

**Access to Justice in Land Disputes: Unveiling Public Challenges in Peshawar Courts**

**Rahat Ullah<sup>1</sup>, Salma Bibi<sup>2</sup>**

<sup>1</sup> LLM, Kohat University of Science and Technology Kohat, Chairman Department of Law KUST.  
Email: [rahatullah@kust.edu.pk](mailto:rahatullah@kust.edu.pk)

<sup>2</sup> PhD, Social Work and LLM international Human Rights Law, Department of Social Welfare  
Special Education and Women Empowerment. Email: [salmakhattak14@gmail.com](mailto:salmakhattak14@gmail.com)

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**Abstract**

Land disputes represent one of the most persistent and complex challenges in Pakistan's judicial system, particularly within the civil and revenue courts of Peshawar. These disputes, often concerning ownership, inheritance, and boundary issues, are characterized by prolonged litigation, systemic inefficiencies, and overlapping jurisdictions between civil and revenue authorities. This study employs a qualitative and analytical methodology, drawing insights from 30 purposively selected respondents, including judges, revenue officers, senior advocates, and litigants, to examine the structural, procedural, and administrative barriers that hinder timely justice in land dispute cases.

Findings reveal that legal and institutional weaknesses, such as an overburdened judiciary, shortage of judges, inadequate process-serving staff, and lack of technological resources, significantly contribute to delays. Furthermore, procedural complexities, jurisdictional conflicts, corruption, and outdated revenue record systems exacerbate public mistrust in the judicial process. Micro-level issues, including witness non-compliance, poor case management, and financial constraints, further obstruct access to justice.

The study recommends comprehensive judicial reforms, including amendments in civil procedural and revenue laws the computerization of revenue records, enhanced training for judicial officers, implementation of Alternate Dispute Resolution (ADR) mechanisms, stricter accountability for corruption, and improved coordination between the bar and bench. These measures aim to ensure speedy, transparent, and equitable adjudication of land disputes in Peshawar.

**Introduction**

Land disputes have been one of the core issues of the judicial system of Pakistan, particularly in the courts of Peshawar. Land disputes often revolve around issues of ownership, inheritance, or boundary, and can take years or even decades to be resolved (Wehrmann, 2008). The process of seeking justice in land dispute cases is highly overshadowed by systemic inefficiencies in both the civil and revenue courts of Peshawar. Further, overburdened by the number of cases, the judicial system to take timely action, leaving litigants disillusioned and frustrated. Despite the number of reforms aimed at improving the efficiency of the judicial system, the existing procedural complexities and jurisdiction overlaps continue to hinder the resolution of land disputes.

The land has been a long-standing subject of disputes between individuals in KP. These prolonged disputes sometimes give rise to crimes. As mentioned earlier, the system of the administration of justice dealing with the dispensation of land disputes comes under the purview of civil justice and is divided into two types of systems and procedures; one was established under the Code of Civil Procedure, 1908, and the other was established under the Land Revenue Act 1967. Specific Relief Act

1877 and the Land Revenue Act 1967 constitute substantive laws as the subject of civil disputes relating to land. The 1908 Code of Civil Procedure is the procedural law for getting relief under the substantive law. The spheres of jurisdiction in both systems are separated from each other, as the revenue courts deal with agricultural land and the civil courts deal with the villages, town sites, and constructed land. However, there are certain areas in which both these systems overlap with each other in terms of jurisdiction. For example, all the orders and judgments of the revenue authorities are challengeable in civil court under its original jurisdiction or the High Court under its constitutional jurisdiction. The overlap of the jurisdiction with civil and revenue courts results in prolonged litigation between the parties seeking justice in land disputes.

Besides the question of jurisdiction, numerous other issues cause delays in the resolution of land disputes and result in frustration, trust deficit over the existing judicial system, and wastage of time and money. This research study aims to highlight all the core issues and problems related to land disputes in Peshawar Courts, highlighted by the litigants, and the study also contributes to various reforms based on analysis for resolving the key challenges in the case resolution of land disputes.

