

## CONCRETE JUNGLE, LEGAL BATTLEFIELD: HOW URBAN GROWTH FUELS LAND LITIGATION IN PAKISTAN

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### ABSTRACT

*This study also helps to identify Urbanization factors that are accelerating the land litigation cases in Pakistan. Data were only obtained from the officers of revenue departments and judicial officers of land disputes in the present study. This work examines the fifteen vital issues, which are enhancing the land litigation cases in Pakistan. These narratives are: forced land acquisition, gentrification and displacement, rise in housing and infrastructure needs, urban sprawl, speculative land buying, commercial development, confusion over land titles, absence of proper urban planning, conflicts over peri-urban land, illegal occupation of public land, competing land use decisions, pressure on agricultural land, uncontrolled real estate development, extension of infrastructural projects, and land-use-related environmental degradation. The results from this study will help the policymakers in the formulation of the policy as the case studies will minimize land litigation cases due to the urbanization that the country face in Pakistan.*

**Keywords:** Urbanization, Urban Growth, Land Litigation, and Property.

### 1. Introduction

There has been rapid urbanization in Pakistan over the past few decades, which has caused a dramatic upsurge of land-based feuds, particularly in large cities. As reported by Pakistan Bureau of Statistics (2022), the proportion of Pakistan's population living in urban areas has increased to over 36 per cent from 32.5 per cent in 1998, and the figure is anticipated to cross 50 per cent by 2050. The law and land, the budget and land dispute resolution the businessman and land dispute resolution the court-man and land dispute resolution References Introduction As the cities expand and more people are brought in to occupied and develop the areas, land disputes have also exuberated; traces of more than 70% of urban civil cases of the courts touched upon landed property, encroachments, or property documentation (Law and Justice Commission of Pakistan [LJCP], 2021). Karachi faced more than 15,000 active cases of land litigation in 2020, of which informal settlements and disputed ownerships were major reasons for these cases (Sindh Judicial Academy, 2021). Those numbers underscore a growing challenge: Urbanization is not only altering the skylines of Pakistan but is also remaking its legal and social calculus around land.

Urbanization in Pakistan has led to haphazard change in the utilization of the land without appropriate legal framework, zoning regulations, and institutional capability to cope with the change. Rising a demand for settlement housing, infrastructure and commercial development, encroachment public lands, encroachments lands grabbing, and illegal occupations, particularly,

in rapid expanding cities such as Lahore, Karachi and Islamabad (Hasan, 2018). These difficulties are further compounded by poor urban planning, fragmented land records, and overlapping mandates between city and provincial powers (Niazi & Khan, 2020). With this, cases of ownership of land, boundary demarcation and illegal sale of land have become rampant and, in most instances, people find themselves being embroiled in lengthy legal approaches. Informal settlements or katchi abadis — which in some cities accommodate as much as 40% of the urban population — are particularly susceptible to legal action because the tenure of land is insecure and legality is contested (UN-Habitat, 2021). This uninhibited urban sprawl creates a breeding ground for land litigation that predominantly plagues low-income and marginalized communities.

While there is a growing literature on land disputes and urban development in Pakistan, most research often touches on these issues in isolation. For example, researches on Informal settlements (Hasan & Raza, 2020), housing shortage (Kureshi, 2013) or Urban governance (Cheema et al., 2015) have been conducted, however, very few have addressed the direct relationship between urbanization and increasing number of land litigation cases. Most studies fail to account for how institutional frictions, including archaic land record systems and weak enforcement of urban planning laws, exacerbate disputes in cities. Additionally, there is scant empirical evidence from in-situ of stakeholders who are actively involved (land administrators and legal actors) in the litigation of land conflicts to resuscitate the real time impact of urban growth on land conflicts. This absence highlights the necessity of a focus study which links urbanization with the land-related legal development in Pakistan.

