

SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

Present:

Justice Yahya Afridi, CJ
Justice Shakeel Ahmad
Justice Ishtiaq Ibrahim

Civil Petitions No. 2915-L, 2916-L & 2917-L of 2015

(Against the order dated 22.09.2015 passed by the Lahore High Court, Bahawalpur Bench, Bahawalpur in Writ Petitions No. 1478, 1479 & 1480 of 2010/BWP)

Chief Land Commissioner, Punjab/Senior ...Petitioner(s)
Member Board of Revenue Punjab, Lahore,
etc. *(In all cases)*

Versus

Administrator Auqaf Department, ...Respondent(s)
Bahawalpur, etc. *(In all cases)*

For the Petitioner(s) : Rana Shamshad Khan,
Additional Advocate-General,
Punjab along with
Nabeel Javed, SMBR.
(In all cases)

For the Respondent No.1 : M. Usman Arif, ASC.
(In all cases)

For the Respondent Nos.2, : Mr. Salman Mansoor, ASC.
3(b), 6-12, 14, 16-20, 24, *(in C.P.2915-L/2015)*
25 & 27.

Date of Hearing : 24.06.2025

ORDER

Yahya Afridi, CJ.- These petitions arise out of remand orders passed by the Lahore High Court over a decade ago, directing revenue authorities to re-decide the matter in accordance with law. Despite such clear directions, the Deputy Land Commissioner, Bahawalpur, failed to act, resulting in unreasonable and unexplained delay.

2. When questioned in Court, the learned Additional Advocate-General, Punjab, confirmed that there was no injunctive or restraining order passed by any Court that could justify the failure to act on the remand. This admission demonstrates that such failure was without any lawful justification.

3. This Court finds it necessary to address the disturbing practice of treating remand orders as optional or capable of indefinite suspension. A remand is not an invitation to delay and when superior courts issue remand directions, they are to be complied with faithfully and expeditiously. Such failure is contrary to the constitutional duty of all authorities to act in aid of judicial orders.

4. For clarity, it bears emphasis that the mere pendency of any appeal, revision, or constitutional petition does not, of itself, stay the execution or implementation of the order impugned. This principle is expressly embodied in **Order XX Rule 1 of the Supreme Court Rules, 1980**, which provides:

The filing of a petition for leave to appeal or an appeal shall not prevent execution of the decree or order appealed against, but the Court may, subject to such terms and conditions as it may deem fit to impose, order a stay of execution of the decree or order, or order a stay of proceedings, in any case under appeal to this Court.

In reference to the above-stated rule, this Court has already recently clarified in the case of **Rashid Baig vs. Muhammad Mansha (2024 SCMR 1385)** that mere pendency of a petition before this Court does not, by itself, operate as a stay of proceedings, which may only be lawfully restrained by an express injunctive order of the Court. Thus, administrative inaction premised on the mere pendency of further proceedings, without any lawful restraint, is both unjustified and impermissible.

5. It is particularly regrettable that despite the clear pronouncement of this Court in *Rashid Baig's case* (supra)

expressing disapproval of such misuse of procedural pendency, the same practice continues unabated. This reflects not merely individual lapses, but a persistent pattern of administrative disregard for binding remand orders, which in itself constitutes systemic failure requiring urgent redress.

6. To address this matter, the Court required the personal attendance of the Senior Member, Board of Revenue, Punjab. He assured the Court that clear and comprehensive policy guidelines would be issued at the provincial level, directing all relevant authorities to implement remand orders promptly and without delay, unless expressly restrained by an injunctive order of a competent Court. He further undertook to ensure monitoring of compliance and to submit a report on the current status of all such pending remanded cases under his jurisdiction. Such measures are essential to uphold the foundations of lawful governance, and it must be reiterated that failure by the relevant authorities to observe established principles requiring prompt compliance with remand orders would frustrate the administration of justice and violate their constitutional duty.

7. As for the present matters, the Senior Member, Board of Revenue, has placed on record the order dated 05.11.2024 passed by the Deputy Commissioner/District Collector, Bahawalpur, which shows that the remanded matter has since been disposed of in accordance with law. These petitions have therefore become infructuous.

8. In view of the above, these petitions are disposed of as having become infructuous. However, before parting with this order, we direct the Board of Revenue, Punjab, to ensure that the promised policy guidelines are finalized, circulated to all relevant authorities, and strictly implemented. A compliance report, along with an updated status of all

pending remanded cases in the province, shall be submitted to the Registrar of this Court within three months of this order.

Chief Justice

Judge

Judge

Lahore

24.06.2025

Approved for reporting.