

ORDER SHEET
HIGH COURT OF SINDH AT KARACHI

Crl. Revision Application No.143 of 2022

Date	Order with signature(s) of Judge(s)
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1. For order on office objection at A
2. For hearing of case
3. For hearing of M.A. No.6508/2022

22.09.2025

M/s. Sohail Hameed & Imtiaz Ali Effendi, Advocates for the Applicant
Mr. Shiraz Ahmed, Advocate for Respondent No.2
Mr. Siraj Ali Khan, Addl. P.G.
Mr. S.M. Faisal Rizvi, Project Director, Orangi Township, Karachi a/w Abdul Nabi, Sub-Registrar
Mr. Asif Ali Rajpar, Assistant Director, Anti-Corruption

ORDER

Dr. Syed Fiaz Ul Hassan Shah, J. – Learned counsel for the applicant states that the applicant has filed the instant Crl. Revision Application against the acquittal of the Respondents/Accused, which has been made through the impugned Judgment dated 15.04.2022. He requests verbally that the instant Revision Application may be treated as Criminal Appeal under Section 410 Cr.P.C. Order accordingly.

I have heard the counsel for the Appellant, Counsel for the Respondent No.2 and the learned Addl; PG Sindh assisted by the Counsel for the KMC and PD, Orangi Township, KMC.

It is admitted position that lease of Katchi Abadi is granted on the basis of possession and in the lease(s) on possessory rights, essential construction of the livable house is essential component while mere erecting of boundary wall or

open plot does not come within the definition of “possession of house in a Katchi abadi” and does not entitle any person to obtain a lease. The Project Director, Katchi Abadi Orangi Township, Karachi has admitted such position and states that under the Policy/Rules only one family member is entitled for a lease deed, and either leases were granted to various people without possession or more than two plots have been given to one family by executing lease deeds to same family members is also against the Policy/Rules and a Reference has been moved to the Anti-Corruption Establishment. On the other hand, Mr. Asif Ali Rajpar, Assistant Director, ACE present and files a report stating that the matter has been placed before the ACC-I for approval in the forthcoming meeting. Compliance report filed by him is taken on record.

Moving towards the main appeal, this is a case where the Appellant Asad Abbas Naqvi is holding two registered lease deeds executed by Office of the Project Director Orangi Township, KMC, Karachi in respect of Plot No.1115, Sheet III, and Plot No.1121, Sheet No.III, Gulshan-e-Zia, Sector 11 ½ Orangi Town. On other hand, learned counsel for Respondent No.2 has taken a defence by placing identical two lease deeds in respect of same Plot No1115 and 121 situated in Sheet No.II, Sector 11 ½ Gulshan-e-Zia, Orangi Town in favour of Ms. Shahla Habib and according to him both Lease Deed pertains to Sheet No.III and his documents were registered prior in time i.e. 2009. Therefore, both the Appellant and Respondent No.2 are claiming same plots as valid leasehold rights holder and only

difference is of the Sheet No.II and Sheet No.III. It is observed that it is a double lease case executed by the Office of PD, Orangi Town.

I have considered the submissions advanced by the learned counsel for the Appellant, who contended that Respondent No.2, in various documents and in his sworn affidavit before the trial Court, has voluntarily acknowledged that his property falls under Survey Sheet No.II rather than Survey Sheet No.III. On this basis, it is argued that the Appellant is the exclusive owner of the property in question, and his complaint was therefore maintainable before the trial Court. Conversely, the Project Director has asserted that certain manipulations have occurred in the official record, whereby the Roman numeral "III" was erased and replaced with "II". He further pointed out that in the Lease Deeds of Respondents No.1 and No.2, Survey Sheet No.III has been deliberately removed, thereby creating confusion through the eraser Sheet No.III to Sheet No.II, which in fact corresponds to Sheet No.III. This discrepancy, according to the Project Director, can be verified from the layout plan available in his office. In view of these irregularities, he has referred similar cases to the Anti-Corruption Establishment for further inquiry.

It is noted that the trial Court failed to determine the fundamental issue of whether the Appellant was dispossessed from the property in question or whether Respondents No.1 and No.2 unlawfully occupied the same which is necessary to determine the existence of criminal intent and criminal liability,

which are essential ingredients to invoke or refuse to invoke the provision of Section 3 of the Illegal Dispossession Act, 2005. This pivotal point was neither addressed nor adjudicated in the impugned judgment, and no findings have been recorded in this regard. Consequently, the present appeal cannot resolve this factual controversy in the absence of a definitive determination on this material aspect, and adjudication at this stage would be premature.

In view of the foregoing, the appeal is allowed and the impugned judgment dated 15.04.2022 is set aside. The matter is remanded to the trial Court with directions to rehear the parties and record specific findings on the core issue—namely, whether the Appellant was ever in possession of the property and whether he was subsequently dispossessed by Respondents No.1 and No.2. The trial Court is at liberty to examine the proper identification of the property and scrutinize the Lease Deeds of both parties to ascertain whether the Appellant and Respondent No.2 claim title to the same property under same Survey Sheet No.III. For this purpose, the trial Court may seek assistance from the Project Director, Orangi Town, or his authorized representative.

The Criminal Appeal stands disposed of accordingly. The Office is directed to convert this Criminal Revision Application into a Criminal Appeal and consign the same accordingly. This Court acknowledges and appreciates the efforts of the Project Director, Katchi Abadis, Orangi Township, Karachi. It is further recorded that both the Project Director, Orangi Township, and

the Sub-Registrar, Orangi Township, have categorically stated that, henceforth, no lease deed pertaining to Katchi Abadis shall be processed or executed in respect of open plots or plots enclosed merely by boundary walls. Moreover, no lease shall be granted in favour of any individual whose family member has already been allotted a lease in respect of a plot within the same Katchi Abadi.

JUDGE

Kamran/PS