

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**  
**C.P. No.D-7047 of 2021**

Date of hearing and order:- 20.01.2026

Mr. Faiz H. Durrani advocate for the petitioner in C.P. No.D-7047 of 2021  
Mr. Muhammad Baqar advocate for the petitioner in C.P. No.D-2595/2019.  
Mr. Khursheed Jawed, advocate for the Respondent in C.P. No.D-2595/2019.  
Mr. Imran Khan Abro, AAG  
Mr. Ghulam Akbar Lashari for SBCA  
Mr. Khurram Ghayasuddin advocate for KMC  
Khalil Ahmed Siddiqui, advocate for Respondent No.1  
DSP Raza Mian, CPO Legal

## ORDER

**Adnan-ul-Karim Memon, J.** – The petitioner has filed the captioned Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, with the following prayer: -

- a. *Declare that the Respondents Government Functionaries are bound to comply and execute the applications/complaints/letters served upon them by petitioner forthwith and without fail and remove the encroachment on the land of the petitioner i.e. "40 Acres of land in Sector 5-A, KDA, Scheme No.33, District East, Karachi" on immediate basis by using the writ of the state;*
- b. *Direct the Respondent No. 1 to 20 to remove the illegal encroachment/unlawful possession and hand over the vacant physical possession of the subject property to the petitioner through the use of force.*
- c. *Restrain the land grabbers, their companions, and any other person whatsoever from interfering, encroaching, attempting to take over the land mentioned in this petition from the petitioner till the final disposal of the instant petition.*
- d. *Grant any other relief deemed just and proper in the circumstances.*

2. The case of the petitioner is that it is a duly registered Cooperative Housing Society and the lawful owner of 40 Acres of land in Sector 5-A, KDA Scheme No.33, acquired from the Government of Sindh through a valid allotment process commencing in 1973. The Petitioner paid the entire sale consideration, external/outer development charges, obtained an approved demarcation and layout plan, and was finally vested with title through a registered Transfer Deed dated 02.06.1998. The State authorities duly handed over possession to the petitioner society. It is urged that since 2009, portions of the subject land have been illegally encroached upon by land grabbers, who raised unlawful constructions through force and intimidation. The encroachers have no semblance of right, title, or interest in the land. It is further averred that despite repeated complaints, applications, reminders, legal notices, and

even police operations, no effective action has been taken by the Respondent authorities. It is submitted that the government of Sindh has acknowledged that repeated orders for the removal of encroachment exist but remain un-complied with. It is emphasized that the inaction of the Respondents constitutes a continuing violation of Articles 4, 18, 23, 24, and 25 of the Constitution of Pakistan, thereby depriving the Petitioner and its members of their lawful property, equality before the law, and the right to conduct lawful activities. It is also urged that illegal occupants cannot be allowed to benefit from prolonged unlawful possession while lawful owners are left remediless.

3. Learned counsel for the petitioner submitted that the Removal of encroachments from public and private land is a mandatory statutory duty of the executive authorities. Selective enforcement, while encroachments elsewhere in Karachi are removed under court directions, amounts to discrimination and abdication of authority. He submitted that the Petitioner has exhausted all administrative remedies over more than 12 years. Without the intervention of this Hon'ble Court, the Petitioner has no possibility of securing possession of its land, rendering constitutional guarantees illusory. He lastly prayed to direct the Respondents to forthwith remove all illegal encroachments from the Petitioner's land measuring 40 Acres in Sector 5-A, KDA Scheme No.33, District East, Karachi, using the writ of the State; and Order handing over the vacant and peaceful possession of the encroached land to the Petitioner.

4. Learned AAG has submitted the progress report which reads as under:-

*“ It is respectfully submitted before this Court in compliance of Order dated 04.11.2025 that keeping in view the sensitivity of the matter n Note for Minister Home containing directions for removal of encroachments from Karachi College Teachers Cooperative Housing Society and Bijnor Cooperative Housing Society located in District East Karachi and next hearing on 04.12.2025 when the Court has required that the progress report be submitted by Home Department.*

*Minister Home was further appraised regarding anti-encroachment drives that have been conducted by Deputy Commissioner, Karachi East which have remained unsuccessful due establishment of thickly populated colonies on the encroached societies and the resistance made by these encroachers using women, children and elderly persons as shield to create difficulties for the District Administration, Police, Anti-Encroachment Force and Pakistan Rangers (Sindh) during anti-encroachments drives.*

*Moreover, the Supreme Court of Pakistan directions while hearing cases curtaining to removal of encroachments and assigning lead role to Commissioner Karachi was also recorded in the Note and the anti-encroachment Committee constituted under Minister for Home which also assigns the task of encroachment removals to Commissioner concerned Minister for Home has directed Commissioner Karachi Division to comply with the Court orders being the field officer working on ground.*

*Besides, the Deputy Commissioner, District East Karachi was also proceeding with assigned role and issued a prepared/scheduled work plan.*

