

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH AT KARACHI**  
**CP No. D-4669 of 2024**

( *Ali Ghulam v. Province of Sindh & Others* )

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<b>DATE:</b>	<b>ORDER WITH SIGNATURE(s) OF JUDGE(s)</b>
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For Orders as to Maintainability of Petition

**29-5-2025**

Mr. Syed Amir Ali Shah Jeelani, Advocate for Petitioner

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1. **Sana Akram Minhas J:** This Petition was filed on 23.9.2024, and on the very first date of hearing (i.e. 25.9.2024), the Court raised concerns regarding its maintainability. A perusal of the Petition also reveals that it fails to identify or specify the exact parcel of land over which the Petitioner claims a right.
2. Despite the lapse of considerable time since the filing of the Petition, the Petitioner has not produced any title documents in support of his alleged possession of the land, which he asserts has existed since the time of his forefathers (as claimed in paragraph 3 of the Petition) and in respect of which he seeks “*protection and restoration*” (as stated in paragraph 9).
3. When confronted with the fundamental requirement that any relief concerning immovable property must be preceded by a demonstration of legal title or lawful entitlement, Counsel for the Petitioner was unable to offer any satisfactory response. Instead, reliance was merely placed on the vague averments in said paragraph 3 regarding ancestral possession.
4. It is a firmly established principle of law that mere occupation, in the absence of a lawful right or entitlement, does not confer upon the occupier any enforceable right or protection under the law. In the absence of documentary evidence establishing ownership or lawful possession, the Petitioner’s status is reduced to that of an encroacher or trespasser. In such circumstances, no relief can be granted by this Court under Article 199 of the *Constitution of Pakistan, 1973*, based on a claim that is not recognized by law.
5. Since the Petition is devoid of any legal merit and is founded on a misconceived premise, it is hereby **dismissed in limine.**

**JUDGE**

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