This study is important as it looks into a crucial and timely issue which influences urban development and social justice, and legal equity in Pakistan. By analyzing the ways in which urbanization incites and perpetuates land litigation, this study contributes to a fuller appreciation of the socio-legal dynamics of urban growth. It underscores, as well, the institutional and policy voids that enable disputes to grind on, stretching from unclear land titles to unapproved land conversions (Qureshi, 2019). Based on qualitative perspectives from governmental officials, land administrators, and legal practitioners, this article identifies continuing systemic issues and offers evidence-based recommendations. With the ongoing urbanization of Pakistan, the legal effects of this transition should be recognized to ensure that urban development is inclusive and sustainable (World Bank, 2020).

Besides that, the study findings are likely to have policy implications for policy-makers, planners and those interested in judicial reform. The findings of this study will have implications for advancing urban land governance, facilitating land dispute mechanisms, and promoting legal certainty in urban development. The study also could provide a basis to support institutional reforms for addressing the backlog of land cases in urban courts and enhanced tenure security by considering legal and administrative stakeholders. This research ultimately aims to fill the gap between urban policy and legal practice, presenting a roadmap for reducing land litigation in the shadow of a rapidly urbanizing Pakistan.

The remainder of the paper is structured as follows: Section 2 presents a literature review focused on the relationship between urbanization and land litigation. Section 3 outlines the methodology adopted to conduct this study. Finally, Section 4 discusses the key results and outcomes derived from the analysis.

## 2. Literature Review

Urbanization and advancement are key drivers of socio-economic alter in Pakistan, but they too bring critical challenges, especially within the domain of arrive proprietorship and utilization. The

quick pace of urban development, coupled with large-scale advancement ventures, has driven to an increment in arrive debate, regularly coming full circle in drawn out case. This writing audit analyzes the affect of urbanization and advancement on arrive case in Pakistan, highlighting how these forms compound existing arrive clashes and make modern ones. Key zones of center incorporate the challenges postured by casual settlements, foundation advancement, arrive securing hones, and the crossing point of urbanization with legitimate and regulatory systems (Shafi et al., 2022). One of the foremost unmistakable impacts of urbanization in Pakistan is the extension of casual settlements or "katchi abadis." These settlements have multiplied in cities like Karachi, Lahore, and Islamabad due to quick urban populace development, driven by rural-to-urban relocation (Rana & Bhatti, 2018).

However, the formal lodging showcase has been incapable to meet the request for reasonable lodging, driving numerous low-income family units to settle on vacant arrive, frequently without lawful authorization. These casual settlements are a visit source of arrive debate, as landowners, government specialists, and inhabitants challenge the legitimacy and lastingness of these infringements (Akhtar & Rashid, 2021). The inhabitants of casual settlements are regularly at chance of ousting, especially when the arrive they involve is reserved for advancement or foundation ventures. These removals regularly lead to case, as inhabitants look for to state their rights through the courts, challenging the lawfulness of ousting takes note or the arrive procurement prepare. The need of clear legitimate systems for recognizing or regularizing casual settlements worsens these debate, driving to drawn out legal battles (Javed & Riaz, 2020).

However, the method of regularization regularly includes complex transactions between inhabitants, landowners, and government organizations, driving to debate over arrive possession, recompense, and the terms of regularization. These debate regularly result in case, especially when distinctive partners have clashing interface or when the regularization prepare is seen as out of line or one-sided (Hasan & Arif, 2018). Besides, the arrive securing handle for foundation ventures is regularly full with strife, especially when landowners or inhabitants feel that they have not been satisfactorily compensated or that the procurement prepare has not been conducted straightforwardly (Arshad et al., 2022).

The numerous landowners and inhabitants accept that the emolument advertised by the government is deficiently, especially given the rising esteem of arrive in urban regions. Also, resettlement plans are regularly ineffectively executed, driving to clashes over the ampleness of resettlement locales, get to to administrations, and the disturbance of employments. These debate habitually result in legitimate challenges, as influenced people look for to secure superior emolument or more favorable resettlement terms through the courts (Rubab et al., 2023). So also, the quick rise in arrive costs has pulled in financial specialists and theorists, driving to expanded competition for prime arrive in urban ranges. This competition regularly comes about in debate over arrive proprietorship, boundaries, and the legitimacy of arrive titles, especially in cases where numerous parties claim proprietorship of the same plot of arrive (Khan & Karak, 2018).

