

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD**

CP No.D-34 of 2024

[Haji Muhammad Iqbal v. Province of Sindh & others]

Before:

Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Riazat Ali Sahar

Petitioner: Haji Muhammad Iqbal in person.

Respondents-1, 4 to7: Through Mr. Rafique Ahmed Dahri, Assistant Advocate General Sindh.

Respondents-2&3: Mr. Muhammad Arshad S. Pathan, Advocate.

Date of hearing: 25.11.2025.

Date of decision: 25.11.2025.

J U D G M E N T

RIAZAT ALI SAHAR, J: - Through this constitutional petition, the petitioner seeks following reliefs:-

- (a) To declare that the impugned order dated 12.10.2023 of Governor of Sindh and Order dated 01.09.2021 of Regional Director Provincial Ombudsman and order of Anti-Corruption Department are illegal, void, ab initio, no legal effect / sanctity in the eyes of law.
- (b) By order restrain the respondent Nos. 1 & 2 from allotting shop/plot to un-licensee/un-eligible person(s) / interested / well-wishers / family members.
- (c) To direct the respondent Nos. 1 & 2 to give undertaking for Auction Shop/plot to the petitioner, as have given to other license holders.
- (d) To direct the respondent Nos. 1 & 2 to cancel the license and allotment of those 50 shops which were sanctioned only for those license holders were deprived due to non-payment of bribe money to respondent No. 2, and those shops/plots were allotted to un-eligible persons, well-wishers, family members of Market Committee, from the back of eligible persons.
- (e) To direct the respondent No. 3 (Sub-Registrar) Taluka City Hyderabad to cancel the Registry/Sale Deed and other subsequent Entries/Sale Deeds of those 50 Shops were sanctioned only for those license holders were deprived due to non-payment of bribe money to respondent No. 2, but same were allotted / given to well-wisher/interest persons/family members of respondent No. 2.
- (f) Any other relief(s) which this Honourable Court deems fit and proper may also be awarded to the petitioner.

2. The case of the petitioner is that he and his family have long operated fruit businesses at Karachi and Hala Naka, Hyderabad and that when the Market Committee initiated booking of shops in the New Fruit and Vegetable Market in 1996, license holders were invited but an unlawful bribe of Rs.12,000/- was allegedly demanded; however, his refusal resulted in denial of booking. Despite being entitled to allotment from fifty additional shops created in 1999 and notwithstanding submitting a written request, he was again deprived due to *mala fide* conduct, while the Committee allegedly allotted shops to unlicensed and ineligible persons in return for bribe money. Upon filing a complaint before the Provincial Ombudsman, rules were supplied confirming that shops in new markets must be allotted only to license holders at fixed consideration and on the Ombudsman's advice, he approached the Anti-Corruption Establishment, which secured for him a provisional allotment but with an arbitrarily enhanced sale consideration and when he objected, he was told to pay the increased amount. The Committee continued demanding bribes for handing over possession and ultimately after depositing Rs.96,500/- on the Ombudsman's direction, he received a shop situated at the extreme end of the market, allegedly in retaliation for refusing bribes and that he has further been unlawfully denied an undertaking for Auction Shops, prompting him to invoke the constitutional jurisdiction of this Court under Article 199 for redress.

3. In their comments, the official respondents stated that although a plot was duly allotted to the petitioner, he later defaulted in payment of the required cost and therefore cannot claim any lawful entitlement on the grounds raised in the petition. They stated that the petition has been instituted only to exert undue pressure and to blackmail the authorities. The respondents further stated that the decision of the Provincial Ombudsman, subsequently affirmed by the Appellate Authority (the worthy Governor), has attained finality under the law and is not open to challenge before any forum, including this Court. They also stated that during the proceedings before the Ombudsman, the petitioner expressly agreed to the allotment terms, including the condition requiring payment of 50% of the plot price upfront through pay order or call deposit.

4. The petitioner, appearing in person, contends that he was repeatedly deprived of lawful allotment despite being a genuine license holder and that the Market Committee acted with *mala fides* by

demanding bribes and favouring ineligible persons. He contends that the enhanced sale consideration imposed upon him was discriminatory and contrary to the Committee's own rules. He also contends that the continued denial of legitimate rights, including the undertaking for Auction Shops, constitutes violation of his fundamental rights warranting constitutional intervention.

5. Learned A.A.G. Sindh contends that provisional possession of the plot was delivered to the petitioner strictly in accordance with the agreed terms, under which he was obligated to clear the outstanding dues at the revised rate through a single pay order. Instead of honouring these settled conditions, the petitioner filed a representation under Article 32 of the Sindh Ombudsman Act, 1991 before the Honourable Governor. He further contends that, upon receipt of the petitioner's rejoinder dated 22.10.2010, additional hearings were held during which the agency placed comprehensive reports on record; that the petitioner was granted full opportunity of personal hearing before the competent authority but failed to establish his case, resulting in affirmation of the Ombudsman's decision.

