

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Constitutional Petition No. D – 2835 of 2026
(Nadeem & others versus Chief Secretary, Government of Sindh & others)

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

Date of hearing & orders: 25.8.2026

Mr. Rasheed Ashraf Mughal Advocate for the petitioner No. 2
M/s. Ghulam Abbas and Amanullah Advocates for Petitioners Nos.4 and 5,
Mr. Altamash Arab, Advocate for the intervenor.
Mr. Zohaib Zulfiqar Sarki, A.A.G.
Aamir Nazir Mangi, Mukhtiarkar Garden Karachi South,
present on behalf of Respondent No.5.

ORDER

Adnan-ul-Karim Memon, J. Petitioners have filed this Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, with the following relief: -

- (a) *Declare the impugned sealing of shops as illegal, void ab initio and without lawful authority.*
- (b) *Direct immediate de-sealing and restoration of possession to Petitioners.*
- (c) *Restrain Respondents from further interference.*
- (d) *Declare that actions of Respondents are violative of fundamental rights.”*

2. On the previous date of hearing, at the outset, the counsel for the petitioners was directed to satisfy this Court about the maintainability of the petition.

3. The case of the Petitioners is that they migrated from India in 1947 and settled at Ranchor Line. Karachi, and are shopkeepers earning their livelihood from their respective shops situated in Karachi South. They assert that the utility connections and bills, including those of K-Electric, are in their names and that they are in lawful possession of the premises. According to the Petitioners, despite this, the Respondents, in collusion with the builder mafia, forcibly interfered with their possession and sealed their shops without issuing any notice, show-cause notice. affording an opportunity of hearing, or passing any lawful order. The Petitioners approached the Commissioner. Karachi, and submitted applications regarding the grievance of the residents of Ranchor Line Quarters, whereupon directions were issued to the concerned Respondents to redress the grievance. They further rely upon the judgment and decree dated 12.02.2024 passed in Civil. Suit No.337 of 2023 by the learned VI-Senior Civil Judge. Karachi South, as well as their utility bills, in support of their claim of possession and occupation. It is further alleged that the premises were sealed at about 1:30 a.m. while the family

of Petitioner No.I was inside, which, according to the Petitioners, amounted to arbitrary and unlawful action and a violation of their fundamental rights, particularly their rights to due process, fair treatment, livelihood and protection of property. The Petitioners contend that no person can be deprived of possession of property or livelihood except in accordance with law and that administrative authorities are required to act fairly, reasonably and within the limits of their lawful authority. On these grounds, the Petitioners have approached this Court seeking a declaration that the impugned sealing of their shops is illegal, arbitrary, without lawful authority and violative of their fundamental rights, along with directions for immediate de-sealing of the shops and restoration of possession. They further seek restraint against the Respondents from taking any coercive action or interfering with their possession except strictly in accordance with law.

4. Learned counsel for the petitioners submitted that due process of law has not been followed and the petitioners shall be heard before taking any coercive method. He prayed to allow this petition.

5. Learned AAG, referred to the comments filed by the Respondent No.05, and submitted that the instant petition is based on concealment and misstatement of material facts. He stated that the controversy relates to implementation of the orders of the Honourable Supreme Court of Pakistan dated 24.12.2018 in Human Rights Case No.75077 of 2018, whereby the concerned Mukhtiarkars were directed to take possession of properties belonging to minorities and, where occupied by tenants, recover rent and deposit the same before the competent Rent Courts/Tribunals. He submitted that, in compliance with the said directions, the petitioners and other occupants of properties belonging to the Parsi Community were served notices dated 27.02.2019 and 20.06.2019. Subsequently, a legal notice from M/s Vellani & Vellani, Advocates, was received on 01.04.2026 alleging non-implementation of the Supreme Court's orders and threatening contempt proceedings against the concerned officers. Consequently, Respondent No.05 issued notices dated 03.04.2026 to the petitioners and other occupants requiring compliance within seven days, failing which lawful coercive action would follow. Learned AAG further submitted that, except one occupant, the petitioners failed to comply with the notices and remained in default. Consequently, the subject shops were sealed/closed in accordance with law for further proceedings, including determination and recovery of rent/occupation charges at prevailing market rates. One occupant, Shaikh Muhammad Naseem, was not subjected to sealing as he had complied with the Supreme Court's directions and was also protected by the judgment dated 12.02.2024 passed by the learned Vth Senior Civil Judge, Karachi South, in Civil Suit No.377 of 2023. It was contended that the petitioners have approached the Court with unclean hands by suppressing material facts regarding the earlier notices and their continued