### **Jurisdictional Boundaries and Judicial Oversight in Land Disputes**

The pursuit of the public to access justice in land disputes is a difficult journey marked by structural and administrative challenges that exist in the judicial system of Pakistan, particularly in the Civil and Revenue Courts of Peshawar. The West Pakistan Land Revenue Act, 1967 bars the jurisdiction of the civil court in matters which revenue functionaries were empowered to dispose of in terms of provisions of the Act. This could not be construed so as to give absolute cover and protection to orders passed by revenue authorities from judicial review. Notwithstanding such bar of jurisdiction, the question of mala fides on the part of authority or functionary acting under any legal instrument can be declared null and void and without lawful authority (*Khan vs Nawaz Case*, 1997). The plea that revenue authorities have exclusive power under the West Pakistan Land Revenue Act, 1967, in regard to the correction of a record of rights, periodical records, and registers of mutation has no force. Such orders were subject to judicial review by the High Court under its constitutional jurisdiction. Orders of revenue authorities granting review of mutations were declared to be without lawful authority and of no legal effect (*Baksh vs. Member of the Board of Revenue Case*, 1997). Similarly, orders passed by the Member Board of Revenue are subject to the judicial review of the High Court under its constitutional jurisdiction.

Revenue Courts have a hierarchy of their own; until and unless their orders are found to be passed without lawful authority and jurisdiction, the civil court has no jurisdiction to interfere (*Ali vs. Din Case*, 1999). Revenue Officers in summary proceedings have a limited scope of inquiry. Elaborate inquiry and evidence could only be adjudicated upon by civil courts as provided by the West Pakistan Land Revenue Act 1967 (*Bano vs. Bano and others Case*, 1996). Revenue authorities have no jurisdiction over the demarcation of town sites, nor do they have any jurisdiction to interfere with or partition such sites. Demarcation of town sites or partition of such sites was the exclusive domain of civil courts (*Muhammad vs. Seidiqui Case*, 1997). The civil Court has plenary jurisdiction to entertain suits for the partition of immovable property which is other than agricultural land (PLD, 1973). The decree of the civil court would be binding upon revenue authorities. Revenue authorities are duty-bound to give effect to decrees of courts in revenue records and to make entries in accordance with those decrees (CLC, 2001). The civil Court has jurisdiction to issue direction to revenue functionaries to give effect to any determination made by it in respect of title, right, and interest of an individual in immovable property (PLJ, 1987). Complicated questions of law and facts are also left for determination by a competent court of civil jurisdiction. Likewise, Fraudulent acts of the revenue officials which required a thorough probe cannot be done without a proper regular suit as the procedure before the revenue officer is in the nature of summary inquiry; the civil court as such has the jurisdiction (PLR, 1995).

When coming before the revenue court, a party had already filed a civil suit for the decision of a question, the civil court decision was binding on the revenue court. It was also noted that the error of

