

**ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.**

C.P No. D-274 of 2022

(Muhammad Javed Khan versus Director General, Military Lands and Cantonments Rawalpindi & others)

Dated Order with signature of Judge.

Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Muhammad Jaffer Raza

Date of hearing and decision: 11.08.2026

Petitioner is present in person.
Mr. Abdul Jaleel Zubedi, A.A.G.
Ms. Wajiha Mehdi, DAG.
M/s. Ashraf Ali and Rehmat-u-Nisa, Advocates for Respondents.

Adnan-ul-Karim Memon, J. The Petitioner, appearing in person, submits that his late father, Naib Khan, had purchased eight plots through public auction from Malir Cantonment Board in 1989 and had deposited the auction amounts. Subsequently, the plots were cancelled on the ground of alleged outstanding dues, without proper notice. Upon appeal, the competent authority called for a report from the Malir Cantonment Board, pursuant to which five plots were restored, whereas three plots, namely Plot Nos. 466, 58 and 67-1, were not restored. Regarding Plot No. 466, the Department reported that the plot had been purchased for Rs.180,000/- against which Rs.162,000/- had been deposited and that, due to the balance amount, the plot was cancelled and re-auctioned. The Petitioner disputes this position and maintains that the 10% bid money of Rs.18,000/- was deposited at the time of auction and the remaining amount was subsequently deposited after approval, making the total payment of Rs.180,000/-. He alleges that the Department nevertheless cancelled the plot and subsequently allotted it to another person without lawful re-auction/approval. As regards Plot No.58, the Petitioner states that it was purchased for Rs.56,000/- and that Rs.57,500/- had actually been deposited, whereas the Department treated the deposited amount as only Rs.52,000/- by ignoring the 10% bid money. The plot was consequently cancelled and allotted to another person for a marginally higher amount. The Petitioner alleges that the re-auction proceedings were used to conceal the irregularity committed in respect of Plot No.466. With regard to Plot No.67-1, the Petitioner states that the plot had previously been allotted to another person who allegedly failed to pay the remaining amount and whose allotment was cancelled. It was thereafter auctioned in 1989 and purchased by the Petitioner's father for Rs.58,000/-. According to the Petitioner, the CEO Malir informed him that the plot had mistakenly been re-auctioned and advised him to seek an alternative plot. However, when the matter was placed before the Board, the CEO failed to disclose the Petitioner's request for an alternative plot and instead represented that both claimants had jointly requested that the plot be allotted to either of them. The

Board consequently allotted the plot to the other claimant. The Petitioner further submits that, after cancellation of the disputed plots, the Board directed payment of a penalty of Rs.5,310/- as a condition for restoration. The said amount was duly deposited in September 1994, but the plots were still not restored. Thereafter, on the direction of the Ministry of Defence, the Board offered alternative plots in lieu of Plot Nos.466 and 58, which were accepted by the Petitioner's father; however, those alternative plots were also never handed over. The Petitioner's father continued pursuing the matter until his death in 2001. Thereafter, the Petitioner, having obtained the requisite authority to pursue the property matters of the family, repeatedly approached the Department and sought details regarding the original payments, cancellation and alleged re-auction of the disputed plots. He alleges that the information subsequently obtained revealed material discrepancies in the Department's earlier reports. The Petitioner further submits that, upon his repeated complaints, the competent authority directed the Director, Karachi Region, to conduct an inquiry. An officer conducted a detailed examination of the original record, receipts and other documents and thereafter submitted a report. The Director, Karachi Region, also sought para-wise comments from the CEO Malir regarding the alleged irregularities. According to the Petitioner, the Director's comments/report dated 11.07.2005 acknowledged several discrepancies and brought the matter to the notice of the competent authority. Consequently, the competent authority directed that responsibility for the irregularities be fixed. However, despite repeated directions, the CEO Malir allegedly failed to furnish the required para-wise comments, and the inquiry remained inconclusive. The Petitioner states that he has since submitted numerous applications to the competent authorities, but has consistently been informed that the matter is still under consideration and that an internal inquiry is in progress. He added that despite the passage of approximately 31 years, no final decision has been communicated to him. He maintains that all amounts deposited by his father remain with the Department and that he is willing to pay any lawful outstanding amount, if found payable. The Petitioner therefore contends that he has approached this Court only because the competent authority has failed to decide the matter despite repeated inquiries, departmental reports and directions. He submits that the Department's own record, including the inquiry conducted by the Director, Karachi Region, supports his grievance, yet no final decision has been taken. Accordingly, the Petitioner prays that the respondents be directed to issue the decision already pending before the competent authority, independently of any further internal inquiry, and that a time-bound direction, preferably within fifteen days, be issued for deciding his claim regarding Plot Nos.466, 58 and 67-1 and/or the alternative plots offered to him. He further seeks any other relief deemed just and appropriate by the Court.

2. The learned counsel for the respondents submitted that in compliance with the orders dated 31.03.2026 and 28.04.2026, Malir Cantonment, vide letter dated 18.05.2026, decided the petitioner's pending applications. It was stated that, based on the available record, alternate plots could not be allotted to the petitioner, as the same request had already been rejected by HQ Military Lands & Cantonments Department vide letter dated 01.02.1995 and the petitioner's late father, Naib Khan, had been informed accordingly by Malir Cantonment vide letter dated 07.03.1995.

3. At this stage, the Petitioner submits that he would be satisfied if his pending application regarding Plot Nos. 46-F, 58-1 and 67-1 is decided by the D.G Military Lands & Cantonments Department, Rawalpindi, who is the competent authority.

4. When confronted with this legal position of the case to the counsel for the respondents, he agreed to forward the case of the petitioner to the D.G Military Lands & Cantonments Department, Rawalpindi, for appropriate order on the application of the petitioner within two months.

5. Without touching the merits of the case and with the consent of the parties, the petition is disposed of with directions to the Director General, Military Lands & Cantonments Department, Rawalpindi, to decide the application of the petitioner, if any pending, by a speaking order, in accordance with law, after providing the Petitioner an opportunity of hearing, within two months.

6. The decision shall be communicated to the petitioner accordingly.

Let a copy of this order be communicated to the counsel for the respondents for onward submission and compliance within two months.

JUDGE

JUDGE

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