

**IN HIGH COURT OF SINDH, CIRCUIT COURT
HYDERABAD**

C.P. No.S-135 of 2026

[Khan Muhammad v. Province of Sindh & others]

Petitioner : Khan Muhammad through Mr. Gulzar Hussain Khaskheli.

Respondents : Province of Sindh and others through Mr. Allah Bachayo Soomro, Additional A.G. Sindh along with Abdul Aleem Bullo SSP Matiari, PDSP Umar Shaikh District Matiari and SIP Faheem Hussain, DIGP Office, Hyderabad.

Applicants/interveners : Mazhar Hussain and others through Mr. Basharat Ali Memon, Advocate.

Date of Hearing : 11.03.2026

Date of Decision : 11.03.2026

ORDER

RIAZAT ALI SAHAR. J. - Through this petition, the petitioner is seeking following reliefs:-

- a) *That, this Honourable Court may be pleased to direct the respondents No.2 to 7 immediately remove the police from the land of petitioner.*
- b) *That, this Honourable Court may be pleased to direct the respondents No.2 to 4 to bound them not to misuse their power and position upon the petitioner through their official respondents No.5 to 7 at the land of petitioner in future.*
- c) *That, this Honourable Court may be pleased to direct the respondent No.2 to 4 to provide legal protection to the petitioner and his family members as well as relatives at the hands of respondents No.5 to 7 and their subordinate staff because they made life miserable of the petitioner and his family members.*
- d) *That, this Honourable Court may be pleased to direct the official respondents No.1 to 7 not to lodge the FIR/case against the petitioner and his family members without*

permission of petitioner and his relatives in future because the respondents No.5 to 7 are misusing the power and position upon the petitioner and his family members.

Any other relief which the Honourable Court deems fit and proper in view of the above fact for protection of Petitioners and in the interest of justice.

2. The petitioner has filed the instant constitutional petition stating that he is the lawful owner and in peaceful possession of agricultural land bearing Survey Nos.4 to 15, admeasuring 126-33 acres, situated at Deh Latrion, Taluka and District Matiari, where he is cultivating banana and sugarcane crops. He further stated that respondents No.5 to 7, in collusion with certain police officials, unlawfully entered upon the subject land and allegedly demanded illegal gratification of Rs.50,000/- per vehicle and further threatened to implicate him in false criminal cases in case of refusal. According to the petitioner, despite initiating civil and criminal proceedings, the alleged interference and harassment continued, creating apprehension of dispossession and misuse of official authority. The petitioner, therefore, approached this Court seeking directions for removal of police from the land, protection of his possession and restraint against the registration of false or frivolous criminal cases against him and his associates.

3. On 04.03.2026, this Court passed an order observing that the petitioner had raised serious allegations regarding unlawful interference by private respondents and police officials. During the proceedings, applicants/interveners namely Manzhar Hussain and others moved an application under Order I Rule 10 CPC seeking their impleadment in the present petition. The interveners claimed that they are lawful owners and in possession of Survey Nos.4 to 22 situated in Deh Lutuniyoon, Taluka and District Matiari and contended that the petitioner has falsely claimed ownership over the disputed land. They further alleged that the petitioner and his associates are involved in acts of criminal intimidation and theft of crops and agricultural equipment and that an FIR has already been

registered against them pursuant to court orders. It is their stance that the present petition has been filed with *mala fide* intention to shield unlawful activities and to mislead this Court by suppressing material facts. Notice on this application was issued and in the meantime, the Senior Superintendent of Police, Matiari was directed to ensure that no harassment is caused to the petitioner and that no false or frivolous FIR is lodged against the petitioner party. The matter was then fixed for a subsequent date with a direction to the SSP Matiari to appear and submit a comprehensive report regarding the allegations raised in the petition and the status of the land dispute.