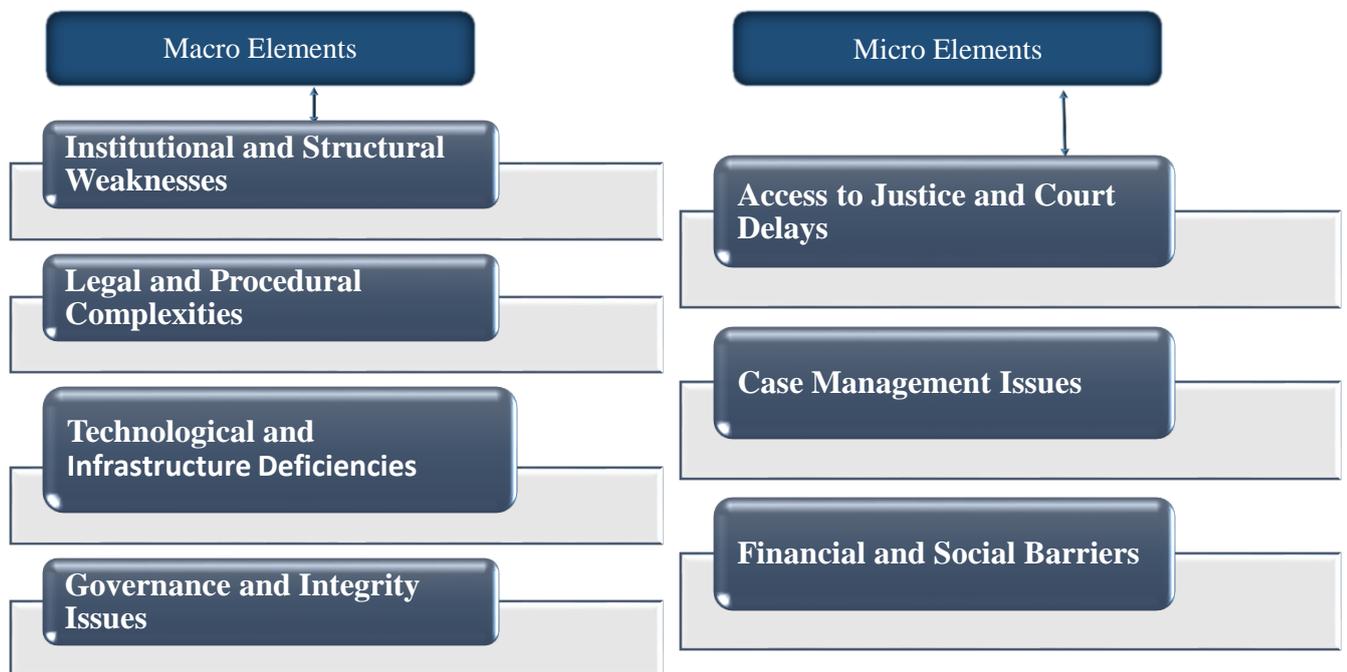
the learned Member Board of Revenue was not a speaking order, and further, he had not even considered the effect of the judgments and decrees passed by the civil court (KLR, 1997). When there is fraud committed by one party against the other, the matter is to be decided by a civil court, but when fraud has been committed against the revenue officials, the revenue court can give relief. When revenue officials are in collusion with a member of the public in defrauding someone, it would be unfair for superior revenue courts to refrain from granting relief and to ask the aggrieved party to go to a civil court (MLD, 1996).

**Methodology**

The research study employed a qualitative and analytical approach to identify key challenges to getting justice in land disputes in Peshawar courts. The study sample size is 30 respondents, further stratified into four categories: civil judges, revenue officers, senior advocates, and litigants seeking justice in land disputes. The selection of the sample is based on a purposive sampling method with 10 respondents from the first three categories and 20 from the last category of litigants. The purposive method of sampling ensured that only relevant individuals who have hands-on experience and knowledge of the subject matter became part of the study. Moreover, the primary data was collected using structured interviews scheduled for each group, and focused group discussion was only conducted with senior advocates in order to collect observed collective insights on issues of challenges the public faces in land dispute cases. The secondary data was collected from real-time case studies on land dispute cases, official reports, and legal documents. Furthermore, the data gathered from interviews was transcribed into a meaningful form for taking out key themes and patterns on which the analysis of the study is based. Each interview was first transcribed from audio to a written script. Then, after a thorough review of each script, several repeated themes were identified. Afterwards, these themes were given codes to be further categorized into macro and micro themes for data analysis.

**Key Barriers and Hurdles Faced by the Public in Land Disputes**

The key barriers and hurdles faced by the public have been categorized into macro and micro themes illustrated in Figure 1 below:



**Macro Elements**

The macro elements encompass all factors that impact the structural and systemic issues in the administration and governance of the judiciary as a whole.

## **Institutional and Structural Weaknesses**

### **Rush of Work**

There is a huge burden of work in the civil and revenue courts. More than 50 cases are fixed before a judge daily (Imran et. al, 2024). In such circumstances, only dates are given to the public who came to seek justice. The burden of work on advocates also affects the public. Clients usually engage famous lawyers who have plenty of cases daily, due to which he does not give proper time to each and every case, which affects the judicial process in land disputes.