Likewise, genuine bequest engineers regularly seek to procure arrive through lawful or extra-legal implies, driving to clashes with existing inhabitants. These clashes as often as possible result in case, as uprooted communities challenge the legitimacy of arrive acquisitions or look for stipend for their misfortune of homes and jobs (Ahmad, 2022). However, numerous arrive exchanges are conducted without legitimate documentation, driving to numerous claims on the same piece of arrive. These debate regularly conclusion up in court, as parties look for to set up the legitimacy of their claims through case. The need of a dependable and transparent arrive

enrollment framework compounds these debate, driving to delayed lawful fights over arrive proprietorship (Ahmad et al., 2019).

The arrive organization framework in Pakistan is regularly criticized for its wastefulness, need of straightforwardness, and defenselessness to debasement. Subsequently, these shortcomings contribute to the predominance of arrive debate, as vague arrive records, bureaucratic delays, and degenerate hones make openings for extortion and struggle. The failure of the arrive organization framework to supply clear and solid documentation of arrive possession may be a major calculate driving arrive case, especially in urban regions where arrive values are tall (Rana & Bhatti, 2018). In differentiate, degenerate hones such as bribery, control of arrive records, and unlawful arrive snatching are common, especially in quickly urbanizing zones. These hones regularly lead to debate over arrive proprietorship and boundaries, as influenced individuals seek to challenge degenerate exchanges through the courts. The predominance of debasement in arrive organization could be a major calculate contributing to the increment in arrive case in Pakistan (Javed & Riaz, 2020).

Likewise, numerous arrive exchanges in urban ranges are conducted exterior the formal lawful framework, depending instep on casual assentions or standard hones. This makes lawful ambiguities and clashes when these exchanges are challenged in court, driving to drawn out case as parties look for to explore the crossing point of formal and casual arrive frameworks (N. G. Ali, 2020). Urbanization and improvement have a significant affect on arrive case in Pakistan, worsening existing clashes and making modern ones. The development of casual settlements, large-scale framework ventures, rising arrive values, and shortcomings in arrive organization all contribute to the predominance of arrive debate in urban regions. Addressing these issues will need an expansive rethinking on arrive organization, legal systems and administration hones to diminish the rate of arrive question and make a more unbiased and straightforward framework of arrive administration in Pakistan (Alam et al., 2022).

### 3. Research Methodology

This research is an eye bird of law and empirical works in regard to the impact of urbanization on the land litigation in the context of Pakistan with reference to the developmental and socio-economic factors, taking a qualitative descriptive research design. A qualitative approach is appropriate for exploring the underlying social, legal, and institutional forces that drive complex phenomena such as land disputes (Creswell & Poth, 2018). Structured interviews and focus group discussions were held with stakeholders directly involved in administering land-related conflict or in litigating land issues in order to capture rich context-sensitive data. Selected respondents were Additional Commissioners, Deputy Commissioners, Assistant Commissioners, Tehsildars, Naib Tehsildars, Patwari and lawyers—the individuals having first-hand information how the process of urbanization and socio-economic divide interfere in land litigation (Merriam & Tisdell, 2015; Patton, 2015).

They were purposively sampled, a method widely used in qualitative research to identify the most appropriate and experienced participants (Palinkas et al., 2015). Interviews and discussions based on a structured interview guide and all sessions were recorded and transcribed for analysis. Data obtained were thematically analyzed to determine relationships between the different ways in which urbanization leads to land conflicts (Braun & Clarke, 2006). Following identification, organization, and naming of pertinent themes, participants were asked to recommend local solutions to mitigate the recurrence and acuteness of land conflicts stemming from urban forces and socio-economic rifts (Denzin & Lincoln, 2018).