non-compliance with the binding orders of the Supreme Court. The actions of Respondent No.05 were stated to be lawful, bona fide and strictly in compliance with the Supreme Court's directions, without any mala fide, illegality or abuse of authority. Learned AAG therefore prayed that the petition, being misconceived, devoid of merit and not maintainable, be dismissed with costs. Respondent No. 5 Mukhtiarkar, Garden, Karachi-South also submitted that the property sealed by Respondent No.5 has been de-sealed.

6. The learned counsel for the Applicant/Intervener submitted that the Applicant is a lawful co-owner of Plot Nos. RC-5/100, RC-5/101 and RC-5/102 situated in Garden Area, Karachi, and that the present petition directly affects the Applicant's proprietary and possessory rights. He contended that the Petitioners have not produced any title document, lease, tenancy agreement, rent receipt or allotment letter establishing their lawful entitlement to occupy the subject shops and are, therefore, unauthorized occupants. Counsel further submitted that the subject properties belong to members of the minority community and fall within the properties concerning which directions were issued by the Hon'ble Supreme Court in Human Rights Case No. 75077 of 2018 for recovery of possession from unlawful occupants and restoration to lawful owners. He maintained that the sealing of the premises was consequently carried out by the authorities pursuant to the said directions and was not arbitrary or unlawful. It was further argued that the lawful owners were not impleaded in the constitutional petition, although any order regarding de-sealing, possession or occupation would directly affect their proprietary rights. Therefore, the Applicant is both a necessary and proper party under Order I Rule 10 CPC, and no effective or complete adjudication can be made in its absence. On these grounds, counsel prayed that the Applicant/Intervenor be impleaded as Respondent No.7 in the proceedings in the interest of justice. Learned Counsel for the Intervener, however, submits that the sealing of the shops was carried out pursuant to the directions of the Hon'ble Supreme Court of Pakistan; therefore, the interim order passed by this Court is liable to be recalled, and that the property has now been de-sealed, which is apathy. He prayed that the application be allowed and the petition be dismissed.

7. We have heard the learned counsel for the parties present in Court and perused the record with their assistance.

8. In view of the foregoing, particularly the directions contained in the order dated 24.12.2018 passed by the Hon'ble Supreme Court of Pakistan in Human Rights Case No.75077 of 2018, the grievance of the Petitioners cannot be examined in isolation from the said binding directions. The Hon'ble Supreme Court had specifically directed the concerned authorities to verify the title and status of persons occupying properties belonging to minority communities and, where the occupants were found without lawful title, to take over possession in

accordance with law. In case of rented properties, recovery of rent/occupation charges was also directed, while disputes relating to title, ownership or possession were left to be determined by the competent civil courts.

9. Accordingly, the Petitioners' claim of possession or entitlement to the subject shops cannot, at this stage, be treated as conclusively established merely on the basis of utility bills or possession. Their rights, if any, remain subject to lawful determination of title, ownership and possession by the competent forum. At the same time, any coercive action by the Respondents must remain strictly within the parameters of law and the directions of the Hon'ble Supreme Court, and the Petitioners cannot be deprived of their lawful rights without due process and an opportunity of hearing.

10. It is also relevant that Respondent No.5 has stated that the subject premises have already been de-sealed. Consequently, no further effective relief regarding the sealing survives for adjudication in the present proceedings. However, this shall not prejudice the rights of the Petitioners or the lawful owners, who shall remain at liberty to avail the appropriate remedy before the competent forum in accordance with law.

11. In these circumstances, the official Respondents shall, before taking any further coercive action against the Petitioners, verify and determine their status, title and/or lawful entitlement in accordance with the directions of the Hon'ble Supreme Court and after providing due notice and reasonable opportunity of hearing to all concerned parties. Any dispute concerning title, ownership, tenancy, possession or entitlement shall be decided by the competent court/forum in accordance with law, and the rights of all parties shall remain subject to such determination and directions of the Supreme Court on the subject issue.

12. For the foregoing reasons, the present Constitutional Petition is disposed of accordingly, without expressing any final opinion on the title, ownership or lawful possession of the parties. The pending applications, if any, shall also stand disposed of.

JUDGE

JUDGE