

Form No: HCJD/C-121

ORDER SHEET

IN THE LAHORE HIGH COURT

MULTAN BENCH, MULTAN.

(JUDICIAL DEPARTMENT)

Writ Petition No.15267 of 2025.

Ghulam Jilani Aftab. **Versus** Government of the Punjab, etc.

S. No. of order/ Proceeding	Date of order/ Proceeding	Order with signature of Judge, and that of Parties or counsel, where necessary

18.12.2025 Sh. Jamshed Hayat, Advocate for the petitioner.
Kanwar Sajid Ali, Assistant Advocate General Punjab.
Rana Shakeel Ahmad, Advocate for respondent No.5.
(On Watching Brief).

Through this Constitutional Petition filed under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973 ('*The Constitution*'), the petitioner has primarily laid a challenge to the provisions of Section 8(4) & 8(5) of the Punjab Protection of Ownership of Immoveable Property Ordinance, 2025 ('*The Ordinance, 2025*'), requesting to declare the same *ultra vires* to the Article 175(3) of the Constitution and likewise the provisions of Section 16 (1), being ultra vires to the Article 12(1) of the Constitution.

2. During the course of arguments, learned counsel for the petitioner submits that respondent No.5 has filed an application under Section 7 of the Ordinance, 2025, before the Dispute Resolution Committee ('DRC') which has been referred to the respondent No.3/Addl. Deputy Commissioner (Revenue), Multan, who has straightaway

asked the petitioner to vacate the property and deliver possession to respondent No.5 failing which the petitioner will be dispossessed by force. He submits that this conduct of respondent No.3 is alien to the Ordinance, 2025, hence, he would be satisfied if the respondents be directed to adopt the due process and do not adopt any coercive measures against the petitioner.

3. On the other hand, learned Law Officer submits that respondent No.5 has filed an application under Section 07 of the Ordinance, 2025, claiming that the petitioner is illegal occupant on her land. He maintained that as yet no adverse action has been taken against the petitioner, hence, this petition is not maintainable and misconceived.

4. Learned counsel appearing on behalf of respondent No.5 (on watching brief) submits that the petitioner is illegal occupant over the rented premises who is not even paying the rent, therefore, respondent No.5 moved ejection petition which has been allowed and final eviction order has been passed against the petitioner. Learned counsel for the petitioner, while availing right of rebuttal, maintains that although ejection petition filed by respondent No.5 was allowed by the learned Special Judge Rent by dismissing the petitioner's application for leave to contest but on the appeal filed by the petitioner said order was set-aside and matter was remanded to the learned Trial Court for decision of the ejection petition after recording

evidence. He adds that ejectment petition is still pending adjudication but before its conclusion the respondent No.5 has moved the application before DRC.

5. Heard. Record perused.

6. Since the petitioner has stepped backed from the challenge laid to the provisions of the Ordinance, 2025, hence, the question that whether the Ordinance or its provisions or ultra vires or otherwise is not under adjudication in this petition.

7. The learned counsel for the petitioner contends that the verbal direction of respondent No.3/Addl. Deputy Commissioner (Revenue), Multan, requiring the petitioner to vacate the property and hand over possession to respondent No.5 with warning of forcible dispossession is alien to the scheme of the Ordinance, 2025, particularly when respondent No.5 has already filed an eviction petition regarding the disputed property which is sub judice. He, therefore, seeks a direction to the respondents to follow due process of law and to refrain from adopting any coercive measures against the petitioner.

8. As per statement of objections and reasons, primary objective of the Ordinance is to protect the ownership rights of lawful owners of Immovable properties; to curb the menace of illegal possession of immoveable property; and, to provide both civil and criminal remedies to property owners. The Ordinance introduces a streamlined

mechanism for removal of illegal possession and mandates dispute resolution before litigation, to provide relief to the public.

9. Section 7 of the Ordinance, 2025, provides that a complaint, for an offence under the Ordinance, 2025, may be filed by the owner or title holder of the immoveable property with the Deputy Commissioner of the district in which the property situates. Such compliant shall be entrusted to the Dispute Resolution Committee (DRC).

