

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

Constitution Petition No.D-819 of 2025

Date	Order with signature of Judge
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**Before;**  
*Mr. Justice Arbab Ali Hakro;*  
*Mr. Justice Abdul Hamid Bhurgri.*

Petitioner : Pardeep Kumar s/o Bakhsho Mal Hindu,  
In person.

Respondents : P.O Sindh and 4 others.

***Date of Hearing*** : ***28.10.2025.***  
***Date of Order*** : ***28.10.2025.***

**ORDER**

***Abdul Hamid Bhurgri, J.-*** The petitioner claims to be the Information and Press Secretary of Pooj Hindu Panchayat, Larkana, a society registered under the Societies Registration Act, 1860, vide Certificate of Registration dated 01.02.2024 issued by the Provincial Assistant Registrar, Joint Stock Companies, Larkana. Through this petition, he seeks directions against respondents No.2 to 4 to take action for vacating the premises of Pooj Hindu Panchayat situated at Dharamshala, Royal Chowk, Larkana from the alleged unauthorized occupation of respondent No.5, and to hand over possession to the newly registered body.

2. The case set up by the petitioner is that prior to registration of the said society, respondent No.5 Haresh Kumar and others were allegedly managing the affairs of the Hindu Panchayat and occupying its office premises without lawful authority. It is stated that upon registration, the petitioner and other office-bearers requested respondent No.5 and his associates to hand over possession but they refused. The petitioner thereafter approached the Deputy Commissioner, Larkana (respondent No.2), who directed the Mukhtiarkar, Larkana (respondent No.3), to take necessary action, and the City Surveyor, Larkana (respondent No.4), was instructed accordingly vide letter dated 23.07.2025. The grievance of the petitioner is that despite such

directions, no action has been taken and the registered body has been deprived of possession of its office premises.

3. We have heard the petitioner in person and perused the material placed on record. The petition, on its face, is not maintainable for more than one reason. Firstly, although the petitioner claims to be an office-bearer of the registered society, the petition has been filed by him in his personal capacity and not on behalf of, or under due authorization from, the registered body. No resolution, authority letter, or document has been produced to demonstrate that the society has authorized him to institute these proceedings in its name. On this ground alone, the petition is not competent. Secondly, the issues raised by the petitioner involve disputed questions of fact, particularly relating to the possession, control, and management of certain premises. It is a well-settled principle that this Court, while exercising jurisdiction under Article 199 of the Constitution, cannot enter into disputed factual controversies or undertake factual inquiry to determine rights dependent upon evidence. The constitutional jurisdiction is limited to enforcement of undisputed legal and fundamental rights, and not intended to resolve factual disputes between private parties. Reliance is placed upon the case of **Mst. Kaniz Fatima through legal heirs v. Muhammad Salim and 27 others (2001 SCMR 1493)**, wherein the Honourable Supreme Court has held as under:-

*“Even otherwise such controversial questions could not be decided by High Court in exercise of powers as conferred upon it under Article 199 of the Constitution of Islamic Republic of Pakistan”.*

Similarly, in **Anjuman Fruit Arhtian and others v. Deputy Commissioner, Faisalabad and others (2011 SCMR 279)**, following observations were made:

*“The upshot of the above discussion is that learned single judge in chambers has rightly declined to exercise his constitutional jurisdiction in view of various controversial questions of law and facts which can only be resolved on the basis of evidence which cannot be recorded in exercise of*

*constitutional jurisdiction. The petition being devoid of merit is dismissed and leave refused”.*

4. Thirdly, the relief sought by the petitioner pertains essentially to possession and internal affairs of a private society. Such matters do not fall within the purview of this Court’s constitutional jurisdiction, which is primarily concerned with acts or omissions of public functionaries involving violation of statutory or fundamental rights.

5. In view of the foregoing, this petition is found to be not maintainable and misconceived, both for lack of locus standi and for involving factual controversies not amenable to determination in constitutional proceedings. Accordingly, the petition stands **dismissed** along with listed applications.

JUDGE JUDGE

Irshad Ali M/Steno