

[Muhammad Iqbal v. The Deputy Commissioner Malir and others]

DATE	ORDER WITH SIGNATURE OF JUDGE(S).
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Mr. Justice Abdul Hamid Bhurgri.

For orders as to maintainability of petition.

Date of hearing:- 25.09.2025

Mr. Asif Ibrahim, Advocate for the petitioner.

Mr. Muhammad Akram Tariq, Advocate holds brief for Mirza Sarfaraz Ahmed, Advocate for respondents No.15 and 20.

Mr. Ghulam Akbar Lashari, Advocate for SBCA.

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Abdul Hamid Bhurgri, J.- Through the present petition, the petitioners seeks the following reliefs:-

- a) To direct the official Respondents to made (make) enquiry in respect of housing scheme & take legal action against the Respondent No.15 to 18 according to law.
- b) To direct the Respondent No.15 to 18 to immediately stop construction & booking at the said property i.e. 5 acres in Na-Class No.671, in Nai Thandi, Deh Thano, Taluka Murad Memon, previously Taluka District Malir, Karachi.
- c) Any other relief or relieves, which this Honourable Court deem fit and proper in the circumstances of the cases.

2. The Petitioner contends that the land in question, measuring 5 acres in Na-Class No.671, Nai Thandi, Deh Thano, Taluka Murad Memon, was originally allotted to Noor Ali (now deceased) for agricultural purposes and has since devolved to his legal heirs. It is alleged that Respondents No.15 to 18, in connivance with the official Respondents, have launched an unauthorized housing scheme under the name Khayaban-e-Ali Housing Society, and are fraudulently selling plots to the public. The Petitioner claims to have approached the official Respondents on multiple occasions, seeking to halt the illegal activity, but no remedial action was taken. Complaints were also submitted in writing, which, according to the Petitioner, went unanswered. Hence, the instant petition has been filed.

3. The official Respondents No.2 and private Respondents No.15 and 20 have submitted written comments, wherein they have categorically denied the allegations made by the Petitioner. They have further alleged that the Petitioner himself is involved in encroachments upon government land, and has fabricated and forged Sanads under the guise of the Goth Abad Scheme. They have asserted that they have no involvement whatsoever with the land in Na-Class No.671. Respondent No.20 claims to have been wrongly impleaded with mala fide intent to harass and pressurize him. Similarly, Respondent No.15 denies any connection to the said land.

4. Learned counsel for the Petitioner submitted that the Respondents have unlawfully established Khayaban-e-Ali Housing Society on the land in question, and that the official Respondents have failed to fulfill their legal obligations by not preventing this activity, despite being approached several times.

5. Conversely, learned counsel representing the private Respondents reiterated the contents of their respective counter-affidavits and submitted that the Respondents have no interest or involvement with the subject land. It was argued that the present petition has been filed solely to harass and blackmail the Respondents and is liable to be dismissed with exemplary costs.

6. The learned Assistant Advocate General submitted that the official Respondents have already filed their replies and are committed to acting in accordance with the law. However, in view of the categorical denials by the private Respondents, he submitted that the petition is not maintainable.

7. We have heard learned counsel for the parties and have carefully examined the record.

8. The Respondents No.15 and 20, against whom the primary allegations have been leveled, have unequivocally stated in their affidavits that they have no connection with the land in question. In light of these statements, the Petitioner fails to establish any cause of action against these Respondents, as they have disclaimed any interest in the subject property. Furthermore, his own locus standi is even otherwise under a cloud as he has no nexus with Noor Ali or the land in question.

9. From the record, it appears that the present petition has been pursued with the intent to cause unwarranted harassment to the private respondents. Such conduct constitutes an abuse of the

process of law and it is strongly deprecated by this Court. While, in the present instance, the Court has exercised restraint by not imposing costs, the petitioner is hereby cautioned that any future attempt to engage in frivolous or vexatious litigation shall invite the imposition of exemplary costs. In light of the foregoing, the petition is dismissed on merits, along with any pending miscellaneous applications.

JUDGE

JUDGE

Ayaz Gul