

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Constitutional Petition No. D-4801 of 2026
(Ghulam Qadir and another versus Province of Sindh and others)

Date	Order with signature of Judge
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Before:-
Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Muhammad Jaffer Raza

Date of hearing & order: 07.8.2026

Mr. Maqbool-ur-Rehman, advocate for the petitioners

ORDER

Adnan-ul-Karim Memon, J:- The Petitioners have invoked the constitutional jurisdiction of this Court under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, seeking directions for proper administration, transparency and lawful management of a public religious and charitable trust namely “Jamia Masjid Al-Dua Wa Madarsa Ahle Sunnat Wal Jamaat Hanfi Barelvi Trust”, situated at Ajmairi Chowk, Ghousia Road, Agra Taj Colony, Lyari Town, Karachi.

2. The Petitioner, namely Ghulam Qadir, claims to be one of the original trustees of the Trust, established through a registered Trust Deed bearing Registration No.245 before the Sub-Registrar, T-Division VI-A, Karachi. The Trust was created for religious, educational, charitable and social welfare purposes, including management of Jamia Masjid Al-Dua and Madarsa Ahle Sunnat Wal Jamaat Hanfi Barelvi. The Trust property was subsequently acquired through registered conveyance documents and was dedicated exclusively for the objectives of the Trust.
3. According to the Petitioner, the original Board of Trustees consisted of eleven members, including Respondent No.4, Syed Yaseen Shah, as President. The Trust Deed provided for collective management of the Trust affairs through the Board of Trustees, including maintenance of accounts, auditing, preservation of records, meetings and transparent administration. The Petitioner alleges that, with the passage of time, most of the original trustees and office bearers have either expired, become inactive or are unavailable, resulting in the collapse of the original governing structure of the Trust. It is contended that Respondent No.4 has continued to exercise exclusive control over the affairs of the Trust and has failed to convene meetings, reconstitute the Board of Trustees or involve other stakeholders in the administration of the Trust. It is further alleged that no annual general meetings, trustee meetings or elections have been conducted for several years and that Respondent No.4 has failed to provide accounts, audit reports, bank statements, details of donations, expenditures and records relating to Trust properties despite repeated requests by the Petitioner. The Petitioner asserts that such conduct amounts to mismanagement, breach of fiduciary obligations and violation of the Trust Deed. The Petitioner further contends that although

Respondent No.4 claims to be a lifetime President under the Trust Deed, such position does not authorize him to independently manage the Trust, as the Trust Deed requires collective administration through the Board of Trustees. Due to the non-functioning of the Board, the affairs of the public charitable Trust have been adversely affected, causing prejudice to beneficiaries, donors and the general public. It is stated that a legal notice was issued to Respondent No.4 demanding disclosure of accounts, production of records, convening of meetings and reconstitution of the Board of Trustees; however, no response or corrective action was taken. The Petitioner thereafter approached the District & Sessions Judge Karachi-South through a Trust Suit, where he was advised to obtain permission from the Advocate General Sindh, leading him to invoke the constitutional jurisdiction of this Court. The Petitioners seek directions for production and verification of Trust records, rendering of complete accounts from the year 2005 onwards, reconstitution of the Board of Trustees in accordance with the Trust Deed, appointment of an independent Election Committee/Commissioner or Nazir for conducting elections, framing of a proper scheme for future administration of the Trust, and restraining Respondent No.4 from alienating or creating any third-party interest in the Trust properties.

4. After hearing the learned counsel for the Petitioners and examining the nature of the controversy, it appears that the grievance of the Petitioners primarily relates to the administration, management, accounts, reconstitution of trustees and affairs of a public religious and charitable trust. The reliefs sought by the Petitioners essentially involve supervision, settlement of a scheme, rendition of accounts, removal or replacement of trustees and other matters falling within the scope of proceedings contemplated under Section 92 of the Code of Civil Procedure, 1908.

5. The constitutional jurisdiction under Article 199 of the Constitution is an extraordinary remedy and cannot ordinarily be invoked where the law provides an adequate and specific statutory mechanism for adjudication of the dispute.

6. Matters relating to administration of public trusts require determination of disputed questions of fact, examination of trust documents, evidence regarding conduct of trustees, and compliance with the requirements of Section 92 CPC, which are to be addressed by the competent civil court in accordance with law.

7. In the instant matter, when confronted with the legal position regarding the requirement of permission under Section 92 CPC, learned counsel for the Petitioners submitted that the Petitioners have already sought consent permission for institution of an appropriate suit under Section 92 CPC before the competent forum and that necessary permission has been granted. Learned counsel further stated that the Petitioners intend to agitate all their grievances and seek appropriate reliefs before the said forum and, therefore, does not wish to press the instant Constitutional Petition.

The request seems to be reasonable and acceded to, subject to all just exceptions as provided under the law.

8. In view of the above statement made by learned counsel for the Petitioners, the present petition is not pressed and is accordingly disposed of as such. However, the Petitioners shall be at liberty to pursue their remedy before the competent forum / civil court in accordance with law, and the concerned forum / court shall adjudicate the matter independently on its own merits without being influenced by any observation made herein.

9. Accordingly, this Constitutional Petition stands disposed of as not pressed.

JUDGE

JUDGE

Shahzad Soomro