

**JUDGMENT SHEET**  
**IN THE PESHAWAR HIGH COURT,**  
**PESHAWAR**  
(Judicial Department)

**W.P No.4636-P/2019 with I.R.**

Bahramand Khan & another Vs Govt. of  
Khyber Pakhtunkhwa through Senior Member  
Board of Revenue, Civil Secretariat, Peshawar  
and others

**JUDGMENT**

Date of hearing: 15.10.2020.

Mr.Muhammad Irshad Mohmand, Advocate, for  
the petitioners.

Mr. Atif Ali Khan, Addl. A.G, for the  
respondents.

**LAL JAN KHATTAK, J.-** Petitioners through  
the petition in hand under Article 199 of the  
Constitution of Islamic Republic of Pakistan,  
1973 have prayed to this Court for issuance of  
a writ declaring the Notification dated  
28.08.2019 as illegal, unlawful, based on mala  
fide and ulterior motives whereunder Village  
Council, Qasim of Tehsil & District Mardan has  
been included in the newly created Tehsil i.e.  
Tehsil Ghari Kapura of District Mardan.

2. It is the petitioners' case that there  
Village Council is nearer to Tehsil Mardan and  
its residents have their business and other  
activities in Tehsil Mardan, therefore, its

detachment from Tehsil Mardan and inclusion in the newly created Tehsil will cause hardships and inconvenience to the public at large. It has also been averred in the petition that detachment of Village Council, Qasim from Tehsil Mardan and its inclusion in the newly Tehsil has been done on the wishes of the local MPA i.e. respondent No.10 and as such the impugned inclusion is based on sheer mala fide of the respondents having nothing to do with the welfare and convenience of the locals of the Village Council. .

3. Para-wise comments were filed by the respondents, wherein issuance of the desired writ has been opposed.

4. Arguments heard and record gone through.

5. Residents of Village Council, Qasim may not be happy over the inclusion of their area in the newly established Tehsil but the legal position is that according to Section 6 of the Land Revenue Act, 1967, each district may be divided into such Tehsils or Sub-Tehsils with such limits and such areas, as the government may by Notification specify. As per sub-section (2) of Section 6 of the Act *ibid*, the government may, by Notification, vary the

number and limits of District and Tehsil in the province.

6. As the government has been conferred an authority by the provisions of the Land Revenue Act, 1967 to carve out new Districts, Tehsils and Sub-Tehsils through a Notification, therefore, the respondents were well within their competence to detach any area of an existing Tehsil and include its in another or newly created Tehsil.

7. Contention of learned counsel for the petitioners that inclusion of the petitioners' Village Council into the newly created Tehsil Ghari Kapura will cause inconvenience and hardships to the residents of the area has no force in its as this Court in exercise of its constitutional jurisdiction under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, cannot determine whether the newly created Tehsil will bring convenience to the people of the petitioners' Village Council or otherwise. Besides, the creation of new Districts and Tehsils is purely a policy decision of the Government legality or otherwise of which cannot be questioned before this Court, through a writ petition which has a very limited scope.

8. For what has been discussed above, this petition, being bereft of any merit, is hereby dismissed.

**SENIOR PUISNE JUDGE**

**JUDGE**

**Announced**  
**15.10.2020.**

(D.B) (Hon'ble Mr. Justice Qaiser Rashid Khan &  
Hon'ble Mr. Justice Lal Jan Khattak)  
A.Ali