

# IN THE HIGH COURT OF SINDH KARACHI

Before:

Justice Muhammad Saleem Jessar  
Justice Nisar Ahmed Bhanbhro

**CP No.D-5403 of 2025**

*(Tofique Ahmed and 99 others v. Province of Sindh and 4 others)*

Petitioners: Mr. Asif Ali Khawaja, Advocate for the Petitioners

Respondents: M/s. Hakim Ali Shaikh Additional Advocate General  
and Sagheer Ahmed Abbasi Assistant Advocate  
General a/w PI Abdul Ghaffar, office of the SDPO  
Risala and DSP Legal Raza Mian

**Date of hearing: 10.02.2026**

**Date of order: 04.03.2026**

## ORDER

**MUHAMMAD SALEEM JESSAR, J.** Through this petition, the petitioners claim following relief(s):-

*"In view of above submissions it is most respectfully prayed that the instant Constitutional Petition be allowed and the impugned notices dated 30.08.2025 having been issued by the respondent-Police Department Sindh be set aside being against law and Constitution of Islamic Republic of Pakistan, 1973 and based on improper assumption and wrong application of judgment dated 21.02.2019 passed by the learned Sindh High Court, Sukkur Bench passed in C.P No.D-939 of 2012 and Order dated 15.04.2019 passed by this Hon'ble Court in CMA No.2870/2019 as by no stretch of imagination the said orders do not direct issuance of impugned nation against the petitioners.*

*It is further prayed that a very serious notice of this issue be also taken for providing safeguard to the fundamental rights of the petitioners who are large in number and not only the petitioners but also their families and general public of the vicinity is going to be affected in respect of then basic necessities of life.*

*Issue an order declaring that the respondents to remain within the four corners of law and not to transgress their official powers in evicting the petitioners without due process of law and respective provisions of Constitution of Islamic Republic of Pakistan, 1973 guaranteeing safeguard against any sort of infringement of fundamental rights of the citizens of this Country.*

*It is further prayed that the respondents be directed to withdraw the impugned notices of vacations and restrain them further to do any illegal and in Constitutional act in the mater of tenancy of the petitioners."*

2. Learned counsel for the petitioners contended that Plot No. B-1380, Dhak Road, Sukkur was originally allotted to the Police Department for a police picket but was later misused, leading to litigation which culminated in orders for demolition and directions to ensure that police land allotted for policing purposes is not misused. Those orders attained finality up to the Hon'ble Supreme Court. It is contended that the petitioners have no nexus whatsoever with the said plot or the litigation arising therefrom. They are long-standing tenants of different police-owned premises across Sindh, holding valid and subsisting tenancies for decades and regularly paying rent to the Police Welfare Fund. Learned counsel submits that despite this, the respondents have issued repeated notices requiring the petitioners to vacate their rented premises, allegedly in the name of compliance with the Sukkur Police Picket orders, coupled with threats of sealing and closure of business. Such action, it is argued, is arbitrary, misconceived, and beyond the scope of the directions issued by the superior Courts. It is further submitted that similar grievances were taken to the Hon'ble Supreme Court and were remitted to this Court for decision on merits after hearing all concerned. The petitioners have approached this Court in pursuance thereof for protection of their fundamental rights. It is, therefore, prayed that the petition may be allowed.

3. Learned Additional Advocate General submits that the lease agreements in respect of the shops and lands under occupation of the petitioners were executed on different dates between 1987 and 2011, each for a fixed period of eleven months, and that all such leases have long since expired. It is contended that, in pursuance of the directions issued by the Hon'ble Supreme Court of Pakistan in Contempt Petition No.166/2019 read with CMA No.2870/2019, the Sindh Police Department have been restrained from utilizing police land for residential or commercial projects on rental basis, a direction affecting a large number of police properties across the Province. Learned AAG further submits that vide order dated 28.09.2022, the Hon'ble Supreme Court directed the Inspector General of Police, Sindh to ensure that all plots allotted to the Police Department for policing purposes are used strictly for such purposes, and that any misuse be rectified and delinquent officials proceeded against departmentally as well as criminally. It is argued that the impugned actions were taken

strictly in compliance with the aforesaid directions of the Hon'ble Supreme Court and after completion of all codal formalities, as notices were duly issued to the occupants to vacate upon expiry of their lease periods. It is, therefore, prayed that the petition, being devoid of merits, may be dismissed.

