

W.P. No.76106 of 2025

Mumtaz Hussain.

Govt. of Punjab, etc.

22.12.2025 Mr. Muhammad Shabbir Sanpal, Advocate for the petitioner.
Mr. Muhammad Nawaz Ch. Addl. Advocate General, Mr.
Muhammad Awais Arshad, AAG, and Mr. Waqas Umar, AAG (on
Court's call), with Zahid Akhtar Zaman, Chief Secretary, Punjab.

MAIN CASE & C.M. No.2 of 2025

Learned counsel for the petitioner has submitted that the direction was passed by the Dispute Resolution Committee headed by the Deputy Commissioner Jhang in violation of Section 8(2)(c) of The Punjab Protection of Ownership of Immoveable Property Ordinance 2025, which is against the fundamental guarantees given by the Constitution. The same is liable to be set aside.

2. Learned Addl. Advocate General, at the outset, submitted that the Punjab Protection of Ownership of Immoveable Property Ordinance, 2025, was repealed on 18.12.2025 by the Punjab Protection of Ownership of Immoveable Property Act, 2025, and that the Dispute Resolution Committees had acted contrary to their mandate.

3. Regarding the court's query about the authority under which, on verbal orders, the properties were sealed and the Dispute Resolution Committees handed over possession, the learned Addl. Advocate General submitted that the Dispute Resolution Committees were clearly instructed that they did not have authority to restore possession, and that the order restoring possession had been issued beyond their mandate. The learned Addl. Advocate General also admitted that the committee has no authority to grant possession of the properties/land and that the authority to issue an order in this regard lies with the tribunal; there is no order of the tribunal in all these cases; until then, no tribunal had been notified,

and the committee lacks authority to take a position or act in the presence of any pending case in the civil courts.

4. In view of the statement made by the learned Addl. Advocate General on behalf of the government, this court is showing restraint, and the Dispute Resolution Committee is directed to restore the status of the properties/land as it was before the filing of the complaint before them. Meanwhile, the provisions of the Act are suspended and proceedings thereunder are stayed till further orders.

5. The valuable property rights guaranteed under Articles 23 & 24 of the Constitution of the Islamic Republic of Pakistan have been directly involved, and these fundamental rights have been prima facie overlooked. The provisions and procedures contained in the Act are also prima facie inconsistent with the statement of objects and reasons of the "Act", as the intent and purpose of Article 10(A) of the Constitution, read with other enabling provisions, have also been prima facie frustrated. The overriding effect of this Act may infringe upon existing rights protected by other laws.

6. Notice to the respondents No.2 to 10. The office is directed to place the instant petition, together with the connected petitions, for the constitution of a Full Bench.

7. Since the interpretation of the law is in sight in this matter, notice to the learned Advocate General, Punjab, under Order 27-A of the Civil Procedure Code, 1908, for rendering his assistance on the subject, be issued for the date fixed.

C.M. No.1 of 2025

8. Dispensation sought for is allowed subject to all just and legal exceptions.