The final phase of analysis comprised of organizing and integrating the solutions and policy options proposed by the participants. The findings of the study was translated as practical recommendations to mitigate land litigations in urban Pakistan. The results will be disseminated to policymakers, urban planners, and land administration authorities so that more efficient legal and administrative frameworks can be devised (World Bank, 2020). In the longer term, then, the thesis has one key objective to contribute to policy reform, such as in relation to the socio-economic and urban forces generating land conflict and the drivers of land dispute, to help dismantle practices of non-transparent and inequitable land governance (UNHabitat, 2021).

#### 4. Results & Analysis

##### 4.1. Demographics and Socio-Economics Characteristics of the Respondents: -

**Table-I: - Demographic & Socio-Economic Characteristics Participants**

Demographics	Characteristics	Frequency	Percent	Cumulative Percent
<b>Gender</b>	Male	38	88	88
	Female	5	12	12
	<b>Total</b>	<b>43</b>	<b>100</b>	
<b>Age</b>	18-25	4	9	9
	26-35	12	28	37
	36-45	20	47	84
	46-55	5	12	95
	Above 55	2	5	100
	<b>Total</b>	<b>43</b>	<b>100</b>	
<b>Designation</b>	Additional Commissioner	2	5	5
	Deputy Commissioner	2	5	9
	Assistant Commissioner	5	12	16
	Tehsildar	10	23	35
	Naib Tehsildar	10	23	47
	Patwari	10	23	47
	Lawyers	4	9	100
	<b>TOTAL</b>	<b>43</b>	<b>100</b>	
<b>Qualification</b>	Matriculation	5	12	12
	Intermediate	7	16	28
	Graduation	9	21	49
	Master	14	33	81
	MPhil. or above	8	19	100
	<b>TOTAL</b>	<b>43</b>	<b>100</b>	
<b>Experience</b>	1-5 (Years)	4	9	9
	6-10 (Years)	8	19	28
	11-15 (Years)	15	35	63
	15-20 (Years)	7	16	79

