

IN THE HIGH COURT OF SINDH AT KARACHI

Present:

Mr. Justice Muhammad Saleem Jessar;

Mr. Justice Abdul Hamid Bhurgri.

C.P No.D-2433 of 2024

[M/ s. Traktion Tyre & Rubber Manufacturing Company (Pvt. Ltd. V. Board of Revenue Sindh and others]

Petitioner : Through Mr. Imran Taj, Advocate.

Respondents 1 to 14 : Through Mr. Kamran Hussain Baloch, Asst. A.G.

Applicant/Intervener : Through Mr. Obaid-ur-Rahman Khan, Advocate
[Basit Mundiya]

Date of Hearing : 27.08.2026

Date of Order : 27.08.2026

ORDER

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

- I. *Declare that the Petitioner is the lawful, genuine and bona fide owner of the land admeasuring 156-21 acres in Survey Nos. 575 (11-20 acre), 579 (15-16 acre), 591 (29-10 acre), 593 (27-20 acre), 595 (26-20 acre), 598 (24-15 acre) and 599 (22-18 acre) total admeasuring 156-21 acres, situated in Deh Kalo Kohar, Tapo Kalo Kohar, Taluka Thanu Bula Khan, District Jamshoro by way of a registered Sale Deed.*
- II. *Declare that the letters dated 22.3.2024, 16.4.2024, 24.4.2024 and 08.5.2024 are illegal, void ab-initio and liable to be set aside.*
- III. *Direct the Respondents not to alter, cancel as well as change the record of the Petitioner's land and not cancel their land's entries including the Ghat Wadh form.*
- IV. *Direct the Respondents especially Respondents No.2 to 7 to immediately mutate the land of the Petitioner i.e. land admeasuring 156-21 acres in Survey Nos.575 (11-20 acre), 579 (15-16 acre), 591 (29-10 acre), 593 (27-20 acme), 595 (26-20 acre), 598 (24-15 acre) and 599 (22-18 acre) total admeasuring 156-21 acres, situated in Deh Kalo Kohar, Tapo Kalo Kohar, Taluka Thanu Bula Khan, District Jamshoro in the record of rights and issue proper verified Deh Form-II in favour of the Petitioner-Company and not to cancel the entries of the Petitioner as well as their predecessor.*
- V. *Grant mandatory injunction suspend the operation of the impugned letters dated 22.3.2024, 16.4.2024, 24.4.2024 and 08.5.2024.*
- VI. *Grant permanent injunction restrain the Respondents, especially Respondents Nos.2 to 7 and Respondents No.11 to 14, their successors, employees, servants, agents, attorneys, administrators, assigns, person or persons for, under or on behalf of the Respondents not to interfere in the ownership title*

of the Petitioner and not to dispossess the Petitioner from the lawful possession of the land admeasuring 156-21 acres in Survey Nos.575 (11-20 acre), 579 (15-16 acre), 591 (29-10 acre), 593 (27-20 acre), 595 (26-20 acre), 598 (24-15 acre) and 599 (22-18 acre) total admeasuring 156-21, situated in Deh Kalo Kohar, Tapo Kalo Kohar, Taluka Thano Bula Khan, District Jamshoro as well as not to interfere in any manner in the lawful possession and business activities of the Petitioners over the land and also not to alter or change the record in respect of the land of the Petitioner.

VII. *Consequential relief(s), which this Honourable Court deems fit and proper under the circumstances of the case may kindly be passed.*

VIII. *Grant any other relief(s), which this Honourable Court deems fit and proper under the circumstances of the case.*

IX. *Costs of the petition.*

2. Perusal of the petition and the reliefs sought therein reflects that the subject property, measuring 156-21 acres, is situated in Deh Kalo Kohar, Tapo Kalo Kohar, Taluka Thano Bula Khan, District Jamshoro. The impugned communications also emanate from the revenue authorities at Thano Bula Khan. Thus, the subject matter of the petition as well as the cause of action giving rise thereto fall within the territorial jurisdiction of the Hyderabad Circuit Court of this Court.

When confronted as to how the instant petition is maintainable at the Principal Seat at Karachi despite the cause of action having arisen within the territorial jurisdiction of the Hyderabad Circuit Court, learned counsel for the petitioner was unable to satisfy the Court. The record further reflects that no permission of the Hon'ble Chief Justice, as contemplated under Rule 7 of the Sindh High Court Benches Rules, 1987, has been obtained for institution of the present proceedings at the Principal Seat.

3. It is also pertinent to note that vide order dated 11.04.2025, learned counsel for the petitioner had specifically been put on notice regarding the maintainability of the petition on the ground of territorial jurisdiction, whereupon he sought time. Despite such opportunity, learned counsel has not been able to demonstrate any legal basis for entertaining the petition at the Principal Seat.

4. In these circumstances, since the subject property is situated within District Jamshoro and the impugned actions have also originated from the authorities exercising jurisdiction there, the

petition is not maintainable at the Principal Seat on account of territorial jurisdiction, particularly when no permission under Rule 7 of the Sindh High Court Benches Rules, 1987, has been obtained.

5. Consequently, this Constitution Petition is dismissed as not maintainable at the Principal Seat on account of territorial jurisdiction, along with all pending applications, if any. The petitioner shall, however, be at liberty to avail such remedy as may be available to it before the appropriate forum having territorial jurisdiction, strictly in accordance with law and subject to all just legal exceptions.

JUDGE

JUDGE
HEAD OF CONST. BENCHES

Ayaz Gul