Lahore,etc v. Mian Muhammad Ashraf Kalyar
In C.A.835/2016:	Government of the Punjab through its Chief Secretary,,Civil Secretariat,Lahore,etc v. Mrs.Safdar Bivi
In C.A.836/2016:	Province of the Punjab through District

	Collector,Chiniot,etc v. Khalid Mehmood,etc
In C.A.837/2016:	Province of the Punjab through District Collector,Chiniot,etc v. Zafar Abbas,etc
In C.A.838/2016:	Government of Punjab Through its Secretary Law and Parliamentary Affairs, Department, Lahore, etc v. Azmat Ali Malhi
In C.A.839/2016:	Government of Punjab Through its Secretary Law and Parliamentary Affairs, Department, Lahore, etc v. Saif Ullah Mangat
In C.A.840/2016:	Government of Punjab Through its Secretary Law and Parliamentary Affairs, Department, Lahore, etc v. Muhammad Asad Mangat
In C.A.841/2016:	Province of Punjab through its Chief Secretary, Lahore, etc v. Syed Nusrat Abbas Sherazi
In C.A.842/2016:	Province of Punjab through its Chief Secretary, Punjab, Lahore, etc v. Fahad Farooq
In C.A.843/2016:	Province of Punjab through its Chief Secretary, Punjab, Lahore, etc v. Ehtisham Suleman Zahid
In C.A.844/2016:	Province of Punjab through its Chief Secretary, Punjab, Lahore, etc v. Mubashir Farooq
In C.A.845/2016:	Province of Punjab through its Chief Secretary, Punjab, Lahore, etc v. Muhammad Musaddaq Farooq
In C.A.846/2016:	Province of Punjab through its Chief Secretary, Punjab, Lahore, etc v. Muhammad Qasim Farooq, etc
In C.A.847/2016:	Province of Punjab through its Chief Secretary, Punjab ,Lahore,etc v. Fahad Farooq
In C.A.848/2016:	Province of Punjab through its Chief Secretary,Punjab,Lahore,etc v. Muhammad Masadaq Farooq
In C.A.849/2016:	Province of Punjab through its Chief Secretary, Punjab,Lahore,etc v. Haq Nawaz Malik
In C.A.850/2016:	Province of Punjab through its Chief Secretary,Punjab,Lahore,etc v. Rizwan ul Haq
In C.A.851/2016:	Province of the Punjab through its Chief Secretary Punjab, Lahore, etc v. Mian Muhammad Ashfaq
In C.A.852/2016:	Province of Punjab through its Chief Secretary, Punjab,Lahore,etc v. Muhammad Qasim Farooq
In C.A.853/2016:	Province of Punjab Through its Chief Secretary,

	Punjab,Lahore,etc v. Mian Muhammad Farooq
In C.A.854/2016:	Province of Punjab through its Chief Secretary, Punjab,Lahore,etc v. Abdul Khaliq
In C.A.855/2016:	Province of Punjab through its Chief Secretary, Punjab,Lahore,etc v. Mubashir Farooq
In C.A.860/2016:	Province of Punjab Through its Chief Secretary, Punjab,Lahore,etc v. Ahmad Suleman Zahid
In C.A.861/2016:	Province of Punjab Through its Chief Secretary, Punjab,Lahore,etc v. Mian Muhammad Farooq
In C.A.862/2016:	Member (Taxes) Board of Revenue Punjab,Lahore,etc v. Tahir Mustafa
In C.A.863/2016:	Member (Taxes) Board of Revenue Punjab,Lahore,etc v. Adnan Khan
In C.A.864/2016:	Province of Punjab Through its Chief Secretary, Punjab,Lahore,etc v. Muhammad Akbar Virk
In C.A.865/2016:	Government of the Punjab through Ministry of Finance,Civil Secretariat,Lahore,etc v. Rameez Tariq,etc
In C.A.866/2016:	Member (Taxes) Board of Revenue Punjab,Lahore,etc v. Mubashar Nawaz
In C.A.867/2016:	Member (Taxes) Board of Revenue Punjab,Lahore,etc v. Mohsin Khan
In C.A.868/2016:	Government of the Punjab through Ministry of Finance,Civil Secretariat,Lahore,etc v. Anwar ul Haq
In C.A.869/2016:	Government of the Punjab through Ministry of Finance,Civil Secretariat,Lahore,etc v. Abdul Latif
In C.A.870/2016:	Government of Punjab Through its Secretary Law and Parliamentary Affairs, Department, Lahore, etc v. Muhammad Amin Warraich
In C.A.871/2016:	Province of Punjab Through its Chief Secretary, Punjab, Lahore, etc v. Muhammad Ahmad Samar Saleem
In C.A.872/2016:	Province of Punjab Through its Chief Secretary, Punjab,Lahore,etc v. Pervaiz Rashid,etc
In C.A.873/2016:	Province of Punjab Through its Chief Secretary, Punjab,Lahore,etc v. Muhammad Shafi,etc
In C.A.874/2016:	Government of the Punjab through Ministry of Finance,Civil Secretariat,Lahore,etc v. Muhammad Musharaf

In C.A.875/2016:	Government of the Punjab through Ministry of Finance,Civil Secretariat,Lahore,etc v. Syed Nasir Jamal
In C.A.876/2016:	Government of the Punjab through Ministry of Finance,Civil Secretariat,Lahore,etc v. Syed Nasir Jamal
In C.A.877/2016:	Government of the Punjab through Ministry of Finance,Civil Secretariat,Lahore,etc v. Muhammad Yousaf Ali
In C.A.878/2016:	Province of Punjab Through its Chief Secretary, Punjab,Lahore,etc v. Muhammad Akhtar,etc
In C.A.879/2016:	Province of Punjab through District Collector, Chiniot, etc v. Sardar Hassan Mahmood
In C.A.880/2016:	Province of Punjab Through its Chief Secretary, Punjab,Lahore,etc v. Mazhar Hussain Shah
In C.A.881/2016:	Province of Punjab through District Collector,Chiniot,etc v. Muhammad Shakeel,etc
In C.A.882/2016:	Government of the Punjab through Ministry of Finance,Civil Secretariat,Lahore,etc v. Javed Iqbal
In C.A.883/2016:	Province of the Punjab through District Collector,Chiniot,etc v. Mukhtar Ahmad
In C.A.884/2016:	Government of the Punjab through Ministry of Finance,Civil Secretariat,Lahore,etc v. Shahid Hayat,etc
In C.A.885/2016:	Government of the Punjab through Secretary Law And Parliamentary Affairs, Lahore, etc v. Asif Javaid
In C.A.886/2016:	Province of Punjab through District Collector, Chiniot, etc v. Rafique Ahmad Nafees, etc
In C.A.887/2016:	Government of the Punjab through Ministry of Finance,Civil Secretariat,Lahore,etc v. Abdul Hameed
In C.A.888/2016:	Member (Taxes) Board of Revenue Punjab,Lahore,etc v. Ashifa Riaz
In C.A.889/2016:	Member (Taxes) Board of Revenue Punjab,Lahore,etc v. Taashfeen Riaz
In C.A.890/2016:	Government of the Punjab through Ministry of Finance,Civil Secretariat,Lahore,etc v. Muhammad Younas
In C.A.891/2016:	Government of the Punjab through Ministry of Finance,Civil Secretariat,Lahore,etc v. Manzoor

