

IN THE HIGH COURT OF SINDH AT KARACHI

Present:

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

C.P No.D-5312 of 2026

[Muhammad Ibrahim v. Federation of Pakistan and others]

Petitioner : Through Mr. Zahid Abbas, Advocate.

Respondents : Nemo.

Date of Hearing : 08.09.2026

Date of Order : 08.09.2026

J U D G M E N T

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

- a. *Declare that the Petitioner is the lawful allottee/occupant of Quarter No. G-11/5, Clayton Quarters, Jahangir Road East, Karachi, pursuant to allotment letter dated 01-04-2013, and is entitled to protection of his lawful possession and use of the allotted premises;*
- b. *Direct Respondent No. 2, the Estate Officer, and other competent Federal Government authorities to identify, demarcate and protect the entire area forming part of the Federal Government property/allotted premises of the Petitioner;*
- c. *Direct the Respondents to take immediate and effective lawful action for vacation/removal of the unauthorized occupation and illegal encroachment from the approximately 14-foot backside gallery/portion forming part of the premises allotted to the Petitioner;*
- d. *Direct the concerned authorities to remove/demolish, in accordance with law and after following due process, any unauthorized construction, structure or obstruction raised upon the said portion and to restore the vacant and peaceful possession thereof to the Petitioner;*
- e. *Direct the Respondents, particularly the Estate Office, Pakistan Public Works Department, Sindh Building Control Authority and Anti-Encroachment authorities, to coordinate and take all necessary measures for protection of the Federal Government property from further encroachment;*
- f. *Restrain the illegal and unauthorized occupants and all persons acting through or under them from making any further construction, alteration, transfer, occupation or encroachment upon the disputed portion of the Federal Government property;*

- g. Grant any other relief which this Hon'ble Court may deem just, proper and equitable in the circumstances of the case; and*
- h. Further direct the learned trial Court to conclude and decide the matter within the time frame as may be fixed by this Honourable Court in the interest of justice and fair play;*
- i. Any other relief which this Hon'ble Court may deems fit under the circumstances of the case.*

2. The case set up by the petitioner is that he is a Federal Government employee and was allotted Quarter No.G-11/5, Clayton Quarters, Jahangir Road East, Karachi, through allotment letter dated 01.04.2013 issued by the competent authority. Learned counsel submits that pursuant to such allotment, the petitioner has remained in possession and occupation of the subject quarter since 2013. According to him, the quarter forms part of Federal Government property under the administrative control and management of the Estate Office/Ministry of Housing and Works.

It is further pleaded that certain persons have unauthorizedly occupied/encroached upon a portion adjoining the subject quarter, which, according to the petitioner, forms part of the premises allotted to him. Learned counsel submits that despite repeated approaches to the concerned authorities, no effective action has been taken for removal of the alleged encroachment.

Learned counsel further submits that the petitioner had earlier filed C.P. No.D-2941 of 2018, which was disposed of with a direction to approach the competent authority/regulatory body regarding the alleged encroachment, whereupon the matter was to be dealt with expeditiously in accordance with law. Thereafter, the petitioner invoked the provisions of Sections 3 and 4 of the Illegal Dispossession Act, 2005; however, such proceedings were dismissed vide order dated 07.03.2026. It is in these circumstances that the petitioner has again invoked the constitutional jurisdiction of this Court.

3. We have heard learned counsel for the petitioner and have carefully examined the material available on record.

4. At the outset, it is pertinent to observe that, according to the petitioner's own case, the subject property belongs to the Federal Government and the petitioner claims possession thereof by virtue of an allotment made in his favour. The ownership and proprietary rights in the property, therefore, continue to vest in the Federal Government. Any action for protection of Government property or removal of unauthorized occupation or encroachment therefrom is, in the first instance, a matter for the competent Government authorities to examine and undertake in accordance with law.

5. More importantly, the reliefs sought by the petitioner would necessarily require determination of the precise extent and boundaries of the premises allotted to him and whether the portion alleged to have been encroached upon actually forms part of such allotment. No material has been placed before us from which these questions can conclusively be determined without undertaking a factual inquiry. This Court, while exercising jurisdiction under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, ordinarily does not undertake an inquiry requiring determination of disputed questions of fact, demarcation of immovable property or adjudication of competing claims to possession, particularly where such determination depends upon evidence and verification of the relevant official record.

6. There is yet another aspect of the matter. A perusal of the pleadings and documents placed on record reveals inconsistency regarding the precise location and extent of the alleged encroachment. At some places, the petitioner asserts encroachment upon an approximately 14-foot portion/gallery, whereas elsewhere in the record the alleged encroachment is described that two persons, namely, Imran Nafees and Faizan Nafees had occupied his quarter; such documents are available at pages-105 and 107 of the file. Thus, the petitioner's own record does not present a clear and consistent description of the exact portion alleged to have been encroached upon. This inconsistency assumes significance because the relief sought necessarily requires identification of the precise area forming part of the petitioner's allotment and determination whether the alleged encroachment falls within such area. These questions cannot be resolved merely on the basis of assertions made in the petition but

require examination of the original allotment record, site plan and, if necessary, physical demarcation by the competent authority. Such a fact-finding exercise is not appropriately undertaken by this Court while exercising constitutional jurisdiction under Article 199 of the Constitution.

7. The petitioner, being an allottee of Government accommodation, may seek protection of such right of occupation as is conferred upon him by the terms of his allotment. However, such status, by itself, does not establish an enforceable right over every adjoining or disputed portion of Government property. Before a direction for removal of any person from the disputed portion can be sought at the instance of the petitioner, it must first be established that such portion falls within the premises lawfully allotted to him. The material presently before us does not satisfactorily establish such a right so as to warrant issuance of a constitutional direction in the terms prayed for.

8. We may further observe that the earlier disposal of C.P. No.D-2941 of 2018 did not confer any substantive right upon the petitioner in respect of the disputed portion, nor did it amount to a determination that the alleged encroached area formed part of his allotment. The said order merely enabled the petitioner to approach the competent authority for redressal of his grievance in accordance with law. Likewise, dismissal of the proceedings subsequently initiated under the Illegal Dispossession Act, 2005, does not furnish a basis for this Court to undertake determination of the disputed factual matters referred to above in exercise of its constitutional jurisdiction.

9. In view of the foregoing, we are not persuaded that a case for interference in exercise of constitutional jurisdiction under Article 199 of the Constitution has been made out. The petition is, accordingly, dismissed in limine, along with all pending applications, if any.

It is, however, clarified that dismissal of the instant petition shall not preclude the competent Federal Government authorities from examining, independently and in accordance with law, any allegation of encroachment upon Federal Government property and, if

upon verification of the official record and proper demarcation any unauthorized occupation or encroachment is found, from taking such action as may be permissible under the law, after observing due process. Nothing stated herein shall be construed as an expression of opinion on the precise boundaries or extent of the petitioner's allotment or upon the rights, if any, of any person in respect of the disputed portion.

JUDGE

JUDGE
HEAD OF CONST. BENCHES

Ayaz Gul