10. Section 08 of the Ordinance, 2025, provides that DRC shall consist of:

- a) Deputy Commissioner (Convener);*
- b) District Police Officer;*
- c) Additional Deputy Commissioner (Revenue) of the district;*
- d) Assistant Commissioner concerned;*
- e) Sub-Divisional Police Officer concerned; and*
- f) an officer of any agency of the Government, to be co-opted by the committee.*

11. Whereas, Sub-Section (2) of the Section 8 of the Ordinance, 2025, confers following powers upon the Committee:-

(2) The Committee may:

- (a) scrutinize the relevant record and provide hearing to all concerned;*
- (b) summon any person and Inquire into the matter;*
- (c) take any administrative action as it may deem appropriate to protect and safeguard the ownership of Immovable property but such action shall not be inconsistent with any provision of any law for the time being in force;*

- (d) *report any instance of corruption, collusion or misconduct by a public official or any other stakeholder in the process of dispute resolution or disposal of complaint and recommend disciplinary or legal action to the competent authority of such public official; and*
- (e) *encourage amicable resolution of disputes.*

12. Section 09 of the Ordinance, 2025, mentions that in case an owner or title holder of immovable property apprehends commission of an offence under the Ordinance, he may file application before the Deputy Commissioner concerned for taking preventive measures. Exact wording of Section 09 is as under:-

9. Preventive measures.-*(1) In case, an owner or title holder of immovable property apprehends commission of an offence under the Ordinance, he may file application before the Deputy Commissioner concerned for taking preventive measures.*

(2) On receipt of the application, the Deputy Commissioner shall refer the matter to the Committee which may call all the relevant parties, in person, and after examining the relevant record and hearing the parties, pass such order as it may deem fit and appropriate and such order may include taking reasonable and adequate surety or guarantee from the party concerned or sealing of the property.

13. Section 10 of the Ordinance, 2025, provides that in case the dispute has been resolved, the Committee shall reduce it into writing and send the same to the Tribunal for its approval and for passing judgment and decree thereupon.

Sub-Section (2) describes that if dispute resolution fails or stipulated time elapses without a resolution, the Committee shall, within thirty days of expiry of the stipulated period,

refer the matter, with its opinion to the Tribunal for its decision.

14. Section 11 of the Ordinance, 2025, provides that the Government may, by notification in the official Gazzette, establish as many Tribunals as it considers necessary to exercise jurisdiction under the Ordinance.

15. A bare reading of Sections 7, 8, and 10 of the Ordinance, 2025 makes it evident that the Dispute Resolution Committee (DRC) is conceived as a pre-adjudicatory, fact-finding, and facilitative body rather than an adjudicatory or enforcement authority. Under Section 7, a complaint filed by the owner or title holder of an immoveable property before the Deputy Commissioner is entrusted to the DRC, which indicates that the Committee serves as the first forum to examine allegations of illegal possession. Section 8(2) empowers the DRC to scrutinize the relevant record, provide hearing to all concerned, summon persons, inquire into the matter, encourage amicable settlement, and take administrative measures to safeguard ownership rights, subject to consistency with the law for the time being in force. These powers are investigative and conciliatory in nature and do not include the authority to order eviction, dispossession, or delivery of possession. Section 10 further clarifies the role of the DRC by providing that where a dispute is resolved, the Committee shall reduce the settlement into writing and

transmit the same to the Tribunal for approval and for passing a judgment and decree thereupon, and where resolution fails, the matter along with the Committee's opinion is to be referred to the Tribunal for final decision. The scheme of the Ordinance, therefore, clearly demonstrates that the Tribunal alone is vested with adjudicatory jurisdiction, while the DRC functions as an intermediary mechanism responsible for collecting material, conducting inquiry, facilitating resolution, and transmitting the record and its opinion to the Tribunal. Consequently, the DRC cannot be treated as an executing or enforcement agency, and any direction for eviction or forcible dispossession at its behest would be alien to the scheme of the Ordinance and contrary to due process of law.

16. As far as Section 9 of the Ordinance, 2025, is concerned, bare reading of said Section reflects that it provides limited and non-adjudicatory role assigned to the Dispute Resolution Committee. Section 9 is expressly couched in preventive terms and is triggered only where an owner or title holder merely apprehends the commission of an offence under the Ordinance. Even in such circumstances, the jurisdiction of the DRC remains confined to examining the record, hearing the concerned parties, and passing such preventive orders as it may deem fit and appropriate. Significantly, the measures contemplated under Section 9(2), such as obtaining

reasonable and adequate surety or guarantee from the party concerned or sealing of the property, are temporary, precautionary, and regulatory in nature, aimed at preventing further illegality.

