

remedies available under the law. Therefore, the petition is not maintainable and is liable to be dismissed.

4. We have heard Counsel for the Petitioner and learned Additional Advocate General, and with their assistance, we have perused the record.

5. Upon meticulous scrutiny of the impugned Order dated 29.11.2022, passed by the AC-I, it becomes manifestly evident that the entry pertaining to the Petitioner was cancelled, which was based on the registered Exchange Deed. A thorough perusal of the impugned Order further reveals that the entire proceedings leading to the cancellation of the Petitioner's entry were conducted without any notice being served to the Petitioner. Had any notice been duly issued, the Petitioner would have been afforded the opportunity to elucidate the duties and responsibilities vested in the AC-I prior to any prejudicial action being taken against her. The essence of natural justice mandates that no order, especially one that deprives a party of its fundamental audience right, can be legitimised if passed in absentia. It is a sacrosanct legal principle that every litigant is entitled to a fair hearing before any adverse order, which could potentially strip them of their vested rights in immovable property, is promulgated. This principle finds authoritative support in the precedent established in the case of Muhammad Ilyas Khan², which underscores the inviolable right of every party to be heard.

6. The Petitioner, asserting her claim to the subject property grounded on the registered Exchange Deed, further contends to be in actual possession of the subject land. The impugned Order, which cancels the revenue entry in favour of the Petitioner, stands in stark violation of the principles of natural justice, as the AC-I failed to discharge the obligation of issuing notice to the Petitioner, thereby depriving her of the right to present her case. Natural justice, an essential tenet of legal jurisprudence, necessitates that all parties in a dispute be given an equitable opportunity to present their case. The failure to issue notice to the Petitioner before annulling her entry constitutes a fundamental procedural lapse. This lapse is not merely a technicality but a significant breach of the rule of law, which mandates that justice must not only be done but also be seen to be done. The absence of notice and the consequent lack of opportunity for the Petitioner to be heard invalidates the proceedings and the impugned Order.

7. Furthermore, it is imperative to recognise that the right to be heard is not a mere procedural formality but a substantive right embedded in the doctrine of *audi alteram partem*. This doctrine, which translates to "hear the other side," is a cornerstone of fair adjudication processes. The AC-I's failure

² Muhammad Ilyas Khan v. Muhammad and others (1986 SCMR 251)

to issue notice thus contravenes this fundamental doctrine, rendering the Order inherently flawed. Moreover, the Petitioner's right to the subject land is substantiated by the registered Exchange Deed, which should have been a pivotal consideration in the proceedings before the AC-I. The procedural irregularities in the cancellation of the Petitioner's entry underscore a blatant disregard for the established norms of natural justice, warranting the immediate rectification of the impugned Order. The principle of natural justice is further enshrined in various statutory provisions and judicial pronouncements, emphasising the necessity of fair play in administrative and judicial proceedings. The cancellation of the Petitioner's entry without notice is not only procedurally unfair but also contravenes the fundamental rights guaranteed under the Constitution. The impugned Order, therefore, stands vitiated by this procedural impropriety, necessitating its reversal.

8. In summation, the impugned Order dated 29.11.2022, passed by the AC-I, is riddled with procedural lapses, most notably the failure to issue notice to the Petitioner.

9. For the foregoing reasons, we find that the cancellation of the Petitioner's entry without notice to her is against the principles of natural justice and fair play. Therefore, the impugned Order dated 29.11.2022 is hereby set aside. Consequently, the reference/proceedings regarding the entry of the Petitioner are deemed to be pending before AC-I, and he is directed to decide the matter afresh after providing an opportunity for hearing to the Petitioner. With these observations, the petition stands disposed of.

JUDGE

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