### **Burden of Work**

The courts are facing an increased workload in all types of cases. Increased crime rates and the institutionalization of dispute settlement place a heavy burden on the courts. The burden of work on judges also causes delays in the dispensation of land disputes. The judges have to decide many cases a day; thus, they lose efficiency in deciding cases speedily. Usually, 50 and above cases are fixed before a civil judge per day, of which almost 40% relate to land disputes (Imran et. al, 2024; Ali & Hassan, 2022). This shows the burden of work on the judiciary and how it would be possible for a judge to provide speedy justice in such a heavy burden of work

### **Burden of Work on Advocates**

Normally, it is not possible to attain the final goal of reducing the delay in the finalization of cases. The speedy, effective, and fair administration of justice without the optimistic cooperation of bar associations is impossible. The role of the Bar in reducing delays in the dispensation of justice is of great importance. However, the bar disrupts the administration of justice in Pakistan, which further delays the delivery of justice to common people (Rasool & Abdullah, 2023). Unfortunately, for more than four decades, little attention has been paid to the system of justice comprising mainly the Bench and Bar.

### **Lack of judges**

There is a lack of judges in all four provinces of Pakistan, which creates problems for the public. The scarcity of judges in Peshawar courts multiplies the judicial crisis, leading to a delay in justice (Kureshy, 2024). In such a huge burden of work, judges cannot use a proper judicial mind and give proper time to each and every case, which greatly affects the administration of justice, particularly in land disputes.

### **Deficiency and Lack of Trained Process Serving Staff**

Services and notices are not served on time due to a deficiency in the process of serving staff, which leads to delays in land disputes. The process of serving staff has a lot of burden on their shoulders regarding summoning respondents every day (Shah et al, 2025). They do not have magic lamps to perform their overburdened work in the required limited time. Due to this reason, the process of serving staff does not serve defendants in time to present themselves in court to have their case tried and get a final decree in a relatively short time. The lack of process-serving staff and a huge burden of work led to delays in concluding civil cases of land disputes.

The process of serving staff are not properly trained, and due to the lack of proper training, they face difficulties in performing their duties (Nawaz, 2004). They are also not provided with modern devices and equipment for the performance of their duties, which also affects the smooth functioning of the judicial process. The lack of proper training and the non-provision of modern equipment to process serving staff resulted in the public facing difficulties and problems in seeking justice in land disputes.

### **Lack of Proper Service and Summons**

A fair chance of hearing is the right of both parties to have their rights determined according to law. For the fulfillment of the law of natural justice, courts are under an obligation to serve the opposite

party, i.e. defendant, with notice. The principle of natural justice, “AUDI ALTERNAM PARTEM,” says that no one should be condemned unheard, so notice or summons is issued to the opposite party to appear and defend the case against them (Rai, 2019).

### **Lack of Decision-Making**

The main function of the judiciary is to make decisions between the conflicting parties. Judges lack decision-making powers, particularly in land disputes. The partiality of judges in land dispute cases is a complex and persistent issue in the delay of justice (Shah & Awais, 2024). Judges always asked the conflicting parties to patch up the matters between themselves. Due to this, instead of making decisions, only dates are given to the public who seek justice in land disputes.

### **Lack of Respect for the Judiciary**

There is a lack of respect for the judiciary in the minds of the public. The public usually does not obey the orders of judges as they lack trust in the judiciary. So, when a date is fixed for evidence of the plaintiff or defendants, they do not produce their evidence on time, and the date is changed again and again for the production of witnesses, which causes an improper delay in the dispensation of land disputes.

### **Legal and Procedural Complexities**

#### **Lengthy Procedure**

Another major problem faced by the public seeking justice in land disputes is the lengthy procedure of judicial process. Substantive law establishes rights, and procedural law describes the procedure for the enforcement of such rights. Procedural law is there for the smooth and proper functioning of the administration of justice but sometimes technicalities of the procedural law create problems for the public who seek justice in land disputes e.g. technical procedure of the execution of the decree in land disputes is like a fresh suit in which time and again appeal preferred from the lower court to the apex court which greatly affects the public. There are procedural complexities in land dispute cases that hinder the progress of justice in those cases (Imran et. al, 2024).

#### **Improper Scrutiny**

Improper scrutiny of the suit by the court of first instance is also a cause of delay. When the suit is instituted, it is the duty of the judge to go through the ins and outs of the suit and to scrutinize and find the facts whether the court has jurisdiction or not. Improper scrutiny by the judges also leads to delay when the court has no jurisdiction, and the case is admitted. Later on, it was found out that the court that admitted and decided the case had no jurisdiction to try the suit. So, the case has to be initiated from the very start in the court that has proper jurisdiction. Thus, improper scrutiny by judges to find out the jurisdiction and other particulars in the plaint leads to delays in land disputes and the return of the case to the initial stage.