17. Section 16 of the Ordinance, 2025, lays down procedure to be followed by the Tribunal, which reads as under:-

16. Procedure of the Tribunal (1) *The Tribunal shall, upon referral of the matter by the concerned Committee, take cognizance of it and try every case arising out of any alleged offence with respect to the ownership and title to, or possession of immoveable property occupied illegally, whether before or after the commencement of the Ordinance, and pass such orders as it deems fit.*

(2) *Notwithstanding anything contained in the Ordinance or any law for the time being in force, the Tribunal shall also have exclusive jurisdiction to determine the question of title, if any, of the immoveable property under reference and for the purpose, may, for reasons to be recorded in writing, follow such summary procedure as it deems appropriate.*

(3) *The Tribunal shall try the offences under the Ordinance in accordance with the procedure provided under Chapter XXIIA of the Code of Criminal Procedure, 1898 (V of 1898).*

(4) *Notwithstanding anything contained in sub-section (3) or in any other law for the time being in force, the Tribunal may, for reasons to be recorded in writing, dispense with any provision of the Code of Criminal Procedure, 1898 (V of 1898) and follow such procedure as it may deem fit in the circumstances of the case.*

(5) *Every case shall be proceeded on day-to-day basis and shall be decided by the Tribunal*

within a period of ninety days from the date of its receipt by the Tribunal.

(6) *The Tribunal may award monetary compensation for wrongful and illegal possession of immovable property which shall not be less than the value of the immovable property so possessed, as determined in accordance with the valuation table notified under the Stamp Act 1899 (II of 1899), as on the date of the order and in addition thereto, the Tribunal may order payment of any profit or gain accrued from such property or any superstructure constructed thereupon, by the offender to the lawful owner, and may further direct restoration of possession of the Immovable property to its lawful owner.*

(7) *The amount of compensation and profit, so awarded and cost of restoration of possession, if any, shall be recovered as arrears of land revenue.*

(8) *The Tribunal may, at any stage of the case, order the arrest of a person for an offence under the Ordinance, through police or an agency or authority of the Government.*

(9) *Upon transfer of a case under subsection (6) of section 8, the Tribunal shall proceed in the case as provided under this section and it shall not be necessary for it to re-examine any witness or record any evidence that has already been recorded; however, the Tribunal may refer such case to the Committee for resolution of the matter or for its opinion and the Committee shall, thereafter, proceed in accordance with section 8.*

(10) *Upon conclusion of the trial, the Tribunal, while deciding the title or ownership of the Immovable property, shall pronounce a judgment and pass a decree accordingly.*

18. Section 17 of the Ordinance, 2025, provides mechanism for eviction and mode of recovery as an interim relief which reads as under:-

17. Eviction and mode of recovery as an interim relief.- (1) The Tribunal may, at any stage of the case, regulate the possession of immovable property and issue such interim orders as it deems appropriate.

(2) For the purpose of securing compliance with an order made under sub-section (1), the Tribunal may authorize any officer, official, or authority of the Government to take possession of the property, and the officer, official or authority so authorized may use, or cause to be used, such force as may be necessary for giving effect to the order.

19. In the light of the above statutory scheme, it is manifest that the authority to regulate possession of immoveable property, including restoration of possession as an interim arrangement, vests exclusively in the Tribunal and not in the Dispute Resolution Committee (DRC). The powers conferred upon the DRC under Sections 7 and 8 of the Ordinance, 2025, are confined to receiving complaints, scrutinizing record, providing hearing to the parties, conducting inquiry, encouraging amicable settlement, and taking such administrative measures as are consistent with the law for safeguarding ownership rights. These provisions do not authorize the DRC to pass any coercive or executory orders, nor do they empower it to direct eviction, dispossession, or restoration of possession, whether on a temporary or permanent basis.

20. On the contrary, Sections 10, 11, 16, and 17 of the Ordinance clearly demarcate the adjudicatory and enforcement jurisdiction of the Tribunal. Section 10

requires the DRC, whether upon successful resolution or failure thereof, to transmit the matter along with its opinion to the Tribunal for approval or final decision. Section 16 expressly vests the Tribunal with jurisdiction to try cases arising out of alleged offences under the Ordinance, determine questions of title, ownership, or possession, and pass such orders as it deems fit, including directions for restoration of possession and award of compensation. More importantly, Section 17 specifically empowers the Tribunal, at any stage of the proceedings, to regulate possession of the immoveable property and to issue interim orders, including authorization to any government officer or authority to take possession of the property and to use such force as may be necessary to give effect to its orders.

