

4. The record reveals that the inhabitant of Tamba Maira moved an application to the DCO Mansehra for changing the name of Tamba Maira as Maira Swati Abad. On the basis of the said application, Resolution No.319 was passed by the Provincial Assembly, Khyber Pakhtunkhwa whereafter vide Notification dated 12.04.2010 issued by the Secretary to Government of NWFP, Revenue & Estate Department, Peshawar, the name of Tamba Maira was changed to Maira Swati Abad. On 14.09.2011, another application by some inhabitants of Tamba Maira was made to the DCO wherein it was stated that population of the village is more than thirty thousand comprising different communities/classes, therefore, naming the village on a specific class's name in a secret way is unjustified. The DCO on 17.10.2011 forwarded the said application to the Secretary to Government of Khyber Pakhtunkhwa (Respondent No.1) to review the process adopted for the change of name of Tamba Maira. However, no action had been taken on the said application so far. The DCO, in his letter dated 17.10.2011, had pointed out to the Secretary, Revenue & Estate Department that proper procedure, as per the Khyber Pakhtunkhwa Local Councils Naming and Renaming of Public Places Rules, 1994 (**the Rules**) published vide Gazette Notification No.AOV/LCB/1-44/85 dated 10.08.1994, had not been followed while changing the name of village. The relevant clause of the said Notification is reproduced hereinbelow for an immediate reference:

"2. A Council may, with the prior approval of Government, assign a name to a road, street, square, park or any other public place or change the name of any such road, street, square, park or any other public place:

Provided that no such name shall be assigned or changed, unless the proposal of naming or re-naming, as the case may be, has been published in press for inviting objections and suggestions of public in such manner as a Local Council may determine".

The above referred Rules relate to assigning a name to a road, street, square, park or any other public place or renaming any such road, street, square, park or any other public place. Nothing has been said in these Rules about changing the name of a village. However, we think that the procedure, as laid-down for assigning or renaming of a road, street, square, park or any other public

place, shall also be adopted by the Government before issuing Notification under Para 7.69 of the Land Record Manual, in the matter of changing the name of a village as the official name of a village is used in land revenue record, postal zone and other official and private documents, therefore, objections/suggestions of the inhabitants of village need to be invited through publication in newspapers. In the instant case neither any publication in the newspapers inviting objections/suggestions from inhabitants was made nor local council was involved in the process, which made the whole process discriminatory and downright illegal. About the question raised regarding delay and laches, we are satisfied that the laches, if any, should not be entertained in the interest of general public.

5. For the foregoing reasons, we are of the view that as population of the village Tamba Maira is more than thirty thousand, obviously it is a matter of great concern for the inhabitants if name of their village is changed without seeking their opinions/suggestions, hence, rights of the public at large had been violated by not making it public and without inviting objections and suggestions from the inhabitants of the village before issuing Notification under Para 7.69 of the Land Record Manual and the High Court has rightly declared the said Notification dated 12.04.2010 and subsequent Order dated 23.07.2010 to be null and void. The High Court, while doing so, has further observed that the authorities may do the change after inviting objections from the public at large. We are in agreement with the findings given by the High Court in the impugned judgment and maintain the same. Consequently, the Civil Appeal is dismissed.

ISLAMABAD

07.11.2023

APPROVED FOR REPORTING

Hashmi