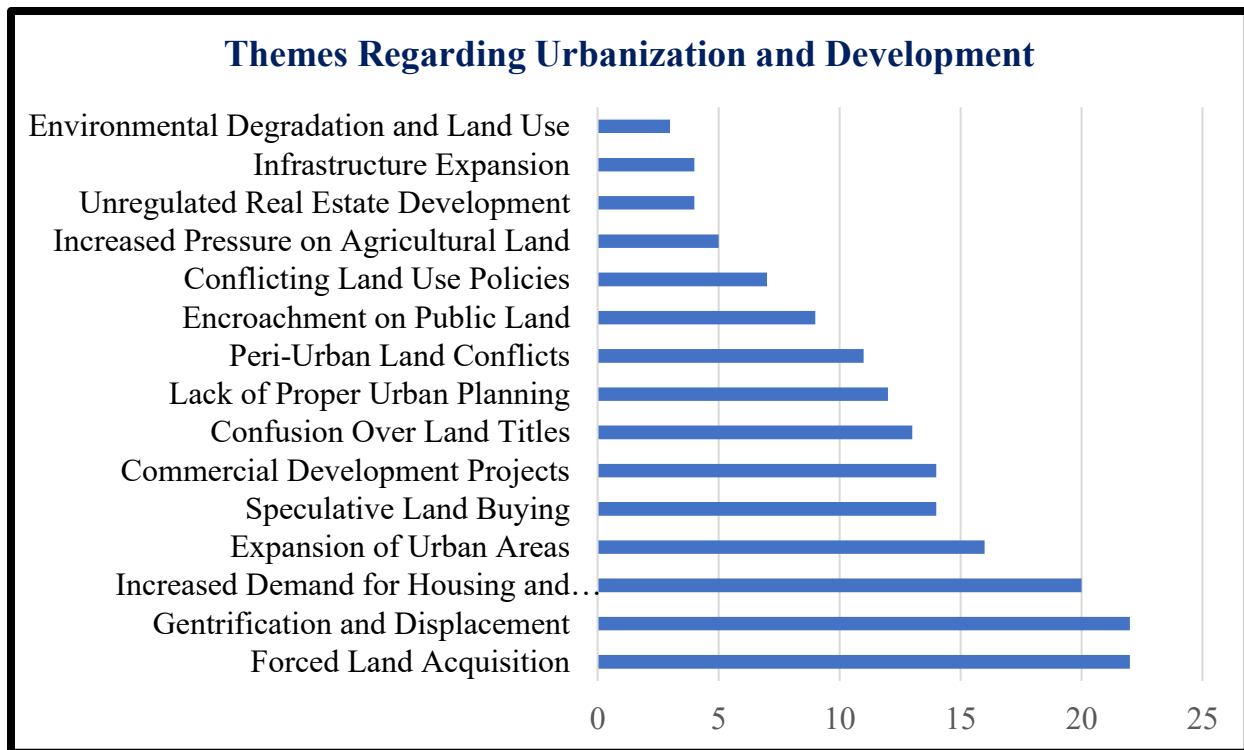


Above 20 (Years)	9	21	100
<b>TOTAL</b>	<b>43</b>	<b>100</b>	

#### 4.2. Categories of Urbanization and Development in the Context of Land Litigation and Way Forward: -

The details regarding various themes of Urbanization and Development and a way forward to counter these problems have been given as under.

Sr. #	Themes and Categories of Urbanization and Development	Frequencies
1	Forced Land Acquisition	22
2	Gentrification and Displacement	22
3	Increased Demand for Housing and Infrastructure	20
4	Expansion of Urban Areas	16
5	Speculative Land Buying	14
6	Commercial Development Projects	14
7	Confusion Over Land Titles	13
8	Lack of Proper Urban Planning	12
9	Peri-Urban Land Conflicts	11
10	Encroachment on Public Land	9
11	Conflicting Land Use Policies	7
12	Increased Pressure on Agricultural Land	5
13	Unregulated Real Estate Development	4
14	Infrastructure Expansion	4
15	Environmental Degradation and Land Use	3



#### 4.2.1. Forced Land Acquisition: -

Constrained arrive securing regularly leads to arrive case as influenced people and communities challenge the legitimacy and decency of the method. To counter this issue, it is fundamental to guarantee that arrive procurement strategies are straightforward, evenhanded, and conducted in agreement with legitimate measures. Actualizing strong remuneration and resettlement plans that satisfactorily address wants of uprooted people can offer assistance moderate clashes. Moreover, giving influenced people with get to lawful plan of action and bolster amid the procurement prepare can offer assistance resolve debate more successfully and anticipate case. By prioritizing reasonable hones and partner engagement, the negative impacts of constrained arrive securing can be essentially diminished.

#### 4.2.2. Gentrification and Displacement: -

Gentrification and relocation can compound arrive case by driving low-income inhabitants out of their homes and making debate over property rights and redevelopment. To address this issue, it is significant to execute arrangements that ensure helpless communities from relocation and guarantee reasonable lodging choices in gentrifying ranges. Giving lawful back and backing for uprooted inhabitants, in conjunction with straightforward and comprehensive urban arranging forms, can help moderate clashes. Moreover, coordination community input into redevelopment ventures and guaranteeing reasonable stipend and relocation assistance can decrease debate and cultivate more evenhanded results within the confront of gentrification.

#### 4.2.3. Increased Demand for Housing and Infrastructure: -

Expanded request for lodging and framework frequently escalate arrive case by heightening competition and clashes over arrive utilize and possession. To address this issue, it is basic to actualize successful land-use arranging and zoning controls that adjust advancement needs with reasonable arrive assignment. Contributing in foundation ventures that incorporate comprehensive community input and impartial dispersion can help decrease debate. Furthermore, advancing

proficient arrive administration hones and empowering the improvement of elective lodging arrangements, such as high-density lodging and mixed-use improvements, can help lighten weight on arrive assets and minimize case related to lodging and framework requests.