4. In compliance with the directions of this Court, the Senior Superintendent of Police, Matiari submitted a detailed comments as well as a compliance report. According to the report, **the SHO Police Station Bhitshah informed that there exists a property dispute between the petitioner and the adverse party namely Mazhar Hussain Memon and others (applicants/interveners), who are claiming ownership of approximately 74 acres out of the land situated in Deh Latrion, Taluka and District Matiari.** The report further reflects that in order to maintain law and order and to prevent any untoward incident between the rival groups, a police picket has been established at the site and only two to three police officials have been deployed at subject land purely for law-and-order purposes and not to favor any party. The report further reflects that the petitioner had earlier filed Criminal Miscellaneous Application No.1262/2025 under sections 22-A & 22-B Cr.P.C. before the learned Additional Sessions Judge/Ex-Officio Justice of Peace, Matiari. The learned Court, after hearing the parties, vide order dated 01.01.2026 directed the SSP Matiari to personally examine the matter and to take appropriate steps regarding establishment of a police picket strictly in accordance with law for maintaining peace between the parties. The concerned SHO and police officials were also restrained from harassing the petitioner or interfering in his possession over the subject land.

5. The SSP further reported that on 22.12.2025 the adverse party approached Police Station Bhitshah along with a copy of the order dated 19.12.2025 passed by the learned Additional Sessions Judge, Hala and on the basis thereof **FIR bearing Crime No.165/2025 was registered under sections 384, 454, 506/2 PPC read with sections 6/7 of the Anti-Terrorism Act against Abdul Hussain Khaskheli and seven unknown accused persons belonging to the petitioner party on the complaint of Mazhar Hussain Memon. Record reveals that during the course of investigation, the then Investigating Officer recorded further statements under section 161 read with section 162 Cr.P.C. wherein the names of certain accused persons including the present petitioner.** The nominated accused persons subsequently obtained bail from the learned Anti-Terrorism Court, Hyderabad. The report further states that the investigation of the case was later transferred to another Inspector level officer and after completion of investigation the final report under section 173 Cr.P.C. was submitted before the learned Anti-Terrorism Court, Hyderabad.

6. It was also reported that on 11.02.2026 the petitioner himself lodged FIR No.16/2026 under sections 506/2, 504 and 34 PPC against certain persons allegedly associated with the adverse party and the said case is still under investigation. The SSP further stated that in order to maintain peace between the rival groups preventive proceedings under sections 107/150 Cr.P.C. have been initiated against both parties and are pending before the learned Civil Judge and Judicial Magistrate-I, Hala. Similarly, the SHO Police Station Bhitshah has submitted a report under section 145 Cr.P.C. before the competent court, where notices have been issued to both parties and the matter is pending adjudication.

7. In the compliance report submitted pursuant to the order dated 04.03.2026, the SSP Matiari further explained that after receiving the order of this Court he addressed a letter to the Deputy

Commissioner, Matiari seeking clarification regarding the ownership and possession of Survey Nos.4 to 22 situated in Deh Lutuniyoon, Taluka and District Matiari. The Mukhtiarkar Revenue, Matiari, after verification of the revenue record and site inspection, reported that the agricultural land measuring 126-33 acres comprising Survey Nos.4 to 22 has a long history of revenue entries showing various shareholders and transfers in favour of different individuals through registered sale deeds and other transactions over time. The report also reflects that certain portions of the land were transferred to members of the Memon family and other individuals through registered instruments. **It has also been mentioned that civil litigation regarding the said land is already pending before the competent civil courts.** The compliance report also reveals that a civil suit bearing F.C. Suit No.09/2026 for declaration, cancellation and permanent injunction filed by the legal heirs of Mst. Raasti Khaskheli against Manzoor Hussain Memon and others is presently pending before the learned Senior Civil Judge, Matiari. Likewise, Criminal Miscellaneous Application No.03/2026 under section 145 Cr.P.C. filed by Manzoor Hussain and others against Abdul Hussain Khaskheli and others is pending before the learned Civil/Family Judge-I, Hala. With regard to possession, the Tapedar of the beat has reported that the disputed land is **presently under possession of the Khaskheli community.** The SSP further clarified that the police picket established at the site is only for maintaining law and order and the police have neither demanded illegal gratification nor interfered in favour of any party.

8. Learned counsel for the petitioner contends that the petitioner has been in peaceful possession of the agricultural land for a considerable period and is cultivating crops thereon. He contends that the private respondents in collusion with local police officials attempted to illegally interfere in his possession and demanded illegal gratification. He further contends that the dispute between the parties is essentially of civil nature relating to title and

possession of land, therefore, the police authorities have no lawful justification to interfere in such civil matters. Learned counsel prays that the police be restrained from interfering in the possession of the petitioner and from lodging any false or frivolous FIR against him or his associates.

