

IN THE SUPREME COURT OF PAKISTAN

(Original Jurisdiction)

PRESENT:

**MR. JUSTICE MIAN SAQIB NISAR, HCJ.
MR. JUSTICE FAISAL ARAB.
MR. JUSTICE IJAZ UL AHSAN.**

Human Right Case No.45 of 1993

Complaint by Muzaffar Hussain Khan and Mansoor Ahmed Shah, Advocates, regarding Mismanagement of Waqf Property in Muzaffargarh.

In Attendance : Mr. Qasim Chohan, Addl. A.G. Pb.
Sardar Muhammad Aslam, ASC.
(For District Council, Muzaffargarh).
Ch. Afrasiab Khan, ASC.
Mr. Dil Muhammad Khan Alizai, ASC
Sardar Ziaullah Jatoi. (Grandson of
Sardar Kaura Khan).
Mr. M. Anwar Sherwani, Legal Advisor
Sardar Kaurey Khan Trust.
Mr. Muzaffar Hussain Magsi, In person.


On Court's Notice : Rana Gulzar Ahmed, Commissioner
D. G. Khan.
Mr. Qaiser Saleem, DC. Muzaffargarh
Mr. Saeed Mughal, District & Sessions
Judge, Muzaffargarh.
Mr. Allah Ditta Warraich, DC, Rajanpur.
Mr. Muhammad Faisal, DPO,
Muzaffargarh.
Mr. Rab Nawaz, DPO Rajanpur.
Mr. M. Rafique, Land Supdt.
Mr. Abdul Rehman Bodla, Distt. &
Sessions Judge/Special Judge Anti-
Corruption, Muzaffargarh.

Date of Hearing: 11.10.2018

ORDER

Ijaz ul Ahsan, J.- Vide order dated 26.09.2018,
time was granted to the Management Committee constituted
by this Court to consider proposals for future utilization of
the Waqf property which is subject matter of these
proceedings in line with the will and aspirations of late Sardar

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Koray Khan and for the management of the buildings and offices of the Government of Punjab built on such properties.

2. It may be pointed out that all other issues relating to the property have since been resolved and those remaining or which may arise from time to time in the future shall be dealt with by the Management Committee constituted by this Court, to be headed by the District & Sessions Judge, Muzaffargarh.

3. We have also been informed that land measuring 40 kanals belonging to the Trust has since been retrieved. Further, the Board of Revenue, Punjab, Lahore has also decided the matter bearing ROR No.534 of 2018 on 05.09.2018.

4. In view of the above background, the Management Committee constituted by this Court has made the following recommendations for management of the Trust property in the future:-

- i. The Management Committee constituted under the Rules titled Sardar Keray Khan Trust (management, supervision and protection of land rules, 2016) was to be headed by the Commissioner, D.G. Khan. However, owing to the specific nature of the duties of the Chairman, it has been suggested and we agree and accordingly order that the Chairman of the Committee shall be the District & Sessions

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Judge, Muzaffargarh. The other members of the Committee/Trustees shall remain the same.

- ii. The buildings constructed on land in the name of Sardar Koray Khan Trust to house various offices of the Provincial Government including the judiciary will be leased out on such terms and conditions as the Management Committee may determine. Income derived from such leases alongwith arrears thereof will be deposited in the Trust accounts.
- iii. If the buildings existing on the Trust property are abandoned or in a dilapidated condition, the same shall be demolished and the land underneath will revert to the Trust alongwith structures in case of abandonment.
- iv. The accounts of the Trust in the Bank of Punjab and National Savings Center, Muzaffargarh are presently being operated jointly under the signatures of the Deputy Commissioner, Muzaffargarh and ADC (F&P), Muzaffargarh. These accounts shall now be operated by the District & Sessions Judge, Muzaffargarh jointly with Deputy Commissioner, Muzaffargarh.
- v. The schools existing on the Trust land are being run by the Government of Punjab. Such

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schools shall be exempt from payment of lease money. The Education Department, Government of the Punjab, shall continue to manage and operate these schools.

5. We have been informed that keeping in view the vision of late Sardar Koray Khan of spreading education and knowledge in the area, it is highly advisable that a Polytechnical Institute may be set up in the name of Sardar Koray Khan. Further, in case, it is feasible, a training school for para medical staff may also be established in the name of Sardar Koray Khan Trust. Land for setting up the aforesaid Institutions shall be provided by the Trust.

6. Considering the need for vocational training in the area and the generosity and vision shown by late Sardar Koray Khan, we are sanguine that Government of the Punjab and other competent authorities shall respect his wishes and take his mission forward by allocating appropriate funds for setting up the aforementioned Polytechnical Institute and a Training School for paramedical staff to uplift the area which is considered to be one of the most underdeveloped areas of the country.

7. The accounts of the Trust will be audited by a nominee of the Auditor General of Pakistan. The audit report shall be placed on the website of the Trust. A report on biannual basis shall be submitted by the Management Committee to the Registrar of this Court for our examination in Chambers. Lease money for leased properties has been

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for

determined by the Trustees in view of the data submitted by the Land Superintendent of the Deputy Commissioner, Muzaffargarh. The same is approved. Periodical increases shall be undertaken as per market value and as determined by the Management Committee headed by the District & Sessions Judge, Muzaffargarh.

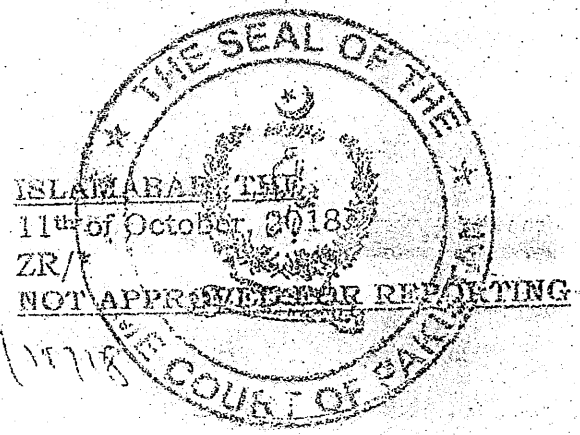
8. The recommendations of the Management Committee are unanimous in nature and constitute a part of this order. The same shall be implemented in letter and spirit. In case, any situation arises which is not covered by the aforementioned recommendations, the District & Sessions Judge, Muzaffargarh who is heading the Management Committee being one of the Trustees may move an application before this Court for appropriate orders.

9. In view of the fact that all matters relating to Sardar Koray Khan Trust which were raised before this Court stand adequately addressed, we do not consider it necessary to proceed with this matter further. The same is accordingly disposed of.

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