#### **Framing of Issues**

Issues are disputed facts - issues are claims that which plaintiff asserts in the plaint and the defendant denies through his written statement. Now it is the duty of the judge to go through the plaint and written statement and to frame the issues properly, leaving no space for amendments later on, which may cause delay in the dispensation of land disputes. But sometimes judges do not frame issues either due to their carelessness or incompetence. Amendment applications are given by the parties to frame some of the important issues left by the judge initially. Even at the appellate stage, the appellate court can frame issues if it thinks that material issues have been left unframed by the lower court. The new issues framed by the appellate court are either remanded to the lower court or tried by it. The newly framed issues are to be debated and argued upon so as to enable the judge to pass a decree regarding them. The framing of new issues at the appellate stage or through an application delays the proceedings in land disputes.

## **Jurisdiction**

Jurisdiction is the very first and foremost question decided by civil courts in land disputes. The question of jurisdiction also causes delays in civil litigation. When the suit is instituted by a lawyer in a civil court that has no jurisdiction leads to delay. This jurisdiction may be subject matter, territorial, or pecuniary jurisdiction. The lawyer is required to be careful while instituting a suit and must know whether the court has jurisdiction or not. The institution of the suit in a court that has no jurisdiction and objection to the same later on plays havoc with the quick dispensation of justice.

## **Right of Appeal**

Nothing would be more harmful to the speedy administration of justice than the organization of a rule which would inflict upon a party the necessity of appealing; on the one hand, he might be stressed and harassed with never-ending expense and unreasonable delay, and on the other, impose upon his opponent similar calamities. Right of appeal, particularly appealable orders, caused delays in the dispensation of land disputes. Appeals are preferred against such orders and proceedings in the original suit are stopped till the decision of such an appeal.

## **Interlocutory Applications**

Interlocutory applications under various enactments filed in a suit give long life to the suit, with a result that the line of action and original structure of the suit change, like 7/11 or 12(2) CPC applications, which are the factors delaying quick dispensation of land disputes (Court of Civil Procedure, 1908).

According to section 12(2) CPC application says:

“When a person challenges the validity of a judgment or order on the plea of fraud, misrepresentation or want of jurisdiction, he shall seek his remedy by making an application to the court which passed final judgment, decree or order and not by separate suit”. (Court of Civil Procedure, 1908)

In a nutshell, amendment applications play a due role in delaying the quick dispensation of ongoing cases because such applications are included in the pleadings to fill the gap and clear up the structure of the suit. They have been permitted to be found in the same suit without instituting a fresh suit for such determination, which causes delay in the disposal of pending cases.

## **Stay of Proceedings**

The stay of proceedings is also a cause of delay. No court shall proceed with the trial of the case in which the proceedings are stayed in appeal or revision. The state of proceedings is a routine matter in land disputes. Execution proceedings are also stayed by filing an objection petition.

## **Remand of Cases**

Remand is the main culprit of the delay in the dispensation of land disputes. Land disputes are time and again remanded back to the lower courts for looking afresh. Civil litigation lingers on due to its being sent back to the lower court for a fresh decision on the merits.

## **Technological and Infrastructure Deficiencies**

### **Lack of Facilities on Court Premises**

There is a lack of facilities on the court premises. Though computers and typewriters are provided in almost all courts in Peshawar, there is no proper sitting place for the public on court premises, and the public waits in the veranda that came to seek justice. Secondly, load shedding also affects the smooth judicial process because there is no facility for generators at the district and revenue courts in Peshawar.

### **Lack of Computerized Revenue Records**

The land revenue record prevalent in our country was established by the British Government before independence, but it was not developed with the passage of time. The majority of the land disputes relate to the correction of revenue records. In respect of the correction of revenue records, jurisdiction is given to both civil and revenue courts. Long-standing entries in revenue records are always corrected by the civil courts. Computerization of the revenue record is the need of the time and the cry of the day.

### **Lack of Modern Devices**

The lack of modern devices in the process of serving staff also leads to delays in civil disputes. They have conveyance problems. They do not have a vehicle, i.e., a motorcycle, etc., to serve notice or summon in no time. They have to serve summons in the general public transport. In such cases, they have to serve only 1 or 2 services a day. Similarly, other modern devices like mobile phones, the internet, TCS, courier services, and fixed machines are not accepted as a means of service. Process serving staff are using old and conventional methods for the service of summons and notices, which results in delays.