21. The express conferment of interim powers upon the Tribunal under Section 17, coupled with the absence of any such provision in respect of the DRC, leaves no ambiguity that restoration of possession, even as an interim measure, falls strictly within the exclusive domain of the Tribunal. The DRC's role remains limited to a pre-adjudicatory process of inquiry, facilitation, and recommendation, whereas coercive measures affecting possession and enforcement can only be undertaken pursuant to an order passed by the Tribunal in accordance with due process of law. Consequently, any attempt by the DRC or its members to restore possession or direct dispossession as an interim

arrangement would be without lawful authority, alien to the scheme of the Ordinance, and contrary to the principles of due process.

22. In view of the foregoing discussion and the statutory scheme of the Punjab Protection of Ownership of Immoveable Property Ordinance, 2025, it is held that the Dispute Resolution Committee (DRC) has no authority to order eviction, dispossession, or restoration of possession, whether as an interim or final measure, and is required to act strictly within the parameters laid down in Sections 7, 8, and 10 of the Ordinance. Any coercive or executory action affecting possession can only be undertaken pursuant to an order passed by the competent Tribunal in accordance with Sections 16 and 17 of the Ordinance and after following due process of law.

23. Even the authority conferred upon the Dispute Resolution Committee under Section 9 of the Ordinance, 2025, is strictly circumscribed and limited to the taking of preventive measures. Such jurisdiction can be invoked only upon a formal application by an aggrieved owner or title holder who apprehends the commission of an offence under the Ordinance. The exercise of this preventive jurisdiction is neither automatic nor unfettered; rather, it must be preceded by due consideration of the relevant record and affording an opportunity of hearing to the concerned parties. Moreover, the DRC is not empowered to act

arbitrarily, informally, or through oral or verbal directions. Any order passed under Section 9 must necessarily be a speaking order in writing, clearly setting out the reasons and justification for adopting preventive measures such as obtaining reasonable and adequate surety or guarantee from the concerned party or ordering the sealing of the property.

24. Furthermore, the authority to take preventive measures is not to be exercised liberally or mechanically in every case merely because an application has been filed. Rather, such power is to be exercised sparingly and only in cases where the facts and circumstances genuinely warrant preventive intervention to avert imminent illegality or irreparable harm. The DRC is duty-bound to record detailed reasons and to specifically identify and describe the factors and circumstances, which necessitate the adoption of preventive measures.

25. The measures contemplated under Section 9 are, by their very nature, temporary, precautionary, and regulatory, intended solely to prevent further illegality or escalation of the dispute during the pendency of proceedings. They do not amount to a final determination of rights, adjudication of title, or execution of possession. The ultimate authority to finally adjudicate the dispute, determine legal rights, and pass enforceable orders or decrees squarely vests with the Tribunal alone. Any interpretation or practice that expands the preventive jurisdiction of the DRC beyond these limits

would not only be contrary to the express language of Section 9 but would also undermine the statutory scheme of the Ordinance and offend the principles of due process of law.

26. It is further imperative that while exercising jurisdiction under Section 9, the DRC must take due notice of, and strictly respect, any subsisting status-quo order passed by a competent court of law. No preventive order shall be passed in disregard of, or in conflict with, such judicial directions, as doing so would amount to encroachment upon judicial authority and a violation of the doctrine of comity between courts and statutory forums. Any preventive measure must, therefore, be consistent with and subject to the orders of the competent court, ensuring adherence to the rule of law and maintaining the sanctity of judicial proceedings.

27. As a corollary of above discussion, this constitutional petition is disposed of with the direction that the Dispute Resolution Committee, including respondent No.3, shall remain within the sphere of authority conferred upon it under the Ordinance, 2025, and shall deal with the application filed by respondent No.5 strictly in accordance with law while duly taking into account the observations made hereinabove. The DRC shall afford proper opportunity of hearing to the petitioner and all other concerned parties, scrutinize the relevant record, and

proceed in a fair, transparent, and non-coercive manner. It is further directed that no coercive measures, including eviction or forcible dispossession, shall be taken against the petitioner except in pursuance of a lawful order passed by the competent Tribunal.

(AHMAD NADEEM ARSHAD)
JUDGE

APPROVED FOR REPORTING.

JUDGE

*M. Arsalan**