Ahmad Sajid

In C.A.892/2016:	Government of the Punjab through Ministry of Finance,Civil Secretariat,Lahore,etc v. Zahid Mehmood Khan
In C.A.893/2016:	Government of the Punjab through Secretary Law And Parliamentary Affairs, Lahore, etc v. Muhammad Riaz Khan
In C.A.894/2016:	Government of the Punjab through Secretary Law And Parliamentary Affairs, Lahore, etc v. Muhammad Ramzan
In C.A.895/2016:	Province of Punjab through District Collector, Chiniot, etc v. Muhammad Saleem, etc
In C.A.896/2016:	Member (Taxes) Board of Revenue Punjab,Lahore,etc v. Farooq Nazir
In C.A.897/2016:	Member (Taxes) Board of Revenue Punjab,Lahore,etc v. Masood Anwar
In C.A.898/2016:	Member (Taxes) Board of Revenue Punjab,Lahore,etc v. Aftikhar Ahmad
In C.A.899/2016:	Member (Taxes) Board of Revenue Punjab,Lahore,etc v. Farooq Nazir
In C.A.900/2016:	Member (Taxes) Board of Revenue Punjab,Lahore,etc v. Rana Muhammad Akram Khan
In C.A.901/2016:	Member (Taxes) Board of Revenue Punjab,Lahore,etc v. Muhammad Aslam
In C.A.902/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Syed Muhammad Ali
In C.A.903/2016:	Government of the Punjab through Secretary Law And Parliamentary Affairs, Lahore, etc v. Ch.Inayat Ullah
In C.A.904/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Haji Muhammad Younis
In C.A.905/2016:	Province of Punjab Through its Chief Secretary, Punjab,Lahore,etc v. Syed Ehsar ur Rehman
In C.A.906/2016:	Government of the Punjab through Ministry of Finance,Civil Secretariat,Lahore,etc v. Nasir Abbas Khan
In C.A.907/2016:	Government of the Punjab through Ministry of Finance,Civil Secretariat,Lahore,etc v. Ahmad Ejaz Khan

In C.A.908/2016:	Government of the Punjab through Secretary Law And Parliamentary Affairs, Lahore, etc v. Muhammad Saad Ullah Khan
In C.A.909/2016:	Government of the Punjab through Secretary Law And Parliamentary Affairs, Lahore, etc v. Nasir Ali Khan
In C.A.910/2016:	Government of the Punjab through Ministry of Finance,Civil Secretariat,Lahore,etc v. Syed Afzal Hussain Shah
In C.A.911/2016:	Province of the Punjab through its Chief Secretary,Punjab, Lahore, etc v. Ch.Sikandar Hayat
In C.A.912/2016:	Province of the Punjab through its Chief Secretary,Punjab, Lahore, etc v. Muhammad Afzal
In C.A.913/2016:	Assistant Commissioner/Collector Samundari District Faisalabad,etc v. Rana Muhammad Farooq Saeed Khan
In C.A.914/2016:	Government of the Punjab through Ministry of Finance,Civil Secretariat,Lahore,etc v. Hafeez Ahmad Khan
In C.A.915/2016:	Province of Punjab through District Collector, Chiniot, etc v. Haji Abdul Mateen Khan
In C.A.916/2016:	Assistant Commissioner/Collector Sumundari, District Faisalabad,etc v. Rana Muhammad Bilal Farooq
In C.A.917/2016:	Government of Punjab through Ministry of Finance,Civil Secretariat, Lahore, etc v. Muhammad Arshad Naeem
In C.A.918/2016:	Province of Punjab Through its Chief Secretary, Punjab,Lahore,etc v. Ahmad Raza Khan
In C.A.919/2016:	Province of Punjab Through its Chief Secretary, Punjab,Lahore,etc v. Saif Ullah Khan
In C.A.920/2016:	Province of Punjab Through its Chief Secretary, Punjab,Lahore,etc v. Zafar Ullah Khan
In C.A.921/2016:	Province of Punjab Through its Chief Secretary, Punjab,Lahore,etc v. Ch.Zia Ullah Khan
In C.A.922/2016:	Province of Punjab Through its Chief Secretary, Punjab,Lahore,etc v. Bilal Zafar
In C.A.923/2016:	Government of Punjab Through its Chief Secretary, Punjab,Lahore,etc v. Khalid Mehmood Hassan

In C.A.924/2016:	Government of Punjab Through its Chief Secretary, Punjab,Lahore,etc v. Atta Muhammad Taheem
In C.A.925/2016:	Government of Punjab Through its Chief Secretary, Punjab,Lahore,etc v. Muhammad Arshad
In C.A.926/2016:	Province of Punjab through its Chief Secretary, Punjab,Lahore,etc v. Muhammad Ashraf Gondal
In C.A.927/2016:	Government of Punjab Through its Chief Secretary, Punjab,Lahore,etc v. Tariq Javed Anjum,etc
In C.A.928/2016:	Government of Punjab Through its Chief Secretary, Punjab,Lahore,etc v. Faheem Iqbal
In C.A.929/2016:	Member (Taxes) Board of Revenue Punjab,Lahore,etc v. Tariq Mehmood
In C.A.930/2016:	Province of Punjab Through its Chief Secretary, Punjab,Lahore,etc v. Gul Muhammad
In C.A.931/2016:	Government of the Punjab through Ministry of Finance,Civil Secretariat,Lahore,etc v. Muhammad Aslam Shah
In C.A.932/2016:	Government of the Punjab through Ministry of Finance,Civil Secretariat,Lahore,etc v. Muhammad Aslam Shah
In C.A.933/2016:	Member (Taxes) Board of Revenue Punjab,Lahore,etc v. Niaz Ahmad
In C.A.934/2016:	Member (Taxes) Board of Revenue Punjab,Lahore,etc v. Anwaar Ahmad
In C.A.935/2016:	Government of the Punjab through Ministry of Finance,Civil Secretariat,Lahore,etc v. Bashir Ahmad
In C.A.936/2016:	Member (Taxes) Board of Revenue Punjab,Lahore,etc v. Nazeer Ahmad
In C.A.937/2016:	Province of Punjab Through its Chief Secretary, Punjab,Lahore,etc v. Fateh Sher
In C.A.938/2016:	Government of Punjab Through its Chief Secretary, Punjab,Lahore,etc v. Nauman Ullah Khan Chathha
In C.A.939/2016:	Government of Punjab Through its Chief Secretary, Punjab,Lahore,etc v. Hamad Rasool Hanjra
In C.A.940/2016:	Government of the Punjab through Ministry of Finance,Civil Secretariat,Lahore,etc v. Asad

Zaman

- In C.A.941/2016: Government of Punjab Through its Chief Secretary, Punjab,Lahore,etc v. Rana Muhammad Yousaf
- In C.A.942/2016: Province of Punjab Through its Chief Secretary, Punjab,Lahore,etc v. Rana Mushtaq Ahmad
- In C.A.943/2016: Government of the Punjab through Ministry of Finance,Civil Secretariat,Lahore,etc v. Muhammad Bin Naeem
- In C.A.944/2016: Government of the Punjab through Ministry of Finance,Civil Secretariat,Lahore,etc v. Muhammad Nawaz
- In C.A.945/2016: Government of the Punjab through Ministry of Finance,Civil Secretariat,Lahore,etc v. Aftab Iqbal Pannu
- In C.A.946/2016: Member (Taxes) Board of Revenue Punjab,Lahore,etc v. Khalid Mahmood Khan
- In C.A.947/2016: Government of the Punjab through Ministry of Finance,Civil Secretariat,Lahore,etc v. Syed Ali Kazmi
- In C.A.948/2016: Member (Taxes) Board of Revenue Punjab,Lahore,etc v. Syed Farhat Mehdi Kazmi
- In C.A.949/2016: Province of the Punjab through its Chief Secretary, Lahore, etc v. Akhtar Hussain @ Muhammad Akhtar Chishti
- In C.A.950/2016: Government of the Punjab through Ministry of Finance,Civil Secretariat,Lahore,etc v. Safdar Ali
- In C.A.951/2016: Government of the Punjab through Secretary Finance, Lahore, etc v. Muhammad Junaid Anwar Chaudhry
- In C.A.952/2016: Government of the Punjab through Ministry of Finance,Civil Secretariat,Lahore,etc v. Muhammad Saeed
- In C.A.953/2016: Province of Punjab through its Chief Secretary, Punjab, Lahore, etc v. Abdul Wahid
- In C.A.954/2016: Assistant Commissioner, Tehsil Sambrial, District Sialkot v. Ch. Safdar Ali
- In C.A.955/2016: Government of the Punjab through Chief Secretary, Lahore, etc v. Muhammad Arshad
- In C.A.956/2016: Government of the Punjab through Chief Secretary, Lahore, etc v. Rana Muhammad Ashraf Khan