4. Heard arguments of the parties and perused the material made available before us on record.

5. The crux of the controversy involved in this petition is that the petitioners were allotted the shops by the Police Department in a building constructed over the plot which was reserved for the police station. In an identical situation the Hon'ble Supreme Court of Pakistan has been pleased to observe in para-4 of its order dated 20.03.2019 passed in Civil Petition No.797 of 2019, which is reproduced hereunder:-

*"4. We are not impressed by such arguments though there appears to be some execution of agreement approved by the authority, but same has no sanctioned under the law. Moreover under Police Orders, 2002 no such authority is conferred on any of the functionary of the Police Department. All the property vesting for purposes of Police Department does not confer any proprietary title and the same vests in the Government of Sindh and or Home Department Government of Sindh. In this context the learned Bench of the High Court held the construction to be illegal and unlawful. It was also directed that responsible officials should be taken to task and the Police Department was also directed to disclose all such plots where construction has been raised in the manner as noted in the impugned order."*

6. The record evidenced that construction of a shopping center on the plot reserved for the Police Station has already been declared illegal by a Divisional Bench of this Court in Const. Petition No.D-939 of 2012 and by the Hon'ble Supreme Court. The police authorities were taking action pursuant to the said orders. It appears from the record that in its order dated 15.04.2019 the Hon'ble Supreme Court was pleased to direct the Inspector General of Police, Sindh to ensure that all the plots given to the police department are used for the purpose the same were reserved. For the sake of convenience order dated 15.04.2019 passed on CMA No.2870 of 2019 is reproduced hereunder:-

*"Learned ASC for the applicants has contended that the applicants have entered into Deed of Good Will with one Mansoor Ashraf, whereby the premises namely shops/flats were allotted to them on good will. We have noted from the*

*impugned order that a plot of land measuring 150 square yards was allotted to the Police Department for 'Police Picket'. Some police officials in connivance with one Mansoor Ashraf seem to have constructed a commercial and residential building on the said plot wherein shops and flats were made. The High Court has taken a serious exception to said conduct of the police officials upon which it has passed the impugned order dated 21.02.2019 where not only it has directed that the police officials found responsible be taken to task but also the very building constructed on the said plot of land be demolished. The learned ASC for the applicants contends that at least the building may not be ordered to be demolished for that it can be used by the police department. We have noted that the High Court has dealt with this aspect of the matter and found that the very construction on the said plot was altogether illegal and could not be allowed to sustain for that the plot of land meant for use of the Police Department for 'Police Picket', no residential or commercial project can be constructed in the shape of shops and flats for rental purposes and that the plot has to be used to the purpose of the Police Department i.e. "Police Picket. In our view, such order of the High Court is in consonance with the law for that nothing was shown to us by the learned ASC that the impugned order suffers from any illegality. It is obvious that a construction which is patently illegal cannot be allowed to be sustained and has to be demolished for if it is allowed to remain at the said plot it is bound to be misused by the police officials and it is obvious that will be for their own personal gain, which in no circumstance cannot be allowed under the law. Thus, the order of demolition of the building passed by the High Court seems to be just and proper in the facts and circumstances of the case, which needs no interference by this Court. We may, however, note that while the High Court has directed the Police Department to take action against the police officials found responsible in this colossal misuse of the police department's land should also be proceeded against criminally for their action which apparently was to defraud the Police Department of its land meant for only 'Police Picket! The Inspector General of Police, Sindh, shall ensure that all plots given to the Police Department for policing purpose are used purely for policing purpose only and not otherwise and if any plot of land given for policing purpose has been misused as in the case hereinabove, the similar action be taken regarding such plots and police officials found responsible shall also be proceeded against not only departmentally but also criminally. This application is, therefore, dismissed.*

7. It appears from the notices under challenge, available at pages from 153 onwards of the File, that the police was taking action pursuant to the order dated 15.04.2019 passed by the Hon'ble Supreme Court of Pakistan and this court under its writ jurisdiction cannot sit over the orders passed

by the superior forum. Admittedly the shops in question were constructed over the plot of Risala Police Station under the name of Risala Police Welfare Shopping Centre and no material worth reliance has been placed on record to show that the said plot was reserved for the purpose other than for the construction of police station. It is the settled proposition of law that an amenity plot cannot be utilized for the purpose other than the same was reserved for.

8. It further transpired from the record that subject Shopping Center was constructed by the M/S Arif Builders under a private arrangement in between the said builder and Deputy Inspector General Karachi. Such an arrangement had no statutory backing of law was in itself was illegal and based upon an illegal arrangement, the Arif Builders rented out the shops to Petitioners through a separate rent agreement. The Petitioners being the tenants of Arif Builders were not vested with a perpetual right to enjoy possession over the property. Moreover, Petitioners have failed to point out any illegality or infirmity in the impugned notice, impinging upon their fundamental rights warranting interference by this Court under its extra ordinary writ jurisdiction.

9. In the wake of above discussion no case for indulgence of this Court is made out as such this petition fails and is accordingly dismissed along with all listed applications.

**JUDGE  
HEAD OF CONST. BENCHES**

**JUDGE**

**Approved for reporting**