6. Learned counsel for respondents No.2 and 3 contends that the Market Committee, while commencing the allotment process for shops and plots in the New Fruit & Vegetable Market, Hala Naka, Hyderabad in 1996, acted strictly in accordance with the governing rules and bylaws and that the requirement of depositing booking amounts was uniformly applied to all license holders. He contends that the Committee's actions have already been examined and upheld by both the Provincial Ombudsman and the worthy Governor, thereby attaining finality and falling outside the scope of challenge under Article 199 of the Constitution. The allegations of bribery and corruption are vehemently denied as false and implausible. He contends that the petitioner is attempting to secure benefits beyond what is permissible under his single license. Counsel further contends that the Association of Fruit & Vegetable Merchants is active and no prior complaint of bribery has ever been lodged, which, according to the respondents, completely undermines the petitioner's assertions.

7. We heard the petitioner present in person, learned A.A.G. Sindh as well as learned counsel for respondents No.2 and 3 and perused the material available on record.

8. After careful consideration of the pleadings, material placed on record, and arguments advanced by the parties, it appears that the petitioner has failed to establish any illegality, mala fides, or violation of his fundamental rights warranting interference in the extraordinary constitutional jurisdiction of this Court under Article 199 of the Constitution. The core of the petitioner's grievance revolves around allegations of bribery, discrimination and wrongful deprivation of allotment; however, the allegations remain unsubstantiated and stand contradicted by the documentary record as well as the detailed reports furnished by the competent authorities during earlier proceedings before statutory forums for that this Court cannot undertake such exercise, which is for the competent authority to look into if approached subject to all just exceptions as pointed under the law.

9. The record clearly demonstrates that a plot was allotted to the petitioner and provisional possession was delivered to him strictly in accordance with the terms mutually settled before the Provincial Ombudsman. The petitioner had expressly agreed to the condition requiring upfront payment of 50% of the sale price through pay order deposit and was made fully aware of the revised price structure applicable at the relevant time. His later refusal to honour these terms and failure to deposit the requisite dues cannot be construed as a legal infirmity on the part of the Market Committee. Rather, it reflects his own default, which disentitles him from claiming equitable relief or invoking constitutional jurisdiction to avoid contractual or statutory obligations. However, it is for the petitioner to approach the Court of competent jurisdiction if so advised under the law.

10. It is also a matter of record that the petitioner not only pursued his grievance before the Provincial Ombudsman but subsequently invoked the statutory appellate mechanism by filing a representation before the worthy Governor under Article 32 of the Sindh Ombudsman Act, 1991. The Provincial Ombudsman, after examining the matter, rejected the petitioner's complaint, holding that the Market Committee had acted within the bounds of its rules and that no evidence of bribery or mala fides was produced. The worthy Governor, acting as Appellate Authority, conducted further hearings, considered the petitioner's rejoinder dated 22.10.2010, and examined additional reports submitted by the agency. The petitioner was afforded full opportunity of personal hearing, yet he failed to satisfy the forum on any factual or legal

ground. The Governor thereafter upheld the findings of the Ombudsman. These concurrent findings of two statutory forums, arrived at after providing the petitioner ample opportunity, carry significant legal weight. In the absence of any jurisdictional defect, perversity, or violation of law, this Court cannot sit in appeal over those determinations. The jurisdiction under Article 199 is supervisory and corrective, not appellate, and cannot be invoked merely because a party is dissatisfied with adverse findings recorded by competent statutory bodies.

11. Furthermore, the respondents have produced material demonstrating that the allotment process initiated in 1996, including collection of booking amounts, was conducted uniformly for all license holders in accordance with prevailing bylaws. The petitioner has not been able to point to any similarly situated individual who was treated preferentially or exempted from the payment obligations applicable to him. His allegations of general bribery are simple assertions unsupported by any independent evidence, witness, or contemporaneous complaint. The assertion that the entire Market Committee acted with corrupt intent, in the absence of concrete proof, cannot form the basis for judicial action. The respondents have also highlighted that the Association of Fruit & Vegetable Merchants is functional and that no allegation of bribery was ever raised before any authority by any other license holder, thereby eroding the credibility of the petitioner's solitary allegations.

12. It further appears that the grievance projected by the petitioner is in essence contractual and factual in nature, requiring assessment of disputed facts, internal pricing decisions and administrative policies of the Market Committee matters which fall outside the narrow scope of constitutional jurisdiction. The petitioner seeks to reopen settled allotment proceedings, challenge price determinations applicable to all license holders and obtain benefits beyond what is permissible under his license. Such attempts cannot be entertained under Article 199, particularly where statutory forums have already adjudicated the dispute as discussed in the preceding paragraphs.

13. For what has been discussed above, we are not convinced that any right of the petitioner has been infringed subject to his right to be established before competent Court or that the respondents acted in excess of jurisdiction, or that the impugned actions suffer from mala fides, arbitrariness, or illegality. On the contrary, the material shows

that the petitioner was provided several opportunities by competent authorities but consistently failed to meet his financial obligations and subsequently sought to shift the blame on the respondents. In view of the concurrent findings of the Provincial Ombudsman and the Honourable Governor, the petitioner's own admitted default, the absence of any substantiating evidence for allegations of corruption, and the settled legal principle that constitutional jurisdiction cannot be invoked to challenge concluded statutory proceedings or contractual obligations, the present petition is devoid of merit. Accordingly, for the aforesaid reasons the petition stands **dismissed**, with no order as to costs.

JUDGE

JUDGE

Abdullahchanna/PS