

## IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Constitutional Petition No. D-1393 of 2020.  
(Syed Zahoor Hussain Shah vs. Govt. of Sindh through  
Secretary Revenue Department and others)

**Before:**

**Mr. Justice Amjad Ali Bohio,  
Mr. Justice Ali Haider 'Ada'**

1. For orders on office objections
2. For the hearing of the main case.

**25.02.2026.**

Mr. Sawan Jagirani, Advocate for the Petitioner.  
Mr. Abdul Ahad Buriro, Advocate for Respondent No.8.  
Mr. Ahmed Ali Shahani, Assistant Advocate General,  
along with Ghulam Murtaza, AC Rohri, and Zahid Ali  
Shah, Mukhtiarkar, Rohri

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### **ORDER**

**Ali Haider 'Ada' J.:** Through this petition, the petitioner assailed the impugned Notice No. AC/-447/2020 dated 25.06.2020, whereby the authorized officer under the Sindh Public Property (Removal of Encroachment) Act, 2010, issued a notice under Section 3 declaring the petitioner to be encroaching upon government land.

2. Learned Counsel for the petitioner contended that the property in question is not government land and that it has already been declared in his favour through civil proceedings. He further submitted that the civil court proceedings, up to the Hon'ble Supreme Court, have not been challenged, and therefore, the impugned notice issued by Respondent No.6, the authorized officer, is without jurisdiction and liable to be set aside. In support, he placed on record a copy of the judgment dated 06.02.2024 passed in F.C. Suit No.35/2021 and the order dated 09.10.2024 passed in C.P. No.D-11 of 1991.

3. On the other hand, police functionaries, Respondents No.12 and 13, filed their statements, which have been taken on record. Learned Counsel for Respondents No.8, private respondent, filed a statement contending that the revenue record is conflicting in nature, and the petitioner has no cause of action to file the present

petition. Respondents No.6 and 7, representing the revenue hierarchy, submitted statements and para-wise comments, asserting that after verification of the entire revenue record, the petitioner has not submitted any documentary proof regarding ownership. They further submitted that the lease relied upon by the petitioner does not confer ownership and that the petitioner did not implead the Government as a party in the civil proceedings. In their view, the property in question remains government land.

4. Learned Assistant Advocate General also submitted that the documents relied upon by the petitioner are either irrelevant or, if relevant, ought to have been produced before the revenue hierarchy to substantiate his claim.

5. Heard and perused the material available on record.

6. The primary purpose of the **Sindh Public Property (Removal of Encroachment) Act, 2010**, is to safeguard government land from encroachment and to curb unauthorized occupation. The Act provides a mechanism for the protection and recovery of public property.

7. Under this process, **Section 3** provides the authority with the power to remove encroachments and structures; however, certain conditions must be satisfied. Upon issuance of a notice, if the Authority is satisfied that there is an unauthorized occupation or construction over public property, it may order its removal.

8. Further, a person aggrieved by an order passed under **Section 3(1)** of the Act may, within three days, prefer a review petition in accordance with **Section 4** of the Act, 2010. For ease of reference, Sections 3 and 4 of the Sindh Public Property (Removal of Encroachment) Act, 2010, are reproduced as follows:

*3. (1) Government or any authority or officer authorized by Government in this behalf may require the person directly or indirectly responsible for encroachment to remove such encroachment together with the structure, if any, raised by him on the public property, within the period not less than two days as may be specified in the order.*

*4. (1) Any person dissatisfied by the order passed under sub-section (1) of section 3 may, within three days from the service thereof, prefer a review petition to Government or any authority or officer who has passed such order.*

9. The mechanism provided by the Legislature is intended to safeguard the administration of justice and to ensure that no person is condemned unheard. In the present case, the petitioner, without awaiting the outcome of the notice issued under Section 3 or without availing the remedy of a review petition, has directly approached this Court, which is contrary to the purpose and scheme of the Act, 2010.

10. It is well settled that the jurisdiction of this Court under **Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973**, is limited to cases where no alternate and efficacious remedy is available. Where a statutory remedy exists, constitutional petitions cannot be entertained as a matter of routine. Reliance in this regard is placed upon the judgments reported as **Indus Trading and Contracting Company v. Collector of Customs (Preventive), Karachi and others (2016 SCMR 842)**; **President, All Pakistan Women Association, Peshawar Cantt. v. Muhammad Akbar Awan and others (2020 SCMR 260)**; **Commissioner Inland Revenue and others v. Jahangir Khan Tareen and others (2022 SCMR 92)**; and **Executive Director (P&GS), State Life, Principal Office Karachi and others v. Muhammad Nisar, Area Manager, State Life Corporation of Pakistan, Peshawar Zone (2025 SCMR 249)**.

11. Keeping in view the facts and circumstances of the case, the instant petition is hereby dismissed accordingly.

**JUDGE**

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