#### **4.2.4. Expansion of Urban Areas: -**

The extension of urban ranges can lead to expanded arrive case as the request for arrive escalate and clashes emerge over property boundaries and proprietorship. To address this issue, it is vital to actualize vital urban arranging and improvement controls that expect and oversee the impacts of urban extension. This incorporates setting up clear zoning directions, advancing economical arrival utilize hones, and guaranteeing straightforward arrival procurement forms. Contributing to framework and open administrations in a way that underpins adjusted development can help decrease debate. Furthermore, locks in communities in arranging forms and giving to lawful assets can relieve clashes and guarantee that urban development is overseen successfully.

#### **4.2.5. Speculative Land Buying: -**

Theoretical arrive buying frequently leads to arrive case as financial specialists buy arrive essentially for benefit, driving up costs and making clashes over proprietorship and utilize. To counter this issue, it is critical to implement directions that debilitate theoretical hones, such as charges on unused arrive and limits on arrive property. Advancing straightforward and reasonable arrive exchanges can to help avoid debate. Moreover, empowering the improvement of arrive for beneficial utilize instead of permitting it to sit out of gear can diminish the motivations for theoretical buying. By guaranteeing that arrive is utilized in a way that benefits the broader community, the potential for case emerging from theoretical hones can be minimized.

#### **4.2.6. Commercial Development Projects: -**

Commercial advancement ventures frequently lead to arrive case as they can cause debate over arrive procurement, natural affect, and the relocation of neighborhood communities. To counter these issues, it is significant to execute thorough arranging and administrative oversight that guarantees ventures are conducted straightforwardly and with full compliance with arrive laws. Locks in neighborhood communities through meetings and consolidating their input into venture plans can help moderate clashes. Moreover, guaranteeing reasonable stipend and resettlement for uprooted people and implementing natural securities can avoid debate. By cultivating collaboration between engineers, government offices, and communities, the probability of case related to commercial advancement can be essentially diminished.

#### **4.2.7. Confusion Over Land Titles: -**

Disarray over arrive titles may be a major cause of arrive case, as hazy or clashing documentation leads to debate over proprietorship. To counter this issue, it is basic to actualize a comprehensive arrive title confirmation and enlistment framework that guarantees all arrive possession records are exact, up-to-date, and effectively open. Digitizing arrives records and making a centralized database can help dispense with disparities and anticipate numerous claims on the same property. Furthermore, conducting open mindfulness campaigns to teach landowners almost the significance of securing clear titles can diminish errors. Fortifying legitimate systems to resolve title debate rapidly and reasonably can encourage minimize case emerging from title disarray.

#### **4.2.8. Lack of Proper Urban Planning: -**

Need of legitimate urban arranging regularly leads to arrive case as indiscriminate advancement makes debate over arrive utilize, zoning, and foundation situation. To counter this issue, it is basic



to set up and uphold comprehensive urban arranging approaches that direct feasible advancement and arrive utilize. Executing clear zoning laws and land-use controls can avoid clashes by guaranteeing that all partners get it the allowable uses of arrive. Locks in communities within the arranging handle and guaranteeing that urban development is adjusted with satisfactory framework and open administrations can moreover help decrease debate. By prioritizing astute, comprehensive, and forward-looking urban arranging, the frequency of arrive case due to destitute arranging can be altogether minimized.

#### **4.2.9. Peri-Urban Land Conflicts: -**

To counter the issue of arrive case emerging from peri-urban arrive clashes, it is pivotal to set up clear and reliable land-use arrangements that address the interesting challenges of these transitional regions between urban and rustic zones. Appropriate zoning directions and arranging systems ought to be executed to oversee the fast advancement and land-use changes ordinary of peri-urban districts. Locks in nearby communities, engineers, and specialists in collaborative decision-making forms can offer assistance pre-empt clashes by aligning improvement objectives with desires of all partners. Also, progressing arrive enlistment and titling frameworks in these zones can decrease ambiguities and debate over arrive possession, in this way minimizing the probability of case.

