IN THE HIGH COURT OF SINDH AT KARACHI

Present:
Mr. Justice Muhammad Saleem Jessar;
Mr. Justice Abdul Hamid Bhurgri.

C.P No.D-3070 of 2026
[Muhammad Imran Akhter and others V. Province of Sindh and others]

Petitioners	:	Through Mr. Arbaz Waseem Sheikh, Advocate.
Respondents 1 to 7	:	Through Mr. Faizan Hussain Memon, Additional Advocate General Sindh.
Respondents 8 to 11	:	Nemo.
Date of Hearing	:	19.08.2026
Date of Order	:	19.08.2026

JUDGMENT

Abdul Hamid Bhurgri, J.- Through this Constitution Petition, the petitioners have prayed for the following reliefs:-

> *I. Set aside, and during the pendency of the present Petition suspend the operation of the Impugned Order dated: 03.03.2026;*
>
> *II. Restrain the Respondents, and any and all other persons acting through or under them, from acting upon and/or taking any coercive action against the Petitioners in lieu of the Impugned Order dated: 03.03.2026;*
>
> *III. Grant any other relief that this Court may deem fit and proper;*
>
> *IV. Grant cost of the present Petition.*

2. The case of the petitioners, as set out in the petition, is that they are partners of an unregistered partnership firm under the name and style of M/s Centric Associates. They claim ownership of land measuring 2 acres and 20 ghuntas comprised in Survey Nos.292, 298, 385-392, 394-402, 451-458, 476 and 518, situated at Deh Malh, Tappo Darsano Channo, Taluka Murad Memon, District Malir, Karachi, as well as land measuring 2 acres, 14 ghuntas and 11 sq. yards comprised in Survey Nos.292, 298, 385-392, 394-402, 451-458, 476, 490-494, 511-520, 550 and 551, situated in the same Deh, Tappo, Taluka and District, aggregating to 4 acres and 20 ghuntas (hereinafter referred to as the “subject property”).

It is further their case that the subject property was acquired through a common Conveyance Deed dated 04.10.2021 from two separate sets of owners. A portion measuring 2 acres and 20 ghuntas was acquired from Mst. Sadaf, whereas another portion measuring 2 acres, 14 ghuntas and 11 sq. yards was acquired from the legal heirs of late Ghulam Muhammad. According to the petitioners, the entitlement of their predecessors-in-interest was duly reflected in the record of rights maintained by Respondent Nos.1 to 4 through Entry No.1310 dated 26.04.2021 and Entry No.1306 dated 05.04.2021, respectively. Upon execution of the aforesaid Conveyance Deed, the revenue record was subsequently mutated in favour of the petitioners through Entry No.1470 dated 26.11.2021.

The petitioners further contend that, by an order dated 16.03.2022 ("Partition Order"), the aforesaid survey numbers were partitioned according to the entitlement of the respective owners. Respondent Nos.7 to 11, however, challenged the said order before Respondent No.2 under Section 161 of the West Pakistan Land Revenue Act, 1967, through Revenue Appeal Nos.1 and 2 of 2024 and sought its setting aside. According to the petitioners, during the pendency of those proceedings, Respondent Nos.2 to 6 attempted to dispossess them from the subject property despite their claim of ownership based upon a registered instrument. They further assert that Respondent No.2 lacked authority to adjudicate upon their rights arising out of the registered instrument.

The petitioners, therefore, instituted Suit No.1229 of 2024 before this Court, wherein, on 06.11.2024, a learned Single Judge passed an interim order in relation to the aforesaid revenue appeals. The said suit was subsequently transferred to the Court of learned IVth Senior Civil Judge, Karachi Malir, and renumbered as Suit No.2363 of 2025. It is stated that Respondent Nos.4 and 7 entered appearance and filed their replies, whereas the remaining defendants were debarred from filing counter-affidavits to the application under Order XXXIX Rules 1 and 2, C.P.C. According to the petitioners, the interim order dated 06.11.2024 continues to remain in field. Their grievance is that, notwithstanding the said order, Respondent No.2 proceeded to decide Revenue Appeal Nos.1 and 2 of 2024 through the impugned order dated 03.03.2026 in favour of Respondent Nos.7 to 11. Hence, the present petition.

3. Notices of this petition were issued to the respondents. However, despite service, no one appeared on behalf of the private respondents.

4. Learned counsel for the petitioners submitted that the impugned order dated 03.03.2026 is liable to be set aside as, according to him, it was passed in violation of the interim order dated 06.11.2024 passed by this Court in Suit No.1229 of 2024, subsequently renumbered as Suit No.2363 of 2025. He contended that the said interim order was still operative and restrained Respondent No.2 from deciding the subject appeals. According to learned counsel, the very jurisdiction of Respondent No.2 to adjudicate upon the underlying controversy was under challenge before the competent Civil Court and, therefore, Respondent No.2 could not have proceeded to decide the appeals during the subsistence of the said interim order.

