

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

C.P. No.D-1978 of 2025

[Abdul Rehman v. Province of Sindh & others]

Before:

Mr. Justice Adnan Iqbal Chaudhry

Mr. Justice Riazat Ali Sahar

Petitioner : Abdul Rehman through Mr.Rashid Ali Wassan, Advocate.

Respondents No.1&7to9 : Province of Sindh and others through Mr. Ayaz Ali Rajper, Assistant Advocate General, Sindh.

Respondents No.2to6 : The Director (IW-II) NAB and others through Ms. Shahida Ghani Special Prosecutor ANF.

Date of Hearing : 12.05.2026

Date of Decision : 12.05.2026

ORDER

RIAZAT ALI SAHAR. J. - Through the instant Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, the petitioner seeks a direction against respondents No.3 to 5 for removal of the mortgage entry to the extent of 25 ghuntas formed out from Survey No.28, admeasuring in total 5 acres and 25 ghuntas, on the ground that NAB Reference No.04 of 2020 has been instituted only in respect of 5 acres and not against the aforesaid 25 ghuntas. The petitioner further seeks directions against respondents No.7 and 8 for effecting Foti Khata Badal in respect of his deceased brother, namely Muhammad Sharif and deceased sister, namely Mst. Zainab, being co-sharers in the said survey number as well as for issuance of the sale certificate.

2. Learned counsel for the petitioner contends that the petitioner, along with his deceased brother Muhammad Sharif and deceased sister Mst. Zainab, was owner/co-sharer of Survey No.28 admeasuring 5 acres and 25 ghuntas situated at Deh Mirzapur, Tappo Shah Bukhari, Taluka Qasimabad, Hyderabad, by virtue of Revenue Entry No.60 of 2011. He submits that out of the aforesaid

land, only 5 acres were sold to one Arab S/o Dilawar Khan through registered sale deed dated 15.05.2012, whereas the remaining 25 ghuntas continued to remain in the ownership of the petitioner and other co-sharers. Learned counsel further contends that after the death of Muhammad Sharif and Mst. Zainab, their legal heirs succeeded to their respective shares, however, when the petitioner approached the Mukhtiarkar for effecting Foti Khata Badal, he was informed that the entire land measuring 5 acres and 25 ghuntas had been mortgaged pursuant to NAB Reference No.04 of 2020. He contends that the said NAB Reference pertains only to 5 acres of land and not to the remaining 25 ghuntas owned by the petitioner and other co-sharers, yet the respondents illegally incorporated mortgage entry over the entire survey land. Learned counsel also contends that despite repeated approaches and applications moved before the revenue as well as NAB authorities for removal of mortgage entry in respect of 25 ghuntas and for issuance of sale certificate, no lawful action was taken, thereby constraining the petitioner to file the instant constitutional petition.

3. Learned Special Prosecutor NAB, while opposing the instant petition, contends that pursuant to the amendments introduced in the NAB laws, Reference No.04 of 2020 no longer remains pending before the Accountability Court and the matter has already been transferred / referred to the ordinary Court of competent jurisdiction. She contends that in view of the order dated 02.10.2024 passed by the Accountability Court No.II, Hyderabad, all proceedings and directions issued during the pendency of the NAB Reference ceased to have effect under the NAB framework, therefore, any grievance relating to the subject property is now required to be agitated before the concerned trial Court. Learned Special Prosecutor further contends that the petitioner has an adequate and efficacious alternate remedy available under the law and without first approaching the competent trial Court for redressal of his grievance regarding the alleged mortgage entry and consequential reliefs, the instant constitutional petition is not maintainable.

4. After hearing learned counsel for the parties and perusal of the material available on record, it appears that the NAB Reference No.04 of 2020 has already been referred to the ordinary Court pursuant to the amendments in the NAB laws, therefore, the

controversy raised by the petitioner essentially pertains to implementation/removal of the alleged mortgage entry connected with the pending criminal proceedings. Since the competent trial Court is now seized of the matter and constitutes the proper forum for adjudication of such grievance, this Court is not inclined to invoke its extraordinary constitutional jurisdiction at this stage. Accordingly, the petitioner is directed, in the first instance, to approach the concerned trial Court by filing an appropriate application, whereupon the same shall be decided strictly in accordance with law through a speaking order. In case the petitioner still feels aggrieved by such order, he shall be at liberty to avail any other remedy available to him under the law.

5. The petition stands **disposed of** in the above terms.

JUDGE

JUDGE

Abdullah Channa/PS