#### **4.2.10. Encroachment on Public Land: -**

Hence, to counter the issue of arrival cases related to infringement on open arrival, it is crucial to set up strict checking and requirement instruments that avoid unauthorized occupation and utilization of open lands. Executing clear land division and signage, together with standard reviews, can help hinder infringements. Furthermore, teaching the open approximately the lawful results of infringing on open arrive and guaranteeing that any infringement is instantly tended to through lawful activity can decrease the event of such debate. Making straightforward forms for the lawful securing or renting of open arrive for true blue purposes can moreover help oversee arrive utilization more successfully, subsequently minimizing cases related to infringement.

#### **4.2.11. Conflicting Land Use Policies: -**

Clashing arrives utilize approaches frequently lead to arrive cases as diverse partners clash over how to arrive ought to be utilized. To counter this issue, it is fundamental to harmonize arrive utilize arrangements over diverse government levels and segments, guaranteeing that all controls are adjusted and complementary. Making a comprehensive and coordinated arrive utilize an arranging system that considers financial, natural, and social components can help avoid clashes. Routinely upgrading arrangements to reflect current needs and locks in partners within the policymaking handle can too decrease ambiguities and debate. By cultivating coordination and clarity in arrive utilize arrangements, the potential for case can be essentially minimized.

#### **4.2.12. Increased Pressure on Agricultural Land: -**

Increased pressure on agricultural land often results in land conflict as conflicting demands for food production, urban expansion and industrial use create competition over land allocation and use. The author notes sustainable land management practices need to be implemented to address this issue to harmonize rural requirements with other development objectives. Solidifying zoning regulations to protect top notch agrarian land from conversion to non-agricultural purposes can help save nourishment security and resolve the conflicts. In addition, enabling innovative farming systems like vertical farming or agro-forestry can also reduce pressure on traditional agricultural lands. With the advancement of economic hones and the clear land-use strategies, the risk of litigation concerning agrarian areas can be reduced.

#### 4.2.13. Unregulated Real Estate Development: -

Too much spontaneous real estate development frequently draws in arrive suit as unrestricted development projects can incite arrive dispute, natural debasement and quarrel with local landowners. To address this problem, strict administrative structures to regulate real estate development are necessary to ensure that all projects adhere to zoning regulations, environmental standards, and community priorities. Processing simple endorsement forms and typical endorsements can help stem unlawful or misleading development practices. What's more, locks in neighborhood groups in the arranging and the board process can guarantee that that improvement is both altered and practical and bring down the odds of contention and prosecution concerning unregulated genuine home exercises.

#### 4.2.14. Infrastructure Expansion: -

Construction of the structure can effectuate case to arrive as unused undertakings may encroach upon private arrive, displace inhabitants, or disrupt existing arrive usage. In order to address this problem, any such assessments must be sensitive and become enshrined in simple, generic planning process that consider the interests and rights of all those involved. Ensuring fair compensation and relocation options for those affected by infrastructure projects can help mitigate conflicts. In addition, clear and consistent communication to the outside about the extents and virtues of framework upgrades can foster community support and reduce opposition. If enhancement goals are adapted in consideration of land rights, possibly the risk of litigation that is associated with system expansion may be reduced.

#### 4.2.15. Environmental Degradation and Land Use: -

Natural debasement and arrive utilize clashes regularly lead to arrive case as debate emerge over the effect of advancement on characteristic assets and biological systems. To address this issue, it is pivotal to coordinated natural affect appraisals into arrive utilize arranging forms, guaranteeing that advancement ventures follow to maintainable hones that minimize hurt to the environment. Implementing strict natural controls and advancing preservation activities can help ensure helpless zones from debasement. Also, cultivating community inclusion in natural decision-making and giving instruction on feasible arrive utilize can decrease clashes and case by adjusting improvement hones with natural stewardship.

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