Learned counsel further contended that the impugned order is a non-speaking order, as it does not disclose adequate reasons for the conclusions reached therein. He further submitted that no fresh notice or effective opportunity of hearing was afforded to the petitioners before passing the impugned order and that they came to know about it only incidentally on 11.05.2026 when they visited the office of Respondent No.2 in connection with another matter. According to him, the impugned order was thus passed behind their back and in violation of the principles of natural justice. He, therefore, prayed that the impugned order dated 03.03.2026 be set aside and the petition may be allowed.

5. Conversely, learned Additional Advocate General Sindh supported the impugned order and submitted that the same had been passed by the competent authority in accordance with law and did not call for interference in constitutional jurisdiction. He contended that the petitioners had failed to point out any jurisdictional defect, illegality or material irregularity warranting interference by this Court. According to him, the order dated 06.11.2024 could not be read in isolation, nor had the petitioners established that the impugned order was passed in direct violation thereof.

He further argued that constitutional jurisdiction cannot be invoked as a substitute for the statutory remedies provided by law merely because a party is dissatisfied with an order passed by a revenue authority. He, therefore, prayed that the petition may be dismissed.

6. We have heard learned counsel for the petitioners and learned Additional Advocate General Sindh and have carefully examined the material available on record.

7. At the outset, it is significant that the petitioners were admittedly aware of the pendency of Revenue Appeal Nos.1 and 2 of 2024 before Respondent No.2. Instead of contesting those proceedings before the revenue authority, they consciously chose to institute a civil suit questioning, inter alia, the competence of the revenue authority to proceed in the matter and obtained interim protection therein. Thus, this is not a case where the petitioners were unaware of the revenue proceedings or were deprived of an opportunity to avail an appropriate remedy against them. Having elected to pursue their grievance before the Civil Court and having obtained an interim order therein, they cannot, as a matter of course, invoke the extraordinary constitutional jurisdiction of this Court for substantially overlapping relief when other remedies under the ordinary law remain available to them.

8. The principal ground urged before us is that the impugned order dated 03.03.2026 was passed in violation of the interim order dated 06.11.2024 granted in Suit No.1229 of 2024, now pending as Suit No.2363 of 2025. We are not persuaded to undertake an examination of that issue in the present constitutional proceedings. Whether the impugned order was passed contrary to, or in breach of, the terms of the interim order necessarily requires consideration of the precise scope, effect and continued operation of the injunction by the Court seized of the suit. The Court which is presently seized of the civil proceedings is the appropriate forum to consider any alleged breach or violation of the interim order and to pass such order as may be warranted in accordance with law. Any determination by us on that issue may not only trench upon the proceedings pending before the competent Civil Court but may also

prejudice either party therein. We, therefore, consciously refrain from expressing any opinion on whether the impugned order constitutes a violation of the interim order dated 06.11.2024 or otherwise.

9. There is another equally material aspect of the matter. The impugned order arises out of proceedings under the West Pakistan Land Revenue Act, 1967, which itself provides a hierarchy of statutory remedies against orders passed by revenue authorities, including the remedies contemplated under Sections 161 and 164 thereof, as may be applicable in the circumstances of the case. For ease of reference, Sections, 161 and 164 of the West Pakistan Land Revenue Act, 1967 are reproduced hereinbelow:-

> ***161. Appeals. (1) Save as otherwise provided by this Act, an appeal shall lie from an original or appellate order of Revenue Officer as follows, namely--***
>
> ***(a) to the Collector, when the order is made by a Assistant Collector, of either grade;***
>
> ***(b) to the Executive District Officer (Revenue), when the order is made by an Executive District Officer (Revenue);***
>
> ***(c) to the Board of Revenue only on a point of law, when the order is made by a Commissioner:***
>
> ***Provided that--***
>
> ***(i) when an original order is confirmed on first appeal, a further appeal shall not lie;***
>
> ***(ii) when any such order is modified or reversed on appeal by the Collector, the order made by the Executive District Officer (Revenue), on further appeal, if any, to him shall be final.***
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> ***164. Revision. (1) The Board of Revenue, may, at any time on its own motion, or on an application made to it within ninety days of the passing of any order, call for the record of any case pending before, or disposed of by, any Revenue Officer subordinate to it.***
>
> ***(2) An Executive District Officer (Revenue) or Collector may, at any time, of his own motion or on an application made to him within ninety days of the passing of any order, call for the record of any case pending before or disposed of by, any Revenue Officer under his control.***
>
> ***(3) If in any case in which a Collector has called for a record he is of opinion that proceedings taken or order made should be modified or reversed, he shall report the case with his opinion thereon for the orders of the Commissioner.***