In C.A.957/2016:	Government of the Punjab through Chief Secretary, Lahore, etc v. Muhammad Vakil Khan Manj
In C.A.958/2016:	Government of the Punjab through Chief Secretary, Lahore, etc v. Ch. Naimat Ali
In C.A.959/2016:	Government of the Punjab through Chief Secretary, Lahore, etc v. Zafar Pervaiz
In C.A.960/2016:	Government of the Punjab through Chief Secretary, Lahore, etc v. Ch. Muhammad Ishaque
In C.A.961/2016:	Government of the Punjab through Chief Secretary, Lahore, etc v. Zafar Mahmood
In C.A.962/2016:	Government of the Punjab through Chief Secretary, Lahore, etc v. Ch. Muhammad Mushtaq
In C.A.963/2016:	Government of the Punjab through Chief Secretary, Civil Secretariat, Lahore, etc v. Zafar Pervaiz
In C.A.964/2016:	Assistant Commissioner/Collector, Tehsil Model Town, Lahore,etc v. Mian Haseeb Ilyas
In C.A.965/2016:	Assistant Commissioner/Collector, Tehsil Model Town, Lahore,etc v. Mian Mehraj Din, etc
In C.A.966/2016:	Assistant Commissioner/Collector, Tehsil Model Town, Lahore,etc v. Mian Muhammad Illyas Mehraj
In C.A.967/2016:	Government of the Punjab through Chief Secretary, Civil Secretariat, Lahore, etc v. Ghulam Abbas Chatha
In C.A.968/2016:	Government of the Punjab through Chief Secretary, Civil Secretariat, Lahore, etc v. Muhammad Akram
In C.A.969/2016:	Government of the Punjab through Chief Secretary, Civil Secretariat, Lahore, etc v. Rauf Iqbal, etc
In C.A.970/2016:	Government of the Punjab through Chief Secretary, Civil Secretariat, Lahore, etc v. Irshad Ali
In C.A.971/2016:	Government of the Punjab through Chief Secretary, Civil Secretariat, Lahore, etc v. Muhammad Khan
In C.A.972/2016:	Government of the Punjab through Chief Secretary, Civil Secretariat, Lahore, etc v.

Muhammad Wakeel Khan

- In C.A.973/2016: Government of the Punjab through Chief Secretary, Civil Secretariat, Lahore, etc v. Khan Muhammad Arshad Khan (Late)
- In C.A.974/2016: Government of the Punjab through Chief Secretary, Civil Secretariat, Lahore, etc v. Zulfiqar Ali
- In C.A.1476/2016: Province of Punjab through its Chief Secretary, Lahore, etc v. Ayesha Asghar
- In C.A.1477/2016: Province of Punjab through its Chief Secretary, Punjab Lahore,etc v. Ghulam Abbas
- In C.A.1478/2016: Province of Punjab through its Chief Secretary, Punjab Lahore,etc v. Malik Allah Bakhsh
- In C.A.1479/2016: Province of Punjab through its Chief Secretary, Punjab Lahore,etc v. Malik Ameer Mukhtar Sangha
- In C.A.1480/2016: Province of Punjab through its Chief Secretary, Punjab Lahore,etc v. Mureed Hussain
- In C.A.1481/2016: Government of Punjab through its Secretary Law And Parliamentary Affairs Department, Punjab Lahore,etc v. Khalid Latif Mughal
- In C.A.1482/2016: Province of Punjab through its Chief Secretary, Punjab Lahore,etc v. Suleman Yousaf
- In C.A.1483/2016: Province of Punjab through its Chief Secretary, Punjab Lahore,etc v. Rizwan Yousaf
- In C.A.1484/2016: Province of Punjab through its Chief Secretary, Punjab Lahore,etc v. Sarfraz Ahmad Abbasi
- In C.A.1485/2016: Government of the Punjab through Chief Secretary, Punjab Civil Secretariat, Lahore,etc v. Muhammad Iqbal
- In C.A.1486/2016: Government of the Punjab through Chief Secretary, Punjab Civil Secretariat, Lahore,etc v. Zulfiqar Ali
- In C.A.1487/2016: Province of Punjab through its Chief Secretary, Punjab, Lahore, etc v. Muhammad Ajmal Khan
- In C.A.1601/2016: Government of the Punjab through its Chief Secretary, Lahore, etc v. Tahir Abbas
- In C.A.1602/2016: Government of the Punjab through its Chief Secretary, Lahore, etc v. Muhammad Tufai
- In C.A.1603/2016: Government of the Punjab through its Chief Secretary, Lahore, etc v. Mureed Abbas

In C.A.1604/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Mst. Shareen Fatima
In C.A.1605/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Habibullah
In C.A.1606/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Mian Ghaman Hussain
In C.A.1607/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Raey Zahoor Ahmad
In C.A.1608/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Muhammad Sarfraz
In C.A.1609/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Ghulam Muhammad Murtaza
In C.A.1610/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Bashir Ahmad Khan
In C.A.1611/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Mushtaq Ahmad
In C.A.1612/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Ahmad alias Ahmad Ali
In C.A.1613/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Muhammad Hussain
In C.A.1614/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Liaqat Ali
In C.A.1615/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Muhammad Hayyat
In C.A.1616/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Mumtaz
In C.A.1617/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Ghulam Moeen-ul-Din
In C.A.1618/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Muhammad Ameer
In C.A.1619/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Wali Muhammad Khan
In C.A.1620/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Muhammad Younas
In C.A.1621/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Khalid Nawaz
In C.A.1622/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Raey Nadeem Abbas

In C.A.1623/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Muhammad Hassan
In C.A.1624/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Noor Muhammad
In C.A.1625/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Mst. Salamat Bibi
In C.A.1626/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Hameed
In C.A.1627/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Bashir Hussain
In C.A.1628/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Muhammad Hameed
In C.A.1629/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Ghulam
In C.A.1630/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Fida Muhammad
In C.A.1631/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Hira Fatima
In C.A.1632/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Mst. Raaj Bibi
In C.A.1633/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Mushtaq Ahmad
In C.A.1634/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Muneer Hussain
In C.A.1635/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Muhammad Fazil
In C.A.1636/2016:	Assistant Commissioner/Collector Tehsil Kamalia, District Toba Tek Singh, etc v. Muhammad Shahid Sohail
In C.A.1637/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Aown Abbas
In C.A.1638/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Muhammad Abdullah
In C.A.1639/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Ghulam Habib
In C.A.1640/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Bashir Hussain
In C.A.1641/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Muhammad Hayat

In C.A.1642/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Muhammad Ashraf
In C.A.1643/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Kausar Bibi
In C.A.1644/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Muhammad Ameer
In C.A.1645/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Khalid Mehmood
In C.A.1646/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Abdul Hameed
In C.A.1647/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Fida Muhammad
In C.A.1648/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Jamal
In C.A.1649/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Iftikhar Ahmad
In C.A.1650/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Amiran Bibi
In C.A.1651/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Muhammad Arshad
In C.A.1652/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Niamat Ali
In C.A.1653/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Wali Dad
In C.A.1654/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Zulfiqar Ali Hassan
In C.A.1655/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Lal Din
In C.A.1656/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Muhammad Bashir
In C.A.1657/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Maqsood Ahmad
In C.A.1658/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Bhadar Ali
In C.A.1659/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Sardar Ali
In C.A.1660/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. ghulam Muhammad

In C.A.1661/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Azmat Khan
In C.A.1662/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Azam Khan
In C.A.1663/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Akbar Khan
In C.A.1664/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Sheer Muhammad
In C.A.1665/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Ghulam Shabbir
In C.A.1666/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Abdul Waheed Khan
In C.A.1667/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Falak Sher
In C.A.1668/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Zeeshan Haider
In C.A.1669/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Sheeren Akhtar
In C.A.1670/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Ali Hassan
In C.A.1671/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Muhammad Yaqoob
In C.A.1672/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Nawaz
In C.A.1673/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Muhammad Jawad
In C.A.1674/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Fida Muhammad
In C.A.1675/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Shahid Nawaz
In C.A.1676/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Maqbool Ahmad
In C.A.1677/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Muhammad Iqbal
In C.A.1678/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Syed Farhat Mehdi Kazmi
In C.A.1679/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Naseer Ahmad