### **Lack of an updated Revenue Record**

The lack of updated revenue records is the main cause of delays in land disputes. The revenue record prevalent in our country was made by the British Government before independence, which was neither updated nor developed with the passage of time. Most of the time, land disputes are consumed in producing revenue records. The revenue record is required to be computerized in order to cover the improper delay caused due to the production of such a record.

### **Governance and Integrity Issues**

#### **Corruption**

Corruption means “any conduct or behavior” immoral, dishonest, or dishonest practice to citizens violating their duties and public trust as public officials do for the promotion of private gains. Giving or obtaining an advantage through means that are illegitimate, immoral, and inconsistent with one’s duty or the rights of others also fall within the definition of corruption. Generally, corruption can be the promotion of private gains or selfish interest at the expense of public interest against the overall objectives of the Government, by whoever is in charge and responsible within the area of work. Our political system, administration, as well as with few exceptions our legal system is corrupt. Corruption is a very bad thing and is the root cause of inferior quality of work; efficiency can be masked by this corruptive practice. Unfortunately, corruption is becoming a way of life. Eradication may not be possible, but it can be controlled to a greater extent (Khan, 2011). Corruption is the major problem faced by the public seeking justice in land disputes. The process of serving the staff of the judiciary is corrupt. Similarly, revenue officials are very famous for their corruption in land disputes. There is a 4.5% tax on the mutation, and Patwari openly takes 8%, while there is 3% stamp duty on a registry, but the registrar openly takes 6% of the governmental rate of purchased property.

#### **Illegal Gratification**

At the summons stage, the element of corruption on the part of the ministerial officer (reader) of the court and process serving staff leads to delay. Process servers are bribed with petty value to serve summons according to the sweet will of fraudulent parties. The reader asks the process server to give evidence to convince the court to have served the notice was served on the respondents. The respondents who have not been served do not attend the court on the date fixed, and the court decides such a case ex parte. Later on, if the respondent proves that he has not been informed about the case against him, this results in setting aside the ex parte decree, and such a case is started afresh from zero point.

## **Revenue Authorities Reluctant to Produce Revenue Records**

Sometimes, revenue authorities do not produce revenue records on time, which causes improper delay in land disputes. Patwari usually claims huge bribes for the production of the relevant revenue records, and the parties do not pay such bribes. Paatwari does not produce a revenue record, which delays decision-making in land disputes.

## **Micro Elements**

### **Delay in Dispensation of Land Disputes**

Delay is one of the most important problems faced by the public seeking justice in land disputes. It is briefly discussed separately in this chapter.

### **Delay in Land Disputes**

The delay haunts the proper administration of justice. It thwarts the process of the courts, raising costs for all litigants, pressuring the judges to take shortcuts, interfering with on-time and intentional disposition of those cases in which all parties are hard-working and ready for trial, and hanging the entire procedure with the pall of disorganization and insolubility (Nawaz, 2004). Competence and equality in the administration of justice are necessary ingredients in any modern and democratic society. Yet, just and fair justice within a reasonable period of time is not a simple target to reach in societies with limited resources and a never-ending number of issues/disputes, civil, criminal, and administrative. There is a dire need to provide quick and speedy justice to all, and delay in the dispensation of justice is an impediment to economic growth and development. There is a general tendency for the judiciary as well as lawyers to be criticized and said to be responsible for the delay in the process of justice. Developed societies and overcrowded countries have highly complex laws, thus causing delays in the disposal of cases; even then, this aspect of the matter was never held to be the main hurdle in the process of justice (Khurshid, 2003). Delay in the dispensation of justice is the greatest problem faced by the public. The backlog of cases in courts has assumed monstrous crises, gradually nibbling away at our justice system, hence the acute necessity to suppress this mischief (Khan, 2007). With regard to delays in proceedings of the cases in subordinate courts, the superiors and the authorities pretended to have a belief that these courts, practically the presiding officers of these courts, are practically responsible for it, and they don't work properly and expeditiously. Expression of this conviction comes in the form of directions to them for disposing of the matters early. It is possible that in some individual cases, it may be reality, but if this is the universal phenomenon, then the fault does not lie with the person but with the system itself (Rabbani, 2007). If the delay is a complaint about one or more courts, there is a probability that the persons are to blame for it. But when this complaint is widespread throughout the country, the fault does not lie with the persons but the system itself (Rabbani, 2007).