*A joint Combing Operation was conducted by the law enforcing agencies on 13.11.2025 in accordance with the contingency plan, on the subject land of the aforementioned societies under the supervision of the Senior Superintendent of Police, Sohrab Goth Division, along with SDPO Sohrab Goth, neighboring SHOs, and a large contingent of manpower including LPCs drawn from all over District East, and in collaboration with the departments concerned. The K-Electric field team successfully disconnected the main HT lines supplying strictly to the subject vicinity, effectively curtailing unlawful abstraction of electricity enough illegal hooks and unauthorized PMTs. Additionally, the full span including all illegal conductors was dismantled. (Report of SSP East and K-Electric are at (Annex-III & IV).*

*The Deputy Commissioner, District East Karachi has further reported vide letter dated 01.12.2025 that as per action plan, the anti-encroachment drive was scheduled on 27.11.2025. In this regard, the Assistant Commissioner, Gulzan-e-Hijri, Sub-Division made necessary coordination with all the departments concerned conducting the operation. The Assistant Commissioner along with the District Police, Anti-Encroachment Force, Rangers, Karachi Metropolitan Corporation, Sui Southern Gas, Karachi Water & Sewerage Corporation and K-Electric reached at site and soon after arrival, mob started gathering with the intention of resisting the operation. Despite of the initial resistance, the Anti-Encroachment Teams moved further to demolish the structures. However, suddenly mob started stone pelting on teams. In retaliation to this, water cannon and tear gas were used to disperse the miscreants. Later on, the pelting stones resulting in serious law and order situation. It is also pertinent to mention here that the miscreants use children as shields for their protection. The teams faced severe resistance from the miscreants resulting in serious law and order situation and ultimately leading to call-off the anti-encroachment operation to avoid any kind of loss.*

*In order to implement the orders of the Court, next anti-encroachment fixed on 10.12.2025 after the conduct of successful combing operation by the Law enforcing agencies as well as permanent removal of utility services by service providers.*

*It is further added that all the senior concerned authorities have been sensitized time and again for the compliance of court orders and submission of their reports, letters, addressed to DG Rangers Sindh, Commissioner Karachi Division, DIGP East Zone, Karachi, SSP District East Karachi and MD K-electric are at (Annex-VI to XI).*

*The matter is already assigned to Commissioner Karachi Division being the most appropriate office in field to address/ lead anti-encroachment drive and would be provided report needed from LEAs.*

*Having submitted above report, the Honorable Court is earnestly prayed to grant sufficient time for proceeding further in the matter for peacefully eviction of encroachers and vacation of encroachments for position is submitted before the Honorable Court with request to allow suitable time for submission of further progress on the subject matter.”*

4. We have heard the learned counsel for the parties and perused the record with their assistance.

5. In view of the undisputed factual position that the Petitioner is a duly registered Cooperative Housing Society and the lawful owner of the subject land measuring 40 Acres in Sector 5-A, KDA Scheme No.33, duly allotted by the Government of Sindh, fully paid for, lawfully developed, and transferred through a registered Transfer Deed, coupled with admitted handing over of possession by the State authorities, the right, title, and interest of the Petitioner stand firmly

established. It has also been clearly demonstrated that the so-called occupants are rank encroachers, having no lawful authority, title, or justification to remain in possession of the subject land. Their occupation is admittedly illegal and is the result of force and intimidation. The prolonged failure of the Respondent authorities to remove such encroachments, despite repeated directions, acknowledged orders, complaints, and even police intervention, reflects a patent abdication of statutory and constitutional duties. The continued inaction of the Respondents amounts to a continuing violation of the Petitioner's fundamental rights guaranteed under Articles 4, 18, 23, 24, and 25 of the Constitution of Pakistan, 1973. The State is constitutionally obliged not only to refrain from unlawful deprivation of property but also to actively protect lawful ownership against illegal usurpation. Allowing land grabbers to enjoy prolonged unlawful possession, while compelling lawful owners to litigate for years, strikes at the very root of the rule of law and equal protection of law. Removal of encroachments from public and private land is a mandatory statutory obligation of the executive authorities. Selective enforcement, whereby encroachments in other parts of the city are removed pursuant to court orders while the Petitioner's lawful property remains occupied, is discriminatory, arbitrary, and violative of Article 25 of the Constitution. The Petitioner has exhausted all available administrative remedies for over twelve years, and no alternate efficacious remedy remains available, as claimed. However, *prima facie*, this is a fit case for the exercise of constitutional jurisdiction. The ends of justice, protection of fundamental rights, and enforcement of the rule of law demand that the Respondent authorities be directed to forthwith remove all illegal encroachments from the subject land if this is found to be in illegal occupation, using the writ of the State, so that illegality is not perpetuated and constitutional guarantees are not rendered meaningless.

7. The aforesaid exercise shall be undertaken within three months. To come up after completion of the aforesaid period.

JUDGE

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