In C.A.1680/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Mian Aftab Ahmad
In C.A.1681/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Ali muhammad
In C.A.1682/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Ali Raza
In C.A.1683/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Nazir Ahmad
In C.A.1684/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Qurban Ali Khan
In C.A.1685/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Muhammad Fazil
In C.A.1686/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Muhammad Hussain
In C.A.1687/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Muhammad Ramzan
In C.A.1688/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Muhammad Anwar
In C.A.1689/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Hamza Khan
In C.A.1690/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Tallat Mehmood
In C.A.1691/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Sheraz Hussain
In C.A.1692/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Ahmad Sher, etc
In C.A.1693/2016:	Member Taxes, BOR, Punjab, etc v. Muhammad Iqbal Hussain Kathia
In C.A.1694/2016:	Member Taxes, BOR, Punjab, etc v. Naubahar
In C.A.1695/2016:	Member Taxes, BOR, Punjab, etc v. Zafar Abbas, etc
In C.A.1696/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Muhammad Umar
In C.A.1697/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Saif-ur-Rehman
In C.A.1698/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Memrez Khan
In C.A.1699/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Muhammad Siddique

In C.A.1700/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Zubair Khan
In C.A.1701/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Jamshed Ahmad
In C.A.1702/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Muhammad Saeed Jafar
In C.A.1703/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Muhammad Fazil
In C.A.1704/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Gada Hussain
In C.A.1705/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Haq Nawaz
In C.A.1706/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Muhammad Ameer
In C.A.1707/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Khyber Zaman Khan
In C.A.1708/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Umar Hayat
In C.A.1709/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Sohail Anjum Nazir
In C.A.1710/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Muhammad Zafar Iqbal
In C.A.1711/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Muhammad Rafique Zahid
In C.A.1712/2016:	Member Taxes, BOR, Punjab, etc v. Sagheer Ahmad
In C.A.1713/2016:	Member Taxes, BOR, Punjab, etc v. Iqrar Hussain Shah
In C.A.1714/2016:	Member Taxes, BOR, Punjab, etc v. Muhammad Naveed Anjum
In C.A.1715/2016:	Member Taxes, BOR, Punjab, etc v. Ghulam Abbas
In C.A.1716/2016:	Member Taxes, BOR, Punjab, etc v. Muhammad Ishtiaq Akbar
In C.A.1717/2016:	Member Taxes, BOR, Punjab, etc v. Hameed Ullah Shah
In C.A.1718/2016:	Member Taxes, BOR, Punjab, etc v. Munawar Ali

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In C.A.1719/2016:	Member Taxes, BOR, Punjab, etc v. Atta Ullah Shah
In C.A.1720/2016:	Commissioner Faisalabad Division, Faisalabad, etc v. Saeed Khan
In C.A.1721/2016:	Member Taxes, BOR, Punjab, etc v. Muhammad Ibrahim
In C.A.1722/2016:	Member Taxes, BOR, Punjab, etc v. Azmat Khan
In C.A.1723/2016:	Member (Taxes) B.O.R., Punjab, Lahore, etc v. Mushtaq Jelani
In C.A.1724/2016:	Member Taxes, BOR, Punjab, etc v. Syed Muratab Ali Shah
In C.A.1725/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Nadir Ali
In C.A.1726/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Sheikh Masood Akhtar
In C.A.1727/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Saadat Husnain Khan
In C.A.1728/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. ghulam Al-Syedin Khan
In C.A.1729/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Zulqarnain alias Zulfiqar Ali
In C.A.1730/2016:	Member Taxes, BOR, Punjab, etc v. Rajab Ali
In C.A.1731/2016:	Member Taxes, BOR, Punjab, etc v. Miraj Khalid
In C.A.1732/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Muhammad Fazil
In C.A.1733/2016:	Member Taxes, BOR, Punjab, etc v. Ghulam Dastgeer
In C.A.1734/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Aown Muhammad Khan
In C.A.1735/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Barkat Ilahi
In C.A.1736/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Shoukat Ali
In C.A.1737/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Umar Afzal

In C.A.1738/2016:	Commissioner Faisalabad Division, Faisalabad, etc v. Imran Khan
In C.A.1739/2016:	Commissioner Faisalabad Division, Faisalabad, etc v. Khizar Abbas
In C.A.1740/2016:	Commissioner Faisalabad Division, Faisalabad, etc v. Irfan Khan
In C.A.1741/2016:	Commissioner Faisalabad Division, Faisalabad, etc v. Muhammad Akram
In C.A.1742/2016:	Commissioner Faisalabad Division, Faisalabad, etc v. Zafar Iqbal
In C.A.1743/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Muhammad Sarwar, etc
In C.A.1883/2016:	Province of Punjab, etc v. Syed Javed Hasnain Shah
In C.A.1884/2016:	Province of Punjab, etc v. Fazzal Abbas
In C.A.1885/2016:	Province of Punjab, etc v. Nayyar Sehrish
In C.A.1886/2016:	Province of Punjab, etc v. Fazal Abbas
In C.A.1887/2016:	Province of Punjab, etc v. Muhammad Ali
In C.A.1888/2016:	Province of Punjab, etc v. Ghulam Abbas
In C.A.1889/2016:	Province of Punjab, etc v. Zafar Hayat
In C.A.1890/2016:	Province of Punjab, etc v. Ch. Iftikhar Hussain
In C.A.1891/2016:	Province of Punjab, etc v. Gul Sher
In C.A.1892/2016:	Province of Punjab, etc v. Ahmed Ishaq Khan
In C.A.1893/2016:	Province of Punjab, etc v. Zia-ur-Rehman
In C.A.1894/2016:	Province of Punjab, etc v. Nazir Ahmed
In C.A.1895/2016:	Province of Punjab, etc v. Khuda Dad
In C.A.1896/2016:	Province of Punjab, etc v. Muhammad Khan
In C.A.1897/2016:	Province of Punjab, etc v. Umer Manzoor
In C.A.1898/2016:	Province of Punjab, etc v. Naveed Abbas
In C.A.1899/2016:	Province of Punjab, etc v. Faiz Muhammad
In C.A.1900/2016:	Province of Punjab, etc v. Munir Hussain
In C.A.1901/2016:	Province of Punjab, etc v. Khalid Mehmood Shaheen

In C.A.1902/2016:	Province of Punjab, etc v. Syed Mulazim Hussain Shah
In C.A.1903/2016:	Province of Punjab, etc v. Sajjad Hussain
In C.A.1904/2016:	Province of Punjab, etc v. Muhammad Feroze
In C.A.1905/2016:	Province of Punjab, etc v. Abrar Haider
In C.A.1906/2016:	Province of Punjab, etc v. Mehwish Mukhtar
In C.A.1907/2016:	Province of Punjab, etc v. Muqadas Saleem
In C.A.1908/2016:	Province of Punjab, etc v. Khan Muhammad
In C.A.1909/2016:	Province of Punjab, etc v. Ahmed Ali
In C.A.1910/2016:	Province of Punjab, etc v. Sikandar Hussain
In C.A.1911/2016:	Province of Punjab, etc v. Rab Nawaz
In C.A.1912/2016:	Province of Punjab, etc v. Musarat Iqbal
In C.A.1913/2016:	Province of Punjab, etc v. Faiz Muhammad
In C.A.1914/2016:	Province of Punjab, etc v. Sikandar Hussain
In C.A.1915/2016:	Province of Punjab, etc v. Rana Shaukat Hayat
In C.A.1916/2016:	Province of Punjab, etc v. Rana Liaquat Hayat
In C.A.1917/2016:	Province of Punjab, etc v. Mst. Farhat Batool
In C.A.1918/2016:	Province of Punjab, etc v. Riffat Abbas
In C.A.1919/2016:	Province of Punjab, etc v. Musharaf
In C.A.1920/2016:	Province of Punjab, etc v. Muhammad Hussain
In C.A.1921/2016:	Member (Taxes) B.O.R. Punjab, etc v. Ghulam Shabbir
In C.A.1922/2016:	Province of Punjab, etc v. Maqbool Ahmed Hussain
In C.A.1923/2016:	Member (Taxes) B.O.R. Punjab, Lahore, etc v. Sikandar Hayat Khan
In C.A.1924/2016:	Province of Punjab, etc v. Sardar Khaliq Nawaz
In C.A.1925/2016:	Province of Punjab, etc v. Ibrahim Ahmed Salim
In C.A.1926/2016:	Province of Punjab, etc v. Sh. M. Faisal Afzal
In C.A.1927/2016:	Province of Punjab, etc v. Sardar Akhtar Hayat
In C.A.1928/2016:	Province of Punjab, etc v. Ahmed sher