### **Causes of Delay in Land Disputes**

In order to find out the correct solution systematic and scientific analysis of the problem is necessary. First, the problem should be identified clearly, and then to ascertain the actual factors causing it. A problem cannot be solved without removing the actual causes. When the causes of the problems are clearly identified, then comes the stage of finding ways to remove said causes, and when the real causes of the problem are removed, a solution to the problem is achieved. Delay is an identical problem in land disputes, which can be measured from stage to stage at which court proceedings start and proceed till the execution. These causes are different from stage to stage, which leads to delayed land disputes and non-ending civil litigation.

### **Delay due to the Production of Witnesses**

The list of witnesses in many cases is not complete. Not all the witnesses are named, and later on, new witnesses are added to the list of witnesses with the permission of the court. This addition of new witnesses also causes delays in the disposal of land disputes because new witnesses have to go through

the process of examination in chief, cross-examination, and possibly re-examination, which prolongs the disposal of land disputes. Sufficient and reasonable time must be given in the summons for the attendance of witnesses. There is no fixed time for the attendance of witnesses. The reasonableness of time depends upon the discretion of the court. The courts give different times that they consider reasonable for the attendance of witnesses.

Societal behavior of the public also leads to delays in the resolution of land disputes. The witnesses make lame excuses and do not present themselves on time e.g., when there is a need for Patwari as a witness, he has to appear on time, but he does not do so as ordered, which causes delay in the dispensation of land disputes. Similarly, witnesses give false evidence, which also misleads the court and causes delays in decision-making.

### **Arguments Stage**

The lawyers are under a legal obligation to argue the case in a manner to assist the judge in the decision-making. But lawyers try to mislead judges by distorting the facts. This leads the judges astray, enabling him to declare the final verdict quickly. Secondly, the judges also miss the quick dispensation of justice by accepting irrelevant arguments. These irrelevant arguments also wasted time and caused delays in the dispensation of land disputes.

### **Delay in Making a Decision**

Good decisions in the case also depend upon the proper application of the mind by the judge and his competency. But sometimes judges are either inexperienced or unable to decide the case according to the facts of the case. They waste time thinking over the cases for a long time and adjourn cases from one date to another. Shahzad posits that sometimes judges are reluctant to give a decision on a particular case due to incompetence or being overburdened leads to adjournments (Shahzad, 2015). These adjournments also cause delays in civil litigation.

### **Delay in Execution**

Execution means putting the decree into effect. When the decree is passed, it conclusively determines the rights of the parties. Executive agencies do not come into force, e.g. police or revenue departments are most often not connected with or related to parties for their illicit consideration (National School of Public Policy, 2024). These agencies also caused delays in the disposal of land disputes.

### **Case Management Issues**

#### **Production of the Revenue Records**

Land disputes are usually decided on the basis of revenue records. Patwari is the custodian of revenue records in the revenue department. Patwaris do not produce documents in the court of law on time, which leads to delays in the dispensation of land disputes (National School of Public Policy, 2024). Documents, instead of being accepted either with the plaint or at the first hearing, are accepted at every stage of the case. Similarly, an application for interrogation, which should be accepted at the earliest stage of the case, is accepted at a later stage, leading to a delay in the finalization of the case.

#### **Lack of Interest on the Part of the Losing Party**

The losing party is always reluctant to make a decision when the loss is already predicted. It then always uses delaying tactics. When an apocryphal and fallacious case is given to a lawyer, he normally accepts the challenge to make it abstruse and apply all delaying tactics available to him. Lawyers exploit the technicalities in the legal procedure to delay the case (Shah et al, 2014). The role played by lawyers in such matters is very unpropitious. The lawyers, too, have a hand in the delay of civil suits because they do not prepare their cases in time and so make lame excuses for the adjournment of the cases, leading to delay and disposal of cases. The cases usually take a long time due to such lazy behavior of lawyers. Adjournment is just and equitable only in probable circumstances which may be beyond the control of the parties. Here comes the role of the court, advocates, and, of course, common

litigants – a person who is in possession of property having a weak case will ultimately resort to delaying tactics on one pretext or the other. Sometimes council helps them in this pursuit by submitting false adjournment applications.

