

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

C.P No. D-1779 of 2025  
*[Bahadur Bhand & others v. P.O Sindh & others]*

**Before:**  
**JUSTICE ADNAN-UL-KARIM MEMON**  
**JUSTICE RIAZAT ALI SAHAR**

Counsel for Petitioner: Mr. Syed Shafiq Ahmed Shah,  
Advocate

Counsels/ Representatives for Respondents: Mr. Shahid Ahmed Shaikh, APG  
along with Assistant  
Commissioner Kazi Ahmed,  
Mukhtiarkar Revenue Kazi  
Ahmed, Inspector Asad Ali PS  
Kishorpur, SIP Ayaz Hussain  
Mallah former SHO PS Mehrab  
Rahu for SHO PS Bachal &  
Paryal Kalhoro for SHO PS Kazi  
Ahmed  
Mr. Ismail Bhutto, AAG

Date of Hearing: 24-11-2025

Date of Judgment: 24-11-2025

**JUDGMENT**

**RIAZAT ALI SAHAR, J:** - Through this Constitutional Petition, the petitioners invoke the jurisdiction of this Court under Article 199, as their fundamental rights stand threatened by a *mala fide* and politically-motivated campaign resulting in false FIRs, harassment and abuse of authority by the private respondent in collusion with the police. Having received no relief from the official respondents despite repeated approaches, the petitioners are left with no efficacious remedy except to seek constitutional protection from this Court seeking following reliefs:

- a) *That this Honourable Court may graciously be pleased to direct the official respondents to act strictly in accordance with law and to ensure that no adverse, coercive or illegal action is taken against the petitioners without due process.*

- b) That this Honourable Court may be pleased to restrain the respondents from harassing, intimidating, or interfering in the lawful rights, liberty, property, and movement of the petitioners or their family members in any manner whatsoever.*
- c) That this Honourable Court may further be pleased to direct the respondents to conduct a fair, impartial and transparent inquiry/investigation through a competent and honest officer not below the prescribed rank, strictly in accordance with law.*
- d) That this Honourable Court may be pleased to direct the respondents to refrain from registering any false or frivolous criminal case against the petitioners or their family members without cogent reasons and without fulfilling all legal requirements.*
- e) That this Honourable Court may kindly be pleased to direct the concerned authorities to submit a detailed report regarding the impugned actions/complaints/queries before this Honourable Court within a reasonable time.*
- f) That any other relief, which this Honourable Court may deem just and proper in the circumstances, may also be granted to the petitioners.*

2. The learned counsel for the petitioners argued that the entire conduct of the respondents, particularly the local police officials acting under the influence of politically-motivated private individuals, reveals a systematic pattern of harassment, high-handedness and abuse of lawful authority aimed at depriving the petitioners of their hard-earned agricultural land and obstructing their lawful cultivation. He contended that the petitioners were lawfully allotted approximately 70 acres of agricultural land through Form-A, have paid all instalments, and have been peacefully cultivating seasonal crops for years; yet, without any justification, the respondents malafidely inserted the names of the petitioners and their family members in various FIRs relating to an inter-tribal clash between Zardari and Bhand communities, an incident to which the petitioners had no nexus whatsoever. Learned counsel submitted that the mala fide intentions of the police became evident when the SHO himself attempted to initiate preventive proceedings under Section 107 Cr.P.C., which were categorically rejected by the learned Civil Judge

& Judicial Magistrate, who not only dismissed the application but also directed respondent No.2 to take stern action against the said SHO. The said order was upheld in revision by the learned Sessions Judge, further confirming the illegal conduct of police officials. He further contended that despite clear judicial findings, the police continued their retaliatory campaign by unlawfully seizing the petitioners' harvested crops, restraining them from entering or cultivating their own land, threatening false criminal implications, and even forcibly taking away fertiliser and urea. Learned counsel submitted that the petitioners' grievances compelled them to approach the learned Sessions Judge/Ex-Officio Justice of Peace, who allowed their Criminal Miscellaneous Application No.600 of 2024 and directed the lodgment of FIR even against the SHO himself, yet the police, in utter contempt of court orders, have not complied with those directions to date. Rather, immediately after the said judicial order, the respondents malafidely registered yet another false FIR No.01/2025 under Sections 353, 224, 225, 147, 148, and 149 PPC to further terrorise and silence the petitioners. He argued that such blatant disregard of lawful orders, continuous harassment, political victimization and misuse of police machinery amount to a direct and ongoing violation of the petitioners' fundamental rights guaranteed under Articles 4, 9, 14, 18, 23, 24 and 25 of the Constitution. Learned counsel maintained that the respondents have acted throughout as instruments of private vendetta rather than protectors of law, leaving the petitioners with no alternate, efficacious or adequate remedy except to invoke the extraordinary constitutional jurisdiction of this Court for protection of their life, liberty, dignity, property and lawful livelihood.