In C.A.1929/2016:	Province of Punjab, etc v. Muhammad Akhtar Hayat
In C.A.1930/2016:	Province of Punjab, etc v. Jameel Afzal
In C.A.1931/2016:	Province of Punjab, etc v. Ghazala Batool
In C.A.1932/2016:	Province of Punjab, etc v. Sardar Bibi
In C.A.1933/2016:	Province of Punjab, etc v. Ahmed Zeb
In C.A.1934/2016:	Province of Punjab, etc v. Ahmed Salim Akbar
In C.A.1935/2016:	Province of Punjab, etc v. Nasim Akhtar
In C.A.1936/2016:	Province of Punjab, etc v. Muhammad Altaf
In C.A.1937/2016:	Province of Punjab, etc v. Ghulam Abbas
In C.A.1938/2016:	Province of Punjab, etc v. Muhammad Sher
In C.A.1939/2016:	Province of Punjab, etc v. Ahmed Yar
In C.A.1940/2016:	Province of Punjab, etc v. Muhammad Nawaz
In C.A.1941/2016:	Province of Punjab, etc v. Ahmed Yar
In C.A.1942/2016:	Province of Punjab, etc v. Ranga Khan
In C.A.1943/2016:	Province of Punjab, etc v. Sana Ullah
In C.A.1944/2016:	Province of Punjab, etc v. Muhammad Abdullah
In C.A.1945/2016:	Province of Punjab, etc v. Zaka Ullah
In C.A.1946/2016:	Province of Punjab, etc v. Faiz Suleman
In C.A.1947/2016:	Province of Punjab, etc v. Muhammad Mukhtar
In C.A.1948/2016:	Province of Punjab, etc v. Falak Sher
In C.A.1949/2016:	Province of Punjab, etc v. Sultan Mehmood
In C.A.1950/2016:	Province of Punjab, etc v. Syed Ali Raza Shah
In C.A.1951/2016:	Member (Taxes) B.O.R. Punjab, etc v. Farooq Jehan Begum
In C.A.1952/2016:	Province of Punjab, etc v. Tahira Batool
In C.A.1953/2016:	Province of Punjab, etc v. Tehmina Ejaz
In C.A.1954/2016:	Province of Punjab, etc v. Zahran Bibi
In C.A.1955/2016:	Province of Punjab, etc v. Sultan Ali Raza
In C.A.1956/2016:	Province of Punjab, etc v. Mrs. Razia Sultana

In C.A.1957/2016:	Province of Punjab, etc v. Ansar Mehmood
In C.A.1958/2016:	Province of Punjab, etc v. Sardar Iftkhar Hussain
In C.A.1959/2016:	Province of Punjab, etc v. Mrs. Ghulam Zainab
In C.A.1960/2016:	Province of Punjab, etc v. Ambreen Iftikhar
In C.A.1961/2016:	Province of Punjab, etc v. Mst. Nasrin Begum
In C.A.1962/2016:	Province of Punjab, etc v. Ishtiaq Ullah Khan
In C.A.1963/2016:	Province of Punjab, etc v. Agha Abbas Shah
In C.A.1964/2016:	Province of Punjab, etc v. Muhammad Imran Shah
In C.A.1965/2016:	Province of Punjab, etc v. Nazzar Abbas
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In C.A.1970/2016:	Province of Punjab, etc v. Ahmed Hayat
In C.A.1971/2016:	Province of Punjab, etc v. Abdul Waheed
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In C.A.1976/2016:	Province of Punjab, etc v. Abid Hayat
In C.A.1977/2016:	Province of Punjab, etc v. Muhammad Shamsher
In C.A.1978/2016:	Province of Punjab, etc v. Muhammad Sher
In C.A.1979/2016:	Province of Punjab, etc v. Abdul Rauf
In C.A.1980/2016:	Province of Punjab, etc v. Zafar Hayat
In C.A.1981/2016:	Province of Punjab, etc v. Ghulam Fatima
In C.A.1982/2016:	Province of Punjab, etc v. Ali Hayat
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In C.A.1996/2016:	Province of Punjab, etc v. Muhammad Wasif Hayat
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In C.A.1998/2016:	Province of Punjab, etc v. Tehmina Sikandar
In C.A.1999/2016:	Province of Punjab, etc v. Sardar Muhammad Munir
In C.A.2000/2016:	Province of Punjab, etc v. Muhammad Umer
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In C.A.2008/2016:	Province of Punjab, etc v. Zaib-un-Nisa

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In C.A.2012/2016:	Province of Punjab, etc v. Muhammad Asif Hayat
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In C.A.2092/2016:	Govt. of the Punjab, etc v. Saleem Ullah Khan Punjutha
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In C.A.2095/2016:	Govt. of the Punjab, etc v. Shabbir Hussain
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In C.A.2098/2016:	Govt. of the Punjab, etc v. Khalid Amir Khan
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In C.A.2105/2016:	Govt. of the Punjab, etc v. Abdul Salam

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In C.A.2206/2016:	Member (Taxes), Board of Revenue Punjab, Lahore, etc v. Khizar Hayat Sajid
In C.A.2207/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Sajid Hassan Khan
In C.A.2208/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Nusrat Ali Shah
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In C.A.2211/2016:	Government of the Punjab through its Chief Secretary, Lahore, etc v. Muhammad Nawaz
In C.A.2212/2016:	The Member (Taxes), Board of Revenue, Punjab, Lahore, etc v. Muhammad Ali Khan, etc
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In C.A.2216/2016:	The Member (Taxes), Board of Revenue, Punjab, Lahore, etc v. Mst. Shahnaz Begum
In C.A.2217/2016:	The Member (Taxes), Board of Revenue, Punjab, Lahore, etc v. Zafar Ullah Khan
In C.A.2218/2016:	The Member (Taxes), Board of Revenue, Punjab, Lahore, etc v. Asif Naeem Khan, etc
In C.A.2219/2016:	The Member (Taxes), Board of Revenue, Punjab, Lahore, etc v. Nadeem Akram Khan
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In C.A.2224/2016:	Government of Punjab through its Chief Secretary, Punjab, Lahore, etc v. Tahir Mehmood
In C.A.2225/2016:	The Member (Taxes), Board of Revenue, Punjab, Lahore, etc v. Nishat Akram
In C.A.2226/2016:	Government of Punjab through its Chief Secretary, Punjab, Lahore, etc v. Shahid Mehmood
In C.A.2227/2016:	Government of Punjab through its Chief Secretary, Punjab, Lahore, etc v. Zahid Mehmood
In C.A.2228/2016:	Government of Punjab through its Chief Secretary, Punjab, Lahore, etc v. Mst. Ayesha Imran Rasool
In C.A.2229/2016:	Government of Punjab through its Chief Secretary, Punjab, Lahore, etc v. Mst. Shahida Ali
In C.A.2230/2016:	Government of Punjab through its Chief Secretary, Punjab, Lahore, etc v. Mst. Tahir Ali
In C.A.2231/2016:	Government of Punjab through its Chief Secretary, Punjab, Lahore, etc v. Mst. Zahida Farukh
In C.A.2232/2016:	Government of Punjab through its Chief Secretary, Punjab, Lahore, etc v. Ahmad Hayat
In C.A.2233/2016:	Government of Punjab through its Chief Secretary, Punjab, Lahore, etc v. Asim Muhammad Kalyar
In C.A.2234/2016:	Government of Punjab through its Chief Secretary, Punjab, Lahore, etc v. Mian Fateh Muhammad Kalyar
In C.A.2235/2016:	Province Of Punjab through its Chief Secretary, Lahore etc. v. Ghazanfar Ali
In C.A.2236/2016:	Member (Taxes), Baord of Revenue Punjab, Lahore, etc v. Ahmad Yaar
In C.A.2237/2016:	Member (Taxes), Baord of Revenue Punjab, Lahore, etc v. Manzoor Hussain Shah
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In C.A.2240/2016:	Member (Taxes), Baord of Revenue Punjab, Lahore, etc v. Ahmad Riaz Khan
In C.A.2241/2016:	Member (Taxes), Baord of Revenue Punjab, Lahore, etc v. Muhammad Aizaz Ullah
In C.A.2242/2016:	Member (Taxes), Baord of Revenue Punjab, Lahore, etc v. Hasnat Nasar Ullah
In C.A.2243/2016:	Member (Taxes), Baord of Revenue Punjab, Lahore, etc v. Muhammad Amir Aafaq
In C.A.2244/2016:	Member (Taxes), Baord of Revenue Punjab, Lahore, etc v. Muhammad Abdullah
In C.A.2245/2016:	Member (Taxes), Baord of Revenue Punjab, Lahore, etc v. Muhammad Akram
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In C.A.2249/2016:	Member (Taxes), Baord of Revenue Punjab, Lahore, etc v. Mian Muhammad Shabbi
In C.A.2250/2016:	Member (Taxes), Baord of Revenue Punjab, Lahore, etc v. Muhammad Afzal
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In C.A.2253/2016:	Province of Punjab through its Chief Secretary, Punjab, Lahore, etc v. Sher Muhammad
In C.A.2254/2016:	Province of Punjab through its Chief Secretary, Punjab, Lahore, etc v. Rab Nawaz
In C.A.2255/2016:	Province of Punjab through its Chief Secretary, Punjab, Lahore, etc v. Atta Muhammad
In C.A.2256/2016:	Province of Punjab through its Chief Secretary, Punjab, Lahore, etc v. Sarfraz
In C.A.2257/2016:	Province of Punjab through its Chief Secretary, Punjab, Lahore, etc v. Zulfiqar Aziz Khan
In C.A.2258/2016:	Province of Punjab through its Chief Secretary,