9. Conversely, learned counsel for the applicants/interveners contends that the interveners are lawful owners and purchasers of certain portions of subject land as reflected in the revenue record and registered sale deeds and they are in possession of the land in question. He contends that the petitioner has deliberately suppressed material facts from this Court and has falsely projected himself as exclusive owner of the land. According to him, FIR No.165/2026 has been registered on the complaint of the interveners containing serious allegations against the petitioner party and therefore the present petition has been filed merely to obstruct the lawful criminal proceedings and to obtain protective orders from this Court.

10. Learned Additional Advocate General Sindh appearing on behalf of the official respondents submitted that the police authorities have acted strictly in accordance with law and have not favored any party. He submitted that the police picket has been established at subject land only to prevent breach of peace between the rival groups and that preventive proceedings under sections 107/150 Cr.P.C. and proceedings under section 145 Cr.P.C. are already pending before the competent courts. Learned A.A.G. assured the Court that the police authorities have no intention to harass any party and that they shall abide by any directions issued by this Court.

11. After hearing learned counsel for the parties and perusing the material placed on record including the reports submitted by the SSP Matiari, it appears that there exists a longstanding dispute between the parties regarding ownership and possession of the agricultural land in question. The record further

reflects that several proceedings including civil suits and criminal proceedings under sections 145 and 107/150 Cr.P.C. are already pending before competent forums for adjudication of the dispute. It is well settled that questions relating to title and possession of immovable property are matters which fall within the domain of civil courts and cannot be conclusively adjudicated in constitutional jurisdiction.

12. In the circumstances of the present case, I am, of the view that the controversy between the parties is mainly of civil nature and the same requires adjudication by the competent civil court after recording evidence. The police authorities, therefore, should not interfere in such civil disputes except to the limited extent necessary for maintaining law and order. Accordingly, the Senior Superintendent of Police, Matiari is directed to ensure that protection is provided to both parties strictly for maintaining peace and law and order. However, the police authorities shall not interfere in the civil controversy between the parties nor shall they take sides with any party regarding the ownership or possession of the disputed land. **It is further directed that no false or frivolous FIR shall be lodged against either party in connection with the present dispute.**

13. So far as FIR bearing Crime No.165/2025 registered under sections 384, 454, 506/2 PPC read with sections 6/7 of the Anti-Terrorism Act at Police Station Bhitshah, District Matiari is concerned, the allegations contained therein are of serious and heinous nature. Therefore, under the prevailing circumstances, the DIG Police Hyderabad is directed to get the FIR No.165/2025 registered under sections 384, 454, 506/2 PPC read with sections 6/7 of the Anti-Terrorism Act at Police Station Bhitshah and FIR No.16/2026 under sections 506/2, 504, 34 PPC registered at PS Bhit Shah reinvestigated through DSP Sirajuddin, who is a renowned competent and impartial police officer and such report shall be furnished to concerned Courts. At the same time, it is observed that if the dispute essentially relates to a private civil controversy

between the parties, therefore, implication of sections 6/7 of the Anti-Terrorism Act requires further probe. The Investigating Officer shall consider the same in accordance with law during the course of investigation. Reliance is placed upon 2010 SCMR 624 Ghulam Sarwar Zardari v. The State.

14. As regards the application filed by the applicants/interveners under Order I Rule 10 CPC seeking their impleadment in the present proceedings, since the main petition itself is being **disposed of** with the above observations and directions and the dispute between the parties has already been agitated before competent civil courts, no further order on the said application is required. The same is, therefore, **disposed of** accordingly.

15. The pivotal question is whether Sindh Police is in position to afford the deployment of police pickets at every piece of land where a civil dispute arises between two private parties. The answer is clearly in the negative, as it is practically impossible in view of the prevailing multiple serious law and order issues across the Province of Sindh and the limited resources available to deal with such situation. The SSP Matiari is strictly directed to remove police picket from land in question after completion of investigation in view of para-13 of the order under intimation of this Court through Additional Registrar.

16. With the above observations and directions, this constitutional petition along with the pending application under Order I Rule 10 CPC stands **disposed of**.

17. Let a copy of this order be communicated to Senior Superintendent of Police, Matiari and DSP Mr. Sirajuddin Lashari for compliance.

JUDGE