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Ban on lease, transfer and conversion of state land partially lifted

KARACHI: The Supreme Court on Wednesday partially lifted a ban imposed earlier on the lease, transfer and conversion of state land in Sindh and directed the provincial authorities to consider the applications seeking lease where the land record had been computerised.

A three-judge bench headed by Justice Gulzar Ahmed observed that the ban could only be lifted fully after the provincial authorities comply with the apex court's order, handed down in 2012 for computerisation of land record across the province, in letter and spirit.

While hearing dozens of petitions moved by various government organisations and private parties seeking clarification and relaxation of the apex court's Nov 28, 2012 judgement regarding a ban on mutation, allotment, transfer or conversion of any state land, the bench dismissed another request of the petitioners seeking extension in the 30-year leases on the ground that there was no law to grant extension.

The apex court dismisses pleas seeking extension in 30-year lease of plots

The apex court had placed a ban on lease and transfer of state land in 2012 after the land records were torched in the aftermath of the assassination of former prime minister Benazir Bhutto and ordered computerisation of the land record.

Over 60 petitioners, including the Election Commission of Pakistan, Pakistan Air Force, Securities and Exchange Commission of Pakistan, some government universities, K-Electric, private firms and others submitted that they had applied for lease of state land to set up wind power projects and for industrial, agriculture, operational and other purposes. However, it was not being processed owing to the restrictions imposed by the apex court, they added.

Some others submitted that they obtained land on a 30-year lease for poultry farms, farming and other purposes, but the authorities concerned were not granting them extension after the SC judgement.

Advocate General Salman Talibuddin submitted that the majority of the land record in the province had been computerised. A report of the Board of Revenue (BoR), Sindh, maintained that the land record of all the districts apart from Thatta had been digitised, he added.

The bench questioned as to why the land record of Thatta had not been computerised, adding that the ban could not be removed until the BoR complied with the order in letter and spirit.

Observing that there were a large number of applications seeking lease and transfer of land, the court directed the BoR to consider all such applications in accordance with the law if the record of land in question was computerised.

The bench further said that the matter regarding extension in the leases cannot be entertained since no law had been placed before it to grant the extension.

Conversion of graveyard lands

The Sindh High Court on Wednesday issued notices to the chief secretary, BoR, local government secretary and other respondents on a petition regarding conversion and use of amenity plots meant for graveyards for commercial and residential purposes.

A two-judge SHC bench headed by Justice Syed Hasan Azhar Rizvi put the respondents on notice with a direction to file comments till Sept 15.

The petition was filed by anchorperson Wajahat Saeed Khan, who submitted that the city was facing an acute shortage of burial grounds as most public graveyards in Karachi were being allegedly controlled by various private persons and land mafias and the common man was being exploited while the city administration remained least concerned.

Impleading the chief secretary, BoR, LG secretary, Karachi Metropolitan Corporation, Sindh Building Control Authority, Pakistan Defence Officers Housing Authority and others as respondents, the lawyer for petitioner, Shahab Usto, argued that the local administration had imposed a ban on burials in old cemeteries of the city for want of space while amenity plots meant for graveyards in the city were being converted into commercial and residential ones.

The petitioner requested the court to direct the respondents to ensure that all the amenity plots meant for graveyards must not be used for other purposes, all the structures built on such land may be demolished and cancellation of conversion of all such amenity plots.