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In C.A.2259/2016:	Province of Punjab through its Chief Secretary, Punjab, Lahore, etc v. Muhammad Ashraf
In C.A.2260/2016:	Province of Punjab through its Chief Secretary, Punjab, Lahore, etc v. Samina Zafar
In C.A.2261/2016:	Province of Punjab through its Chief Secretary, Punjab, Lahore, etc v. Faisal Saleh Muhammad
In C.A.2262/2016:	Province of Punjab through its Chief Secretary, Punjab, Lahore, etc v. Muhammad Mumtaz Hussain
In C.A.2263/2016:	Province of Punjab through its Chief Secretary, Punjab, Lahore, etc v. Masood Iqbal Gondal
In C.A.2264/2016:	Province of Punjab through its Chief Secretary, Punjab, Lahore, etc v. Habib Ullah
In C.A.2265/2016:	Province of Punjab through its Chief Secretary, Punjab, Lahore, etc v. Nasir Ahmed Shah
In C.A.2266/2016:	Province of Punjab through its Chief Secretary, Punjab, Lahore, etc v. Razia Bibi
In C.A.2267/2016:	Province of Punjab through its Chief Secretary, Punjab, Lahore, etc v. Sumera Zafar
In C.A.2268/2016:	Province of Punjab through its Chief Secretary, Punjab, Lahore, etc v. Muhammad Mukhtar
In C.A.2269/2016:	Province of Punjab through its Chief Secretary, Punjab, Lahore, etc v. Ahmed Khan
In C.A.2270/2016:	Province of Punjab through its Chief Secretary, Punjab, Lahore, etc v. Maqsood Fatima
In C.A.2271/2016:	Province of Punjab through its Chief Secretary, Punjab, Lahore, etc v. Zafar Hayat
In C.A.2272/2016:	Province of Punjab through its Chief Secretary, Punjab, Lahore, etc v. Amina Bibi
In C.A.2273/2016:	Province of Punjab through its Chief Secretary, Punjab, Lahore, etc v. Zubaida Khatoon
In C.A.2274/2016:	Province of Punjab through its Chief Secretary, Punjab, Lahore, etc v. Muhammad Ilyas
In C.A.2275/2016:	Province of Punjab through its Chief Secretary, Punjab, Lahore, etc v. Muhammad Hussain
In C.A.2276/2016:	Province of Punjab through its Chief Secretary, Punjab, Lahore, etc v. Allah Yar
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In C.A.2279/2016:	Province of Punjab through its Chief Secretary, Punjab, Lahore, etc v. Gaffar Iqbal
In C.A.2280/2016:	Province of Punjab through its Chief Secretary, Punjab, Lahore, etc v. Muhammad Zubair
In C.A.2281/2016:	Province of Punjab through its Chief Secretary, Punjab, Lahore, etc v. Muhammad Riaz
In C.A.2282/2016:	Province of Punjab through its Chief Secretary, Punjab, Lahore, etc v. Sajid Hussain
In C.A.2283/2016:	Province of Punjab through its Chief Secretary, Punjab, Lahore, etc v. Ahmed Khan
In C.A.2284/2016:	Province of Punjab through its Chief Secretary, Punjab, Lahore, etc v. Nargis Batool
In C.A.2285/2016:	Province of Punjab through its Chief Secretary, Punjab, Lahore, etc v. Zain Ul Abideen
In C.A.2286/2016:	Province of Punjab through its Chief Secretary, Punjab, Lahore, etc v. Zainab Kubra
In C.A.2287/2016:	Province of Punjab through its Chief Secretary, Punjab, Lahore, etc v. Fatima Kubra
In C.P.2991-L/2016:	The Member (Taxes), Board of Revenue, Punjab, Lahore, etc v. Khan Skinder Khan
In C.P.2992-L/2016:	The Member (Taxes), Board of Revenue, Punjab, Lahore, etc v. Syed Bashir Hussain Shah
In C.P.2996-L/2016:	Province of Punjab through its Chief Secretary, Punjab, Lahore, etc v. Babar Fateh Kalyar
In C.P.2997-L/2016:	Province of Punjab through its Chief Secretary Punjab, Lahore, etc v. Mst. Sardar Bivi
In C.P.3013-L/2016:	Province of Punjab through its Chief Secretary Punjab, Lahore, etc v. Ghulam Shabbir
In C.P.3014-L/2016:	Province of Punjab through its Chief Secretary Punjab, Lahore, etc v. Mst. Bivi Rani
In C.P.3015-L/2016:	Province of Punjab through its Chief Secretary Punjab, Lahore, etc v. Mrs. Asma Mehtab
In C.P.3016-L/2016:	Government of the PUnjab through Chief Secretary, Lahore, etc v. Muhammad Ismail Qureshi
In C.P.3017-L/2016:	Province of Punjab through its Chief Secretary

