

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI  
C.P No.D-1750 of 2025  
(Maymar Housing Services Private Limited versus Province of Sindh & others)

Date	Order With Signature Of Judge
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Before:  
Mr. Justice Adnan-ul-Karim Memo  
Mr. Justice Abdul Mobeen Lakho

**Date of hearing and order : 21.01.2026**

Mr. Ahmed Masood, advocate for the petitioner.  
Mr. Shariq Mubashir, AAG.  
Muhammad Aslam Magsi, Mukhtiarkar Scheme 33 Karachi, Asif Ali Sirki, Sub Registrar Gadap Town-I, Karachi and Mushtaq Ali SO (Legal), LU BOR.

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**ORDER**

**ADNAN-UL-KARIM MEMON, J.** – The petitioner has filed this petition under Article 199 of the Constitution of the Islamic Republic of Pakistan 1973 seeking the following relief(s):-

- i. *“Declare that the impugned notices dated 21.04.2025, 24.04.2025, 25.04.2025 and 28.04.2025 are illegal, unlawful, without jurisdiction and unconstitutional.*
- ii. *Grant any other relief as this Court may deem fit and appropriate.”*

2. The petitioner has filed the present petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking a declaration that the impugned notices dated 21.04.2025, 24.04.2025, 25.04.2025, and 28.04.2025 are illegal, unlawful, without lawful authority, and unconstitutional, along with any other appropriate relief, an excerpt of one of the notice is reproduced as under:-

*“It is to inform you that an area of 17-07 acres bearing survey Nos. 95, 96 & 97 in Deh Bhiti Amri were mutated in the record of rights, i.e., VF-II in favor of M/s Maymar Housing Services Limited (Copy of VF-II is enclosed).*

*It is to inform you that the said entry has been blocked and requires regularization under the Ordinance No.III of 2000 after recovery of differential malkano fixed by the Cabinet/Committee.*

*Therefore, you are requested to direct the concerned Sub-Registrar not to entertain any further transaction regarding the sale-purchase of the subject land till final orders.”*

3. The case of the petitioner is that he owns and possesses approximately 1026 acres of land situated in various Dehs, including Deh Taiser, Deh Bijar Bhitti, Deh Nangan, Deh Mokhi, and Deh Bitti Amri. He acquired different portions of the

subject land through registered sale deeds. It is contended that the revenue officials have repeatedly attempted to illegally demarcate and usurp the petitioner's land, against which several suits are pending before this Court, wherein interim orders are operating. The petitioner further asserts that the payments made towards the regularization of the land have been duly verified by the Treasury Office vide letter dated 17.04.2025; however, despite the same, the respondents have issued the impugned notices with an intent to dispossess him.

4. Learned counsel for the petitioner has challenged four notices dated 21.04.2025, 24.04.2025, 25.04.2025, and 28.04.2025, placed at pages 789 to 795 of the record. He submits that the subject property has been involved in various litigations between the parties, wherein interim orders are presently operative. However, he contends that none of those proceedings relate to or impugn the present notices, which have been issued only recently; therefore, the earlier litigations have no nexus with the instant matter. Learned counsel further argues that the impugned notices have been issued with the intent to circumvent and undermine the orders passed by this Court, thereby compelling the petitioner to invoke the constitutional jurisdiction of this Court. He submits that the challan has already been duly verified by the competent authority and the differential amount has been deposited with the Government of Sindh; consequently, no further coercive or adverse action can lawfully be taken by the revenue authorities. It is, therefore, prayed that the impugned notices be set aside and the petitioner be allowed to lease, transfer, or otherwise deal with the subject property strictly in accordance with law. Learned counsel for the petitioner lastly submits that no lawful action can be taken as the requisite amounts have already been deposited and verified.

5. Learned AAG has disputed the stance of the petitioner on the analogy that the mother's entry related to the aforesaid survey numbers is suspicious and has accordingly been blocked. However, he has not assisted on the point whether a judicial decision has been taken in terms of the blockage of the said entry, which they seek time to submit comprehensive report before the competent authority for a decision on the subject issue either under Suo Moto jurisdiction or under the relevant law and further submits that in the meanwhile if the same is taken up on the judicial side by the Board of Revenue, the notice shall also be issued to the petitioner before taking any further action based on the suspicious revenue entry as discussed supra.

6. We have heard the learned counsel for the parties on the maintainability of the petition and perused the record with their assistance.

