

**ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI**

Constitutional Petition No. D-5343 of 2025  
(*Nida Faisal versus 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 Chaudhry

**Date of hearing and order : 07.07.2026**

Mr. Muhammad Vawda, advocate for the petitioner.

Syed Ali Ahmed Zaidi, Addl. AG Sindh.

Mr. Zain Moon, advocate for the intervener.

Mr. Khursheed Javed, advocate for KDA.

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**ORDER**

**Adnan-ul-Karim Memon, J.** – The petitioner has filed the captioned Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, with the following prayer: -

*(a) Declare that the inaction of the Respondents in mutating the Plot No. A-39, KDA Scheme No. 1, Extension, measuring 3,000 square yards in the name of the Petitioner is illegal and void;*

*(b) Direct the Respondents to mutate the Plot No. A-39, KDA Scheme No. 1, Extension, measuring 3,000 square yards in the name of the Petitioner and issue a mutation letter in her favour with immediate effect;*

*(c) Restrain the Respondents or any other person acting on their behalf from interfering in the Petitioner's exclusive possession of the Plot No. A-39, KDA Scheme No. 1, Extension, measuring 3,000 square yards;*

*(d) Grant such further and/or other relief as this Honourable Court may deem just and equitable;*

2. Learned counsel for the Petitioner submits that the Petitioner is the lawful owner and in possession of Plot No. A-39, KDA Scheme No.1 Extension, measuring 3,000 sq. yds., acquired through a registered gift deed. It is argued that the title chain has been duly verified by the concerned authorities, the plot record was reconstituted after official verification, and all codal formalities for mutation, including publication, biometrics, NOC, and site verification, stand completed. He added that despite confirmation of the Petitioner's title and possession, Respondent No.3 has failed to issue the mutation letter since 2021 without lawful justification. Such inaction, it is contended, is arbitrary, mala fide, and violative of the Petitioner's constitutional rights under Articles 4, 9, and 24 of the Constitution. He emphasised that the Petitioner, having no alternate efficacious remedy, seeks a direction for immediate mutation of the plot in her favour and protection of her possession.

3. The Intervenor, present in person, submits that during the pendency of the matter, the parties have amicably settled their disputes through a Settlement Statement dated 07.07.2026, whereby Petitioner Ms. Nida Faisal has agreed to pay Mr. Muhammad Altaf a total sum of Rs. 10,50,00,000/- from the sale proceeds of Plot No. A-39, KDA Scheme No. 1 Extension, Karachi, in accordance with the terms of the Settlement. It is submitted that the Settlement has been executed voluntarily, without any coercion or undue influence; as such factum is disclosed in the intervener application/affidavit, therefore, the proceedings be disposed of in terms of the Settlement, with liberty to seek appropriate relief in case of any breach.

4. Learned counsel for the KDA referred to the comprehensive report of KDA and submits that although the official file of Plot No. A-39, measuring 3,000 sq. yards, KDA Scheme-1 (Ext.), Karachi, was reported missing in 1998, the previous owner's title and all relevant title documents were subsequently verified through inquiries conducted by the concerned authorities. He further submits that the KDA approved the reconstitution of the missing record, subject to withdrawal of HCA No.56 of 2006, which was later dismissed as not pressed. Thereafter, the competent authorities finalized the reconstitution process and acknowledged the authenticity of the title documents. Learned counsel submits that the petitioner, being the successor-in-interest through a registered Gift Deed dated 10.02.2021, derives lawful title from the previous owner. He lastly submits that, in light of the comprehensive report, the petitioner's case for mutation shall be processed and considered after disposal of the present petition, subject to the orders of this Honourable Court.

5. We have heard learned counsel for the parties, the Intervenor present in person, and have examined the material placed on record.

6. Prima facie the Petitioner's title originates from a valid chain of ownership culminating in a registered Gift Deed dated 10.02.2021. The record further reflects that the title documents and the existence of the subject plot were verified by the competent authorities, the missing record was reconstituted through the prescribed official process, and the Respondent-KDA itself has acknowledged the authenticity of the Petitioner's claim. The only impediment to mutation was the pendency of the present proceedings.

7. Primarily, mutation is a ministerial and administrative act intended to reflect an already existing legal right in the official record and does not itself create or extinguish title. Once the competent authority has verified the title documents and expressed its willingness to process the mutation in accordance with law, there remains no legal justification for withholding the same. Public authorities are under a constitutional and statutory obligation to act fairly, reasonably and within a reasonable time, and cannot delay the performance of their lawful duties without valid cause.

8. In view of the statement made by learned counsel for the KDA that the Petitioner's case for mutation shall be processed and finalized in accordance with law within three weeks, coupled with the verified title of the Petitioner and the amicable settlement between the parties, no useful purpose would be served by keeping the present petition pending. The statement made on behalf of the KDA is taken on record and shall bind the Respondents.

9. Consequently, without touching the merits of the case and with consent of the parties present in court, this petition is disposed of in terms of the statement made by learned counsel for the KDA. The Respondents shall complete the mutation proceedings strictly in accordance with law within the time undertaken, subject to fulfillment of any outstanding legal or procedural requirements, if any.

10. In the event of non-compliance with the undertaking or any breach of the Settlement Statement, if any, as pointed out, it shall be open to the aggrieved party to seek appropriate remedies available under the law. Pending applications, if any, also stand disposed of.

JUDGE

JUDGE