	Punjab, Lahore, etc v. Ghazanfar Ali
In C.P.3018-L/2016:	Province of Punjab through its Chief Secretary Punjab, Lahore, etc v. Zahra Bibi
In C.P.3020-L/2016:	Member Taxes Board of Revenue, Punjab, Lahore, etc v. Tahir Abbas
In C.P.3026-L/2016:	Province of Punjab, etc v. Muzafar Akram Gondal
In C.P.3027-L/2016:	Province of Punjab, etc v. Ghulam Zohra
In C.P.3028-L/2016:	Province of Punjab, etc v. Mazhar Hayat
In C.P.3029-L/2016:	Province of Punjab, etc v. Asad Hayat
In C.P.3041-L/2016:	Province of Punjab, etc v. Umme Laila
In C.P.3042-L/2016:	Province of Punjab, etc v. Ghulam Narjas Batool
In C.P.3043-L/2016:	Province of Punjab, etc v. Danish Raza
In C.P.3044-L/2016:	Province of Punjab, etc v. Hassan Shah
In C.P.3045-L/2016:	Province of Punjab, etc v. Mushtaq Hussain Shah, etc
In C.P.3046-L/2016:	Province of Punjab, etc v. Fatima Sughra
In C.P.3047-L/2016:	Province of Punjab, etc v. Sajjad Hussain Shah
In C.P.3048-L/2016:	Province of Punjab, etc v. Ghulam Zainab
In C.P.3049-L/2016:	Province of Punjab, etc v. Ashraf Gondal
In C.P.3112-L/2016:	Province of Punjab through District Collector, Jhang, etc v. Muhammad Hussain, etc
In C.P.3171-L/2016:	Province of Punjab through its Chief Sectetary Punjab, Lahore, etc v. Anees Zahra
In C.P.3172-L/2016:	Province of Punjab through its Chief Sectetary Punjab, Lahore, etc v. Muhammad Adnan
In C.P.3173-L/2016:	Province of Punjab through its Chief Sectetary Punjab, Lahore, etc v. Muhammad Adeel Haider
In C.P.3174-L/2016:	Government of the Punjab through its Chief Sectetary Punjab, Lahore, etc v. Syeda Seerat Batool
In C.P.3175-L/2016:	Government of the Punjab through its Chief Sectetary Punjab, Lahore, etc v. Syed Bakhtiar Ali Kazim
In C.P.3176-L/2016:	Government of the Punjab through its Chief Sectetary Punjab, Lahore, etc v. Syed Irfan Ali

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- In C.P.3177-L/2016: Government of the Punjab through its Chief Sectetary Punjab, Lahore, etc v. Maqbool Fatima
- In C.P.3178-L/2016: Government of the Punjab through its Chief Sectetary Punjab, Lahore, etc v. Syed Ali Artaza Kazim
- In C.P.3179-L/2016: Government of the Punjab through its Chief Sectetary Punjab, Lahore, etc v. Syed Muhammad Kazim Shah
- In C.P.823-L/2017: Member (Taxes), Board of Revenue Punjab, Lahore, etc v. Ahmad Yar
- In C.P.824-L/2017: Member (Taxes), Board of Revenue Punjab, Lahore, etc v. Nabila Sardar
- In C.P.825-L/2017: Member (Taxes), Board of Revenue Punjab, Lahore, etc v. Taj Muhammad
- In C.P.826-L/2017: Member (Taxes), Board of Revenue Punjab, Lahore, etc v. Tariq Aziz
- In C.P.827-L/2017: Member (Taxes), Board of Revenue Punjab, Lahore, etc v. Muhammad Sardar Khan
- In C.P.918-L/2017: Govt. of the Punjab thr its Secretary, etc v. Malik Saeed Ahmad
- In C.P.956-L/2017: Commissioner Bahawalpur Division, etc v. Sardar Mubashar Farid, etc
- In C.P.957-L/2017: Govt. of Punjab through Secy. Finance & Planning, etc v. Mian Muhammad Akram
- In C.P.958-L/2017: Govt. of Punjab through Secy. Finance & Planning, etc v. Mian Muhammad Masood Ashraf
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- In C.P.992-L/2017: Member (Taxses), Board of Revenue Punjab etc. v. Abdul Hafeez
- In C.P.993-L/2017: Government of Punjab thr Chief Secretary, Punjab, Lahore, etc. v. Malik Bilal Ahmad Khar
- In C.P.994-L/2017: Province of Punjab through Secretary Finance/Revenue, Punjab, Lahore, etc v. Meher Khatoon
- In C.P.1032-L/2017: Govt. of Punjab through its Secretary Finance/Revenue, Lahore, etc v. Muhammad Sajjad Ashraf

In C.P.1033-L/2017: Commissioner, Bahawalpur Division,
Bahawalpur, etc v. Raja Muhammad Akram, etc

In C.P.1034-L/2017: Commissioner Bahawalpur Division,
Bahawalpur, etc v. Ghulam Mustafa

For the appellant(s)/
petitioner(s): Rana Shamshad Khan, Addl.A.G.
Mr. Faisal Fareed Hussain, Addl.A.G.
Mr. M. Adnan Khan, Law Officer, BOR
(In all cases except C.A.2204/2016)

Nemo
(In C.A.2204/2016)

For the respondent(s): Mr. M. Arshad Majeed Malik, ASC
Mr. M. S. Khattak, AOR
(In C.As.821, 836, 843, 881 & 895/2016)

Ch. Akhtar Ali
(In C.A.826/2016)

Mr. Shakeel-ur-Rehman, ASC
Raja Abdul Ghafoor, AOR
(In C.A.831/2016)

Sh. Muhammad Akram, ASC
(In C.As.834, 835, 879, 880, 939, 1967, 1999, 2000, 2001,
1968, 887, 1957, 1958, 1959 & 1690/2016)

Nemo
(In C.As.860, 1884, 1886, 1889, 1890, 1893, 1894, 1896,
1898, 1899, 1900, 1902, 1903, 1905, 1908, 1910, 1914,
1917, 1918, 1924, 1927, 1931, 1932, 1995, 2009, 2010 &
2012/2016)

Syed Ali Imran, ASC
(In C.As.955 to 963 & 970 to 974/2016)
Mr. Abdul Razzaq, ASC
Syed Rifaqat Hussain Shah, AOR
(In C.As.888, 889 & 893/2016)

Rana Zahid Khan, ASC a/w
Rai Akhtar Saleem
(In C.A.920/2016)

Mian Muhammad Ashfaq, ASC

In person
(In C.As.923, 1926, 1962 & 1985/2016)

Rana Munir Hussain, ASC
(In C.As.967 & 968/2016)

Mr. Babar Bilal, ASC
(In C.A.1729/2016)

Mr. Amjad Iqbal, ASC
(In C.A.1883/2016)

Mr. Hasan Raza Pasha, ASC
(In C.As.1721 to 1724/2016)

In person
(In C.As.2223 to 2229/2016)

Date of hearing: 8.1.2019

JUDGMENT

MIAN SAQIB NISAR:- The brief facts of the instant matters are that the respondents own agricultural land from which they derive agricultural income which is subject to agricultural income tax under the Punjab Agricultural Income Tax Act, 1997 (*the Act*) and the Punjab Agricultural Income Rules, 2001 (*the Rules*) framed thereunder. The petitioner-tax authority issued recovery notices to the respondents for the recovery of agricultural income tax for, *inter alia*, the assessment years of 2012, 2013 and 2014 (*the years vary from case to case*) under the Act. The respondents challenged such recovery notices by filing constitution petitions before the learned High Court(s) which (*petitions*) have been allowed *vide* impugned judgment(s), hence the instant petitions and appeals with the leave of the Court dated 24.03.2016 which reads as under:-

“Leave in this cases is granted, inter alia, to consider whether Section 3B of the Punjab Agricultural Income Tax Act, 1997 (the Act) inserted by the Punjab Finance Act, 2013 (the Finance Act) being a non-obstante clause has an overriding effect on Section 3 of the Act; whether the learned Single Judge-in-Chambers has erred in law by relying upon the principle of retrospectivity and thus held that Section 3B has no retrospective effect; whether the fact that under Section 3B of the Act the tax to be paid is on the agricultural income for any assessment year as declared in the return filed under the Income Tax Ordinance, 2001 (the Ordinance), coupled with Rule 14(3) of the Punjab Agricultural Income Tax Rules, 2001 (the Rules) which provides for recovery of all amounts due within a period of two years from which the total agricultural income was first assessable, allows such tax to be recovered from assessment years prior to 1.7.2013, which is the date of

coming into force of Section 3B of the Act; whether the interpretation by the learned Judge of certain provisions of the Rules is misplaced and have no nexus to the real issues involved in the matter; whether the declaration of agricultural income in the income tax return filed under the Ordinance is sufficient for purposes of recovery of agricultural income tax as contemplated by Section 3B of the Act, and allows the authorities to dispense with the procedure for recovery of such tax as provided in the Act and the Rules, in that an assessment order vis-à-vis recovery of agricultural income tax disclosing the basis of calculation of such tax was to be passed before direct issuance of recovery notices; whether failure to pass an assessment order has deprived the respondents of the right to challenge such order under Section 7 of the Act and if not, whether the respondents were required to avail the remedy under the said section before approaching the learned High Court in its constitutional jurisdiction.”