7. Pursuant to the order dated 13.01.2026, the Board of Revenue, Government of Sindh, has submitted a report with the narration that they examined the available revenue records about Survey Nos. 95, 96, and 97, Deh Bitti Amri, District Karachi East, measuring 17-07 acres. It is stated that as per Entry No.38 of VF-VII, Deh Bitti

Amri, dated 23.01.1986, land measuring 17-07 acres (Survey No.95 = 01-00 acre & 00-32 ghuntas, Survey No.96 = 04-04 acres, and Survey No.97 = 11-11 acres) was shown as Government land and transferred to the petitioner through exchange of Qabooli and Na-Qabooli land on payment of Malkhano amounting to Rs.1,71,750/-, paid vide Challan dated 18.01.1986 and verified through vouchers dated 19.01.1986. However, on examination of previous Entry No.31 of VF-VII, Survey No.97 was not mentioned which created doubt. Further verification reveals that “97” is actually a Na-Class number and was wrongly reflected as a survey number due to a clerical error; however, no order was taken. It is further submitted that under the Sindh State Land (Recovery of Losses) Ordinance, 2001, allotments/exchanges of Government land at rates lower than market value in violation of the ban imposed since January 1985 are liable to assessment of loss and regularization upon payment of a differential amount as determined by the competent committee. It is submitted that the subject land falls in Scheme-33, Karachi East, declared as an Urban Rating Area. The land remains unregularized, as the petitioner has not applied for regularization, and is therefore liable to its resumption. It is urged that any entry in VF-VII and approval of the layout plan can only be made after the regularization of the land. It has also been reported that the land is presently being used for residential/commercial/industrial purposes without its lawful regularization. It is emphasized that due to the suspicious nature of the VF-VII entry, the same has been blocked in compliance with the decision of the Full Board, Board of Revenue, Sindh, communicated vide letter dated 10.03.2020. It is further submitted that in Suit No.919 of 2024, filed by the petitioner, the demarcation plan issued by the Survey Superintendent shows possession of 39-34 acres in Deh Bitti Amri. However, upon examination of the record, which reveals encroachment/overlapping upon Government land, action under the Sindh Public Property (Removal of Encroachment) Act, 2010, is required to protect the government's interest, as this is government land. They prayed to dismiss the petition.

8. The learned AAG has rightly pointed out that the mother revenue entry relating to the subject survey numbers has been blocked on suspicion, pursuant to NAB Sindh letter dated 25.08.2015, placing a ban on transactions of Entries No. 31 and 48 of V.F-II during the pendency of inquiry. Such blocking is an administrative safeguard to prevent alienation or misuse of State land and does not require prior judicial determination; however, the petitioner is entitled to a due hearing through proper notice. It is settled law that revenue entries are maintained for fiscal purposes only and do not by themselves confer title. Neither mutation nor payment of any amount can legalize an otherwise illegal or void transaction. The State is constitutionally bound to protect public land and may initiate corrective action where fraud or illegality is suspected. Accordingly, the petitioner's request for recall of the impugned notices and permission to alienate or lease the property is premature until

the legality of the mother entry is finally determined by the competent authority or court.

9. Besides, the issues raised in the petition *prima facie* involve disputed questions of fact, which require the recording of evidence. The petitioner has already invoked the jurisdiction of the competent civil court and, if aggrieved by the impugned notices, has an adequate alternate remedy before the relevant forums. This Court, while exercising constitutional jurisdiction, cannot adjudicate upon questions of title or possession, which squarely fall within the domain of the civil court. It is, therefore, well settled that the controversy cannot be resolved in the present petition, particularly when the matter is already *sub judice* before the civil court. Mere verification of a challan or deposit of an amount does not confer any vested or indefeasible right, especially where the foundational revenue record appears doubtful. It is a settled principle of law that all subsequent rights emanate from the validity of the original entry, and if the root is defective, all derivative claims lose their legal sanctity. Accordingly, the matter shall be examined by the Civil Court if the aggrieved party approaches and if not earlier approached. At this stage, learned AAG has submitted that the petitioner shall be heard by the competent authority on the subject issue within three weeks.

10. Before issuing this order, the Board of Revenue, Deputy Commissioners, Assistant Commissioners, and Mukhtiarkars shall ensure protection and proper management of Government land in their jurisdictions. All actions, including verification, demarcation, regularization, and prevention of encroachments, must comply strictly with relevant laws and regulations. Unauthorized transfer, lease, or disposal of Government land is prohibited. Encroachments or illegal use shall be addressed promptly under the Sindh Public Property (Removal of Encroachment) Act, 2010, and other applicable laws. Officials must act proactively to prevent loss to the public exchequer and address public grievances. Periodic compliance reports shall be submitted, with lapses, if any, inviting departmental and legal action.

11. Accordingly, the petition is disposed of, without touching the merits of the case, leaving the petitioner with liberty to approach the appropriate forum for redressal of his grievances. Let this order be communicated to the Senior Member Board of Revenue for immediate compliance.

JUDGE

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