3. Upon notice, Respondent No.6 submitted his reply and contended that the allegations levelled by the petitioners are wholly false, misconceived and *mala fide*. He asserted that the petition relates to a longstanding land dispute between the petitioners and two widows, namely Mst. Guddi Khatoon and Mst. Tasleem Khatoon, who are stated to be the lawful owners in possession of the land by virtue of Form-VII. It was argued that a violent clash between the parties on 12.02.2022 resulted in the martyrdom of SIP Abdul Hameed Khoso as

well as the deaths of several male members of the said widows' family, pursuant to which multiple FIRs were registered and members of the petitioners' side were nominated as accused and are presently facing trial. Respondent No.6 further submitted that in order to prevent any further breach of peace, preventive proceedings under Sections 107 and 145 Cr.P.C. were initiated by the then SHO, which were dismissed by the learned Judicial Magistrate; however, the adverse observations recommending inquiry against the SHO were subsequently set aside by the learned Sessions Judge. He alleged that the petitioners thereafter sought to falsely implicate the local police by filing Criminal Miscellaneous Application No.600 of 2024 under Section 22-A Cr.P.C., which was initially allowed by the Sessions Judge; however, the said order was stayed and later set aside by this Court in Cr. Misc. Application No.283 of 2024 through final order dated 14.04.2025. Respondent No.6 maintained that the petitioners are habitual land-grabbers with a known criminal history and that the assertions of harassment, threats, or illegal interference by the police are unfounded, concocted and crafted with intent to malign the local police and exert undue influence to frustrate lawful proceedings. He prayed for dismissal of the petition as being frivolous, vexatious, and devoid of merit.

4. For better appreciation of the controversy, which at the very outset appears to be civil in nature, this Court deemed it appropriate to seek a factual report from the office of the Mukhtiarkar, Shaheed Benazirabad. In compliance, the Mukhtiarkar submitted a detailed report clarifying the status of various land allotments in Deh Bhanbhai, Taluka Kazi Ahmed. It was stated that vide Entry No.175 dated 02.05.1993 (Register K-II), land measuring 14-01 acres comprising Survey Nos.472 (06-00) and 480 (08-01) was allotted to Yousif s/o Bhai Khan Bhand and Ihsan Ali Bhand on 'Khas Mokal Rights'. Likewise, Entry No.176 dated 02.05.1993 reflects that land comprising Survey Nos.473 (09-05) and 192 (05-09) was initially allotted to Bahadur s/o Bhai Khan Bhand, also on 'Khas Mokal Rights', and corresponding Entry No.172 dated 13.10.1997 (Register K-III) was maintained in his favour, followed by issuance of Pass Book

No.5498 and availing of an agricultural loan of Rs.51,200/-. However, it was further disclosed that the grant pertaining to Survey No.192 was subsequently cancelled vide order dated 17.09.1997 passed by the then learned Additional Commissioner-II, Sukkur Division, in Land Grant Appeal No.S-5-RAC-97 and the said land was re-allotted to one Dhani Bux Shah s/o Shanshah Syed through Entry No.29 dated 03.12.1997, who was also issued Pass Book No.4405 and later availed loan from ADBP. The report further shows that vide Entry No.162 dated 25.10.1993 (Register K-II), land measuring 16-00 acres out of Survey Nos.477, 479, 482 & 486, as well as from Phital Goth Alam Chandio (abandoned village), was allotted to Muhammad Yousif s/o Bhai Khan Bhand, followed by issuance of a Deed of Conveyance dated 18.02.2009. Similarly, Entry No.163 dated 02.05.1993 records the allotment of 16-00 acres comprising Survey Nos.364, 365, 366 and mohag portions of Survey Nos.354 & 355 to Ansar Ali s/o Khamiso Bhand, in whose favour Pass Book No.00297810 and Entry No.237 (Register K-III) dated 27.01.2014 stand endorsed.

