

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
 CP. No. D-4178/2026
 (Abdul Samad Vs. Province of Sindh & others)

Date	Order with signature of Judge(s)
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Before:-
 Mr. Justice Adnan-ul-Karim Memon
 Mr. Justice Adnan Iqbal Chaudhary

Date of hearing and order. **03-07-2026.**

Mr. Fayyaz Ahmed, Advocate for the petitioner.

ORDER

ADNAN-UL-KARIM MEMON, J: The petitioner has invoked the constitutional jurisdiction of this Court under Article 199 of the Constitution, seeking a declaration that the actions of Respondents Nos. 5 and 6 are illegal, directions for criminal proceedings against them, closure of the unauthorized water boring, restraint against harassment and interference with essential utilities, and other appropriate relief.

2. At the outset, we asked learned counsel to satisfy the Court regarding the maintainability of the petition, as the dispute is essentially between private parties and requires adjudication by the competent forum.

3. Learned counsel for the Petitioner submits that the Petitioner is the lawful developer and sole proprietor of M/s Sanaullah Builders & Developers, which developed the residential project "Sanaullah Avenue." It is contended that Respondents Nos. 5 and 6 have, without any legal authority or approval from the competent authorities, constituted a self-styled committee and unlawfully taken control of the affairs of the residential project. Counsel submits that the private respondents have illegally collected substantial amounts from residents under the pretext of renovation and maintenance but have neither carried out any development work nor maintained proper accounts of the funds collected. Despite collecting regular maintenance charges, they have failed to discharge utility liabilities, resulting in outstanding electricity dues and exposing the residents to the risk of disconnection of essential services. It is further submitted that whenever the Petitioner or residents seek transparency or accountability, the private respondents resort to intimidation, threats, and harassment, including threats to disconnect basic utilities and cause physical harm. Learned counsel further argues that Respondent No. 7, in collusion with Respondent No. 5, is operating an unauthorized commercial water boring facility within the residential premises, resulting in large-scale extraction of

groundwater. Such unlawful activity, it is submitted, poses a serious threat to the structural safety of the building and endangers the lives and property of the residents. Counsel submits that despite repeated complaints made to the police and district administration, no effective action has been taken against the private respondents, compelling the Petitioner to invoke the constitutional jurisdiction of this Court. It is argued that the acts of the private respondents violate the Petitioner's fundamental rights guaranteed under Articles 9, 14, 18, and 24 of the Constitution, while the inaction of the official respondents is arbitrary and contrary to their statutory obligations. Learned counsel, therefore, prays that this Court declare the actions of Respondents Nos. 5 and 6 to be illegal, direct the registration of criminal proceedings against them, order the closure of the unauthorized commercial water boring, restrain the private respondents from harassment and interference with essential utilities, and grant such other relief as the Court may deem just and proper.

4. We have heard the learned counsel for the petitioner and examined the material available on record on the maintainability of the petition.

5. The principal allegations levelled in the petition relate to illegal collection of maintenance charges, misappropriation of funds, intimidation, unauthorized management of the residential project, and operation of an illegal water boring facility. These allegations are serious disputed questions of fact which require recording of evidence and determination by the competent civil and criminal fora. Such disputed factual controversies cannot ordinarily be adjudicated in the constitutional jurisdiction of this Court under Article 199 of the Constitution.

6. It is a settled principle of law that constitutional jurisdiction is not intended to resolve private disputes or undertake a fact-finding inquiry where an adequate and efficacious statutory remedy is available. The petitioner has appropriate remedies under the civil and criminal laws for redress of his grievances, including approaching the competent civil court and the relevant law-enforcement and regulatory authorities in accordance with law.

7. Insofar as the grievance regarding non-registration of criminal proceedings or inaction on the petitioner's complaints is concerned, the law provides independent remedies under the Code of Criminal Procedure, 1898, including recourse before the competent Magistrate, which are not unavailable or ineffective. Likewise, any alleged unauthorized commercial water boring or violation of municipal or environmental laws falls within the jurisdiction of the competent statutory authorities, who are under a legal obligation to examine the matter in accordance with law.

8. In these circumstances, no case has been made out for invoking the extraordinary constitutional jurisdiction of this Court.

9. Accordingly, this petition is dismissed as not maintainable, with the observation that the petitioner shall be at liberty to avail all remedies available under the relevant civil, criminal, and special laws. If any complaint is pending before the competent authority, the same shall be considered and decided strictly in accordance with law, uninfluenced by any observation made herein.

JUDGE

JUDGE

Shafi/P.A