2. We have heard the arguments of the learned counsel for the parties which are not being reproduced for the sake of brevity, rather shall be reflected in the course of this opinion. The key issues involved herein are twofold:-

- i. Whether Section 3B of the Act read with Rule 14(3) of the Rules applies retrospectively, allowing recovery of agricultural income tax for the assessment years prior to the date Section 3B *supra* was inserted into the Act; and
- ii. Whether the petitioner was required to follow the assessment, computation and collection procedure under the provisions of the Act and the Rules for the recovery of agricultural income tax under Section 3B of the Act, thereby depriving the respondents of a right of appeal available under the Act?

3. In order to answer the foregoing questions, we find it expedient to reproduce below the relevant parts of Section 3 of the Act which is the charging section:-

3. Charge of agricultural income-tax.– (1) Subject to the other provisions of this Act, there shall be levied, assessed and collected each year a tax in respect of agricultural income of a tax year of an owner at the rate specified in the First Schedule to this Act.

Explanation.– For the purposes of this sub-section, the cultivated land during a tax year shall be deemed to be agricultural income.

(2)

(3)

(4)

[Emphasis supplied]

By way of amendment, Section 3B was inserted in the Act through the Punjab Finance Act, 2013 (*the Finance Act*) which reads as follows:-

3B. Tax on the basis of income tax return.– Notwithstanding the provisions of section 3, where any person has declared agricultural income for any assessment year in the return filed under the Income Tax Ordinance, 2001 (XLIX of 2001), the person shall pay the tax on such income at the rate specified in the Second Schedule.

[Emphasis supplied]

While the Finance Act was notified on 29.06.2013, as per Section 1 thereof, it (*the Finance Act*) came into force on 01.07.2013. Considering that Section 3B *supra* came into force on 01.07.2013, a question arises as to whether the petitioner could recover agricultural income tax for the assessment years prior to such date. At this juncture it is pertinent to

reiterate a cardinal principle of interpretation of statutes, particularly tax statutes, in that they (*tax statutes*) operate prospectively and not retrospectively unless clearly indicated by the legislature. In this regard, reference may be made to the judgments of this Court reported as **Zila Council Jhelum through District Coordination Officer Vs. Messrs Pakistan Tobacco Company Ltd. and others** (PLD 2016 SC 398) and **Commissioner of Income Tax Vs. Messrs Eli Lilly Pakistan (Pvt.) Ltd.** (2009 SCMR 1279). Retrospectivity can only be attributed to a statute where it is made explicit or can be inferred by necessary implication; it cannot be presumed. In this regard it is worthy to note the relevant provisions of Section 4 of the Act and Rule 14 of the Rules which are reproduced below respectively:-

“4. Assessment and collection of tax.– (1) The tax shall be assessed and collected by the Collector in such manner as may be prescribed.

(2)

(3)

(4) **No assessment on the basis of return shall be made by the Collector after the expiration of two years from the end of the assessment year in which the total agricultural income was first assessable.**

14. Additional assessment.– (1) If in any year for any reason-

(a) *any agricultural income chargeable to tax under the Act has escaped assessment; or*

(b) *the total agricultural income of an assessee has been under assessed, or assessed at too low a rate, or has been the subject of excessive relief or refund under the Act or these rules, the Collector of the Sub-Division may, at any time, subject to the provisions of sub-rules (2) and (3), issue a notice to the assessee containing all or any of the*

requirements of the notice under rule 6 and may proceed to assess or determine, by an order in writing, the total agricultural income of an assessee or the tax payable by him, as the case may be, and all the provisions of the Act and these rules shall, so far as may be, apply accordingly:

Provided that the tax shall be charged at the rate applicable to the assessment year for which assessment is made.

(2)

(3) **No order under sub-rule (1) shall be made after the expiration of two years from the end of the assessment year in which the total agricultural income was first assessable.**

[Emphasis supplied]

Furthermore, Section 2(ac) of the Act defines "assessment year" as "*the period of twelve months beginning on the first day of July next following the income year*" whereas Section 2(da) thereof defines "income year" as "*the financial year next preceding the said assessment year.*" Accordingly, since Section 3B of the Act was effective from 01.07.2013, it is applicable to the assessment year beginning on 01.07.2014 as it is the assessment year following the income year which commenced on 01.07.2013. While undoubtedly the provision(s) inserted in the Act by way of the Finance Act were to apply prospectively, Section 4(4) of the Act read with Rule 14(3) of the Rules, albeit couched in negative terms, clearly allow for the recovery of agricultural income tax for the two years (*i.e. 2012 and 2013*) prior to the assessment year in which the total agricultural income was first assessable, i.e. the assessment year beginning on 01.07.2014. Hence the petitioner could recover all amounts due within a period of two years from which the total agricultural income was first assessable, i.e. the assessment years of 2012 and 2013.

4. As regard the second issue, it is the case of the respondents that there is a mandatory process under the Act to levy, assess and collect agricultural income tax for a given assessment year which has not been so done by the petitioner-tax authority, rather the latter has simply issued recovery notices demanding the recovery of agricultural income tax which it is not allowed to do under the law. In this regard, the precise wording of Sections 3 and 3B of the Act are important and need to be considered. Section 3 *ibid* provides that there shall be levied, assessed and collected each year a tax in respect of agricultural income of a tax year of an owner at the rate specified in the First Schedule. This is the primary charging provision of the Act. However, according to Section 3B *ibid*, **notwithstanding the provisions of Section 3 of the Act**, where any person has declared agricultural income for any assessment year in the return filed under the Income Tax Ordinance, 2001 (*the Ordinance*) he shall pay tax on such income at the rate specified in the Second Schedule. The latter provision is a non obstante clause. The scope and effect of non obstante clauses have been elaborately discussed in the judgment of this Court reported as **Syed Mushahid Shah and others Vs. Federal Investigation Agency and others (2017 SCMR 1218)** and in light of the *ratio* contained therein, while Section 3 of the Act requires agricultural income tax to be levied, assessed and collected, the non obstante clause of Section 3B thereof has been used by the legislature to give the latter provision an overriding effect over the former, dispensing with the requirement to levy, assess and collect agricultural income tax when such tax is being collected on the basis of the declared agricultural income for any assessment year in the return filed under the Ordinance as per Section 3B *supra* which is a self-contained and stand-alone provision. In other words, the application of Section 3B of the Act is predicated upon the agricultural income as declared by the assessee himself in his income tax

return under the Ordinance. Therefore in cases where the assessee has himself filed his income tax return in which he has declared his agricultural income, by virtue of Section 3B of the Act, the tax department is not required to levy and assess agricultural income tax and can recover the same by issuing recovery notices directly. Therefore we find that the argument of the learned counsel for the respondents that failure to pass an assessment order has deprived the respondents of the right to challenge such order under Section 7 of the Act is unfounded.

5. However, as mentioned above the application of Section 3B of the Act is based upon the agricultural income as declared by the assessee himself in his income tax return under the Ordinance. In this context, it is worthy to reiterate Section 3(1) of the Act which provides that subject to the other provisions of the Act, there shall be levied, assessed and collected each year a tax in respect of agricultural income of a tax year of an owner. Furthermore, according to Section 4(1) of the Act, agricultural income shall be assessed and collected by the Collector in such manner as may be prescribed. "Prescribed" has been defined in Section 2(g) of the Act to mean "prescribed by rules" and Section 11 of the Act states that *"The Government may frame rules to carry out the purposes of this Act"*. Pursuant to such power, the Rules were framed, Rule 14(1) whereof provides a certain procedure for the recovery of agricultural income tax under the Act. Therefore in the situation where an assessee has not filed his income tax return or has done so without disclosing his agricultural income, then the tax authorities are obliged to levy and assess and collect agricultural income tax (*in spite of the presence of Section 3B of the Act*) in terms of the aforementioned provisions of the Act and the Rules.

5. In light of the foregoing, the petitions are converted into appeals and all the appeals are partly allowed and the impugned judgment(s) is set aside to the extent mentioned above.

CHIEF JUSTICE

JUDGE

Islamabad, the
8th of January, 2019
Approved for Reporting
Azhar Malik

JUDGE