IN THE HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

Constitutional Petition No.S-644 of 2025

Before:

MR. JUSTICE ZULFIQAR ALI SANGI

MR. JUSTICE NISAR AHMED BHANBHRO

Petitioner: Mst. Durdana Ansari.

Through Mr. Ghulam Nabi Meo, Advocate.

Respondents: Province of Sindh & Others.

Date of Hearing: 17.11.2026

Date of Order: 17.11.2026

O R D E R

Nisar Ahmed Bhanbhro, J*:* Through, instant petition, the petitioner assailed the order dated 01.10.2024 (**impugned order**) passed by the Sindh Information Commission at Karachi in Complaint No.52 of 2024 (Re- Mst Durdana Ansari vs. Designated Official/The Mukhtiarkar (Revenue) Tando Adam) wherein complaint filed by the Petitioner under section 8 and 11 of The Sindh Transparency and Right to Information Act, 2016 ("the Act") requiring information of record of rights in respect of the Land granted to the Mr. Ismail Haji Chandi Wala from 1959 to till date was disposed of.

2. The petitioner claims to be a lawyer by profession and while exercising her fundamental right to seek information regarding agricultural land granted to Mr. Ismail Haji Chandi Wala since 1959 filed an application before the Revenue authorities, however, on failure to receive any response, she filed complaint No.52 of 2024 before Sindh Information Commission. The complaint was entertained and

the respondent Mukhtiarkar vide order dated 26.02.2024 was appointed as the designated officer and further directed to transmit requisite information to the complainant, which was done however on dissatisfaction shown by the Petitioner, the complaint proceeded on merit and was disposed of. Thereafter the petitioner being aggrieved filed instant petition with following prayers:

i. *Non action on the part of Sindh Information Commission according to the provisions of Sindh Transparency & Right to Information Act-2016 may be declare illegal, unconstitutional, violation of Article 19-A of Constitution of Islamic Republic of Pakistan- 1973.*

ii. *It may also be declare that Sindh Information Commission committed gross illegality by way of non-taking action against the Designated official/Mukhtiarkar Tando Adam as provided under Section 15 of Act No.XV of 2017.*

iii. *It may kindly be declare that the designated official/Mukhtiarkar Tando Adam acted in gross violation of Sindh Transparency & Right to Information Act-2016 by way of not providing required information and documents to the petitioner.*

iv. *Respondents may be directed to provide required information and documents (attested copies) to the petitioner which are fully described in Schedule-A attached herewith within reasonable time as specify by this Hon'able Court.*

v. *Any other relief as deemed fit and proper by this Hon'able Court.*

3. Learned counsel for the petitioner contended that it is the fundamental right of the petitioner to seek information about the land granted to Mr. Ismail Haji Chandi Wala, who was the father-in-law of the petitioner, and that such right is

recognized under Article 19-A of the Constitution of the Islamic Republic of Pakistan, of 1973 ("the Constitution"). He further contended that the Sindh Transparency and Right to Information Act, 2016, (the Act) was enacted to give effect to the constitutional provisions. He contended that despite of the hectic efforts, petitioner is unable to collect information about the life estate of her father in law. He contended that failure of the Respondents to provide requisite information to the petitioner militated her fundamental rights. He further contended that petition was maintainable as petitioner was seeking enforcement of her fundamental rights. He, further contended that the impugned order is illegal, passed without legal justification and nullity in the eyes of law and may be set aside, with directions to the respondents to provide the requisite information and documents to the petitioner in the interest of justice.

4. Learned Counsel for the Petitioner vide order dated 02.09.2026 was directed to satisfy the Court regarding the maintainability of the instant petition, to which Learned counsel submits that the petition is maintainable, as the right to information is a fundamental right and this Court is the guardian of the fundamental rights of individuals in terms of article 199(2) of the Constitution.

5. Heard arguments and perused the material available on record.

6. In order to give effect to the provisions of Article 19-A of the Constitution, the Province of Sindh enacted "the Act", the preamble whereof reads as under:

> ***AN ACT*** *to provide for promoting transparency in the working of every public authority by setting out a practical regime for every citizen to secure access to information in a rapid and low cost manner under the control of public authorities, the constitution*

of a Sindh Information Commission and for matters connected therewith or incidental thereto.

***WHEREAS** Article 19A of the Constitution of the Islamic Republic of Pakistan provides that every citizen shall have the right to access information in all matters of public importance, subject to regulations and reasonable restrictions imposed by law;*

***AND WHEREAS** transparency and access to information are essential principles of democracy which not only enable the populace to hold the Governments and their institutions accountable but also help in improving the system of governance;*

***AND WHEREAS** it is essential that all citizens shall have right to information to participate meaningfully in the democratic process and further to improve their involvement and contribution kin public affairs;*

***NOW, THEREFORE**, it is expedient to provide for transparency and freedom of information to ensure that all citizens have better access to public information, to make the Government more accountable to citizens, to enforce the fundamental right to information in all matters of public importance, to ensure transparency in all Government matters and to provide for ancillary matters;*

7. The object and purpose of the legislation to promulgate the above Law was to provide access to information in possession of public bodies, including information contained in memorandum, books, reports, orders, notifications and other relevant documents etc.

8. Scanning of the material on record revealed that the petitioner requires information regarding the property granted to one Haji M. Ismail since year 1959. She approached Revenue Authority but to no avail, thus moved application under

section 8 of "the Act" before Sindh Information Commission. The Information Commission, on the application of the petitioner, appointed designated officer, viz., the Mukhtiarkar (Revenue), Tando Adam, to provide the requisite information. Accordingly, the Mukhtiarkar (Revenue), Tando Adam, submitted a report dated 13.05.2024, which was communicated to the petitioner by the Commission vide letter dated 14.05.2024. The petitioner, being dissatisfied with the said report, filed an internal review application under Section 09 of the Act, and lastly filed complaint under section 11 of the Act which too was dismissed, being deficient in terms of section 8(2) of the Act.

9. From the perusal of impugned order, it appears that the requisite information regarding the record of the land was provided to the petitioner in view of the material made available to the Commission. From the contents of application moved by the Petitioner, it is noticed that the same was vague and fell short of the standards set forth under the Act. Petitioner claimed information regarding grants in favor of M. Ismail, without specificity the properties. Section 8(2) of the Act required Petitioner to provide adequate description of the information and the details necessary to provide the requisite information. The section 8(2) reads as under:

> *8.(2) The Applicant shall be required to provide adequate description of the information and the details necessary to provide the requisite information.*

10. When confronted with the said material, learned counsel for the petitioner failed to point out any infirmity in the impugned order. Besides, Section 17 of the Act bars the entertainment of any proceedings in respect of a decision made under the Act, otherwise than by way of an internal review or a complaint under the Act. Section 17, reads as under:

> *17. No Court shall entertain a suit, application or other proceeding in respect of any decision made under this Act and the decision shall not be called in question otherwise than by way of an internal review or a complaint under the Act.*

11. Since the petitioner has already availed the remedies available under the law and the decision of the Information Commission is final in nature and cannot be challenged under the jurisdiction of this Court through a writ petition, as the purpose of the Commission was to provide information to the individuals regarding the records held by the public bodies and for that reason a standard has been fixed under the statute, failing whereof, commission cannot take any action. Dragging the Commission before the Courts would not serve any purpose, as it was created for a limited purpose and its decisions has got protection under the statute.

12. For the foregoing, no case for indulgence is made out, the instant petition being without merits and not maintainable is dismissed in liminie along with pending applications, with no order as to costs.

JUDGE

JUDGE

Approved for reporting

"Adnan Ashraf Nizamani"