> ***(4) The Board of Revenue may, in any case call for under sub-section (1) and a Commissioner may in any case call for under sub-section (2) or reported to him under sub-section (3) pass such orders as it or he thinks fit:***
>
> ***Provided that no order shall be passed under this section reversing or modifying any proceedings or order of a subordinate Revenue Officer affecting any person without giving such person an opportunity of being heard.***

The constitutional jurisdiction of this Court is undoubtedly wide; nevertheless, where the statute itself provides an adequate and efficacious remedy before the prescribed forum, such remedy ordinarily ought to be exhausted before invoking constitutional jurisdiction. This rule assumes greater significance where the controversy involves examination of revenue entries, competing claims arising from the revenue record, partition proceedings and other questions which may require factual determination.

10. The contention that the impugned order is non-speaking or that the petitioners were not afforded an effective opportunity of hearing does not, in the circumstances of the present case, persuade us to bypass the statutory mechanism. These are grounds which can appropriately be raised before the competent statutory forum while assailing the impugned order. We are, therefore, not inclined to examine the correctness or otherwise of the impugned order on merits, as doing so would effectively convert the constitutional jurisdiction of this Court into an appellate jurisdiction over an order for which the statute provides its own remedial hierarchy.

11. The course adopted by the petitioners also has the characteristics of forum shopping. The petitioners, being aware of the revenue proceedings, elected not to pursue their remedy before the revenue forum and instead approached the Civil Court, where they obtained interim protection. While those proceedings and the interim order are still stated to be subsisting, they have now approached this Court in constitutional jurisdiction seeking to set aside the order passed in the same revenue proceedings. Parallel pursuit of substantially interconnected grievances before different forums carries an obvious risk of conflicting orders and multiplicity of proceedings. The extraordinary and discretionary jurisdiction of this Court cannot ordinarily be employed to facilitate such parallel

recourse, particularly when the petitioners can seek appropriate relief from the Court already seized of the civil proceedings and can also avail such statutory remedy against the impugned revenue order as may be available to them under the law.

12. It is settled that the existence of an alternate remedy does not operate as an absolute bar to the exercise of constitutional jurisdiction. Nevertheless, the exercise of such jurisdiction remains discretionary, and where an adequate statutory remedy exists and no exceptional circumstance is demonstrated requiring immediate constitutional intervention, the Court would ordinarily decline to interfere. In the present case, the petitioners have not been left remediless. Their allegation concerning violation of the interim injunction can appropriately be agitated before the Court seized of the pending suit, whereas their grievance against the legality or correctness of the impugned revenue order can be pursued through such statutory remedy as may be available under the West Pakistan Land Revenue Act, 1967. We, therefore, find no exceptional circumstance warranting exercise of constitutional jurisdiction at this stage. In this regard this Court relies upon the case laws reported as ***Muhammad Safeer and others v. Muhammad Azam and others [PLD 2024 SC 838]; Sana Jamali v. Mujeeb Qamar and another [2023 SCMR 316] and The Executive Director (P&GS) State Life Principal Office, Karachi and others v. Muhammad Nisar, Area Manager, State Life Corporation of Pakistan, Peshawar Zone, Peshawar [2025 SCMR 249]***.

13. For the foregoing reasons, we are not persuaded to exercise our discretionary constitutional jurisdiction in favour of the petitioners. Accordingly, this Constitution Petition is dismissed, along with all pending applications, if any. It shall, however, be open to the petitioners, if so advised, to approach the competent Civil Court in the pending suit in respect of the alleged violation of the interim order dated 06.11.2024 and/or to avail such statutory remedy against the impugned order dated 03.03.2026 as may be available to them under the West Pakistan Land Revenue Act, 1967, strictly in accordance with law.

14. Before parting, it is clarified that we have not examined or expressed any opinion on the merits of the rival claims concerning

title, ownership or possession of the subject property; the legality or correctness of the impugned order dated 03.03.2026; or whether the said order was passed in violation of the interim order dated 06.11.2024. We have also not expressed any opinion regarding the maintainability or merits of any proceedings that the petitioners may institute before the competent forum. Any such proceedings shall be considered and decided independently, strictly in accordance with law and on their own merits, without being influenced by any observation contained in this judgment.

JUDGE

JUDGE
HEAD OF CONST. BENCHES

Ayaz Gul