## **Financial and Social Barriers**

### **Expensive Justice**

Justice in land disputes is very expensive. The public has to pay court fees according to the value of the property; the maximum court fee is Rs. 15000/- (Government of KPK, 1973). In almost the majority of cases, the maximum court fee is affixed on the plaint. Secondly, land disputes are very technical cases in which clients usually engage famous lawyers who charge high fees. Thirdly, land disputes are never-ending litigations both in civil as well as revenue courts, which waste the time and money of the public. Dr. Ishrat Hussain, while addressing the ‘Judiciary Conference at Islamabad’, aptly says that the land dispute cases are not only tedious but also expensive and time-consuming (Hussain, 2014).

### **Recommendations**

These are the following recommendations are for resolving barriers and challenges in land dispute cases.

- Service of the notice or summons also caused a delay in starting proceedings; therefore, substituted service should be adopted simultaneously to start the proceedings as soon as possible. Besides, information through modern devices like mobile, email, etc, may also be accepted as proper service. If the server process does not serve to summon or notice properly, disciplinary action should be taken against him for not giving due cause.
- The number of courts should be increased, and necessary funds should be provided for the disposal of matters within the stipulated time.
- The Pakistan Bar Council and the NWFP Bar Council will have to make rules & regulations to limit the burden of work on lawyers and courts.
- Exemplary costs must be imposed on those who do not obey the order of the courts and seek unnecessary adjournments.
- Revenue records must be computerized to cope with the need for time and cover the improper delay caused by the nonproduction of revenue records.
- Alternate Dispute Resolution should be utilized in the dispensation of land disputes to provide speedy justice and remove the burden of work on the judiciary.
- Importance should be given to the training, continuing education, and prompt guidance to the judges to develop in them an informed, adjudicative, balanced & proactive understanding of law and adjudication.
- The Presiding officers and Judges should avoid unnecessary and frivolous adjournment, and if there is a dire need to adjourn cases, it should be for no more than three days.
- The number of cases is required to be fixed for the judges so that they can properly apply their judicial minds and cope with the burden of work.
- Collective efforts are required to encourage interaction, consultation, consensus, and institutional handling of the problems faced by litigants, particularly in land disputes, instead of isolated individual attempts.
- The joint committees of the bar and bench have to be established to overcome the problem of the burden of work and the causes of delay.
- To eradicate problems of litigants in the adjudication of land disputes, apart from legislative measures, stress should be given to creating awareness among the people through education, the press, media, etc. Regarding the evil practices of corruption & their bad impact on society, authorities are required to take collective steps to eradicate corruption.

- Further, there should be eradication of the deep-rooted evil of corruption only when the members of society refuse to take corruption by realizing that they themselves would be affected by corruption.
- The presence of lacuna in the legislation also affects the implementation of the laws their new laws are required to be passed to remove drawbacks from the substantive and procedural laws to solve the problems faced by the public seeking justice.
- Lastly, it is also not possible to solve and eradicate the deep-rooted problems of adjudication only through legislation without public support and awareness.

## Conclusion

Human society is not a jungle where the “might is right” policy goes on. To check the inconsistencies of individuals & groups towards the nonconformity of behavior is corrected through the legal & judicial institutions. Civil and revenue courts are both responsible for the dispensation of land disputes and the welfare of society. This can be possible only if conditions are conducive for them to work for the welfare of others. This study has brought many facts and forms for the consideration of civil society, particularly about the working conditions of the civil and revenue courts and problems faced by the public seeking justice in the adjudication of land disputes. Numerous problems are faced by the public seeking justice in land disputes. Land disputes are non-ending litigations, and those who came to seek justice have passed away, and their predecessors carry on such cases. The working conditions of the civil and revenue courts are also critical and considered below the required standard of judicial independence. Therefore, there is a dire need to bring reforms in land dispute courts in order to deliver effective and efficient justice to litigants.

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