5. Heard the learned counsel for the petitioners, the learned A.A.G, the learned A.P.G. and the representatives of the official respondents, and perused the material placed on the record. A bare examination of the pleadings and the documents submitted by both sides reveals that the core controversy between the parties revolves around title, possession, allotment, cancellation and re-allotment of agricultural land, all of which are deeply factual and evidentiary in nature. These issues cannot be adjudicated without recording evidence, examining witnesses and verifying documentary chains of title through a proper trial. As such, the dispute, in its substance, bears the character of a civil dispute, the determination of which falls squarely within the jurisdiction of a competent civil court and not within the limited constitutional jurisdiction of this Court.

6. It is well-settled that under Article 199 of the Constitution, this Court is not empowered to embark upon a factual enquiry, evaluate disputed evidence, adjudicate competing claims of title or decide questions involving intricate factual controversy.

Constitutional jurisdiction is supervisory in nature and cannot be invoked to bypass the regular legal forum or to convert this Court into a court of first instance for determination of evidence-based civil rights. The Supreme Court in *M. Hamad Hassan v. Mst. Isma Bukhari and 2 others (2023 SCMR 1434) and Mst. Tayyeba Ambareen and another v. Shafqat Ali Kiyani and another (2023 SCMR 246)* has consistently held that where the matter requires resolution of factual disputes, involving determination of rights through evidence, a constitutional petition is not maintainable. In the present case, competing claims relating to Form-A, Form-VII, cancellation orders, revenue entries, Pass Books, and historical allotments cannot be conclusively resolved in writ jurisdiction.

7. However, notwithstanding the civil nature of the underlying dispute, this Court cannot remain oblivious to the allegations of harassment, mala fide police action and biased investigation, especially when criminal proceedings have arisen from the same factual backdrop. Even though the civil dispute cannot be decided here, the petitioners retain a constitutional right to a fair, impartial, and transparent investigation, which is a fundamental component of Article 10-A guaranteeing due process. The record demonstrates that multiple FIRs, preventive proceedings and police actions stand intertwined with the civil conflict between the parties, thereby creating a real possibility of misuse of police authority or partisan action in favour of one group.

8. At this juncture, and in the larger interest of justice, it becomes the duty of this Court to ensure that the investigation into the criminal cases is free from bias, personal vendetta, or influence connected with the said civil dispute. While this Court refrains from expressing any opinion on the merits of the allegations in the FIRs; so as not to prejudice the outcome before the competent forum, there is sufficient material to conclude that the continuation of investigation by the present Investigating Officer may not inspire confidence, particularly when the parties are engaged in an ongoing civil conflict over land rights.

9. Therefore, in exercise of the constitutional jurisdiction only to the extent of ensuring a fair investigation, the DIG concerned is hereby directed to immediately transfer the investigation from the current Investigating Officer to a different officer who is honest, fair, impartial and not below the rank of DSP, and importantly, such officer shall be appointed from a district other than the district in which the FIRs are registered, so as to minimize local influence, pressure or bias. This direction does not amount to adjudicating any factual issue; rather, it seeks to guarantee that the investigation proceeds on lawful, transparent and neutral footing.

10. The newly-appointed Investigating Officer shall conduct the investigation strictly in accordance with law, independently examine the allegations as well as the defence material produced by the petitioners, and shall not permit the civil dispute between the parties to overshadow the statutory requirements of the criminal investigation. The Investigating Officer shall submit the final report under Section 173, Cr.P.C., within sixty (60) days before the learned trial Court, which shall be at liberty to pass any appropriate order in accordance with law without being influenced by any observation made herein.

11. With these directions, limited solely to ensuring fair investigation and without touching upon the merits of the civil claims, the petition stands **disposed of**. The parties are at liberty to pursue their civil remedies before the competent forum for adjudication of their proprietary and possessory rights. The office shall communicate this order to the DIG concerned for immediate compliance.

**JUDGE**

**JUDGE**