

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Constitutional Petition No.D-2441 of 2017
[Mehrab and others vs. Province of Sindh and others.]

Before:-
Mr. Justice Amjad Ali Bohio,
Mr. Justice Ali Haider 'Ada.'

For the hearing of the main case.

07.04.2026.

None present for the Petitioner.

Mr. Ghulam Abass Kubar, Assistant Advocate General, Sindh.

ORDER

This petition pertains to the year 2017. On 27.10.2021, it was reported that learned counsel for the petitioner, Mr. T. David Lawrence, had expired; consequently, direct notices were issued to the petitioners. Thereafter, on 11.05.2023, Mr. Saddam Hussain, Advocate, filed a Vakalatnama of Mr. Tarique G. Hanif Mangi, Advocate, representing the petitioners, and on his request, the matter was adjourned.

Subsequently, on 16.04.2025, Mr. Aamir Abro, Advocate, appeared on behalf of the learned counsel for the petitioners and sought adjournment. On that occasion, this Court observed that approximately nine years had already elapsed, and such request for adjournment was wholly unjustified; however, as a last chance, the matter was adjourned subject to payment of costs of Rs.5,000/-.

On 01.04.2026, this Court noted that despite imposition of costs, the same had not been deposited, and it was clearly observed that in case of non-appearance on the next date, the matter would be decided on the basis of the material available on record.

Today, i.e., 07.04.2026, none has appeared on behalf of the petitioners without any intimation, except the learned Assistant Advocate General. Accordingly, the matter is being decided on the basis of the available record.

Perusal of the material available on record reveals that the primary relief sought by the petitioners is for issuance of directions to the revenue functionaries to carry out survey/measurement and demarcation of the petitioners' land. It is further prayed that the respondent revenue authorities be directed to disclose the extent of Qabooli land falling under the Motorway Scheme, whether any lawful acquisition process was undertaken, whether any award was passed, and for payment of compensation accordingly.

The record reflects that certain allotment orders and Form-A schedule have been annexed with the petition; however, there is nothing on record to demonstrate that, upon non-redressal of their grievance by the revenue functionaries, the petitioners approached the competent forum provided under the law.

Rule 65 of the Land Revenue Rules, 1968, prescribes the procedure for land measurement and survey, while Rule 67-A specifically deals with the demarcation of land. The law provides a complete mechanism for redressal of such grievances, and the prescribed procedure is required to be followed before the competent authorities. Furthermore, matters relating to land demarcation and compensation fall within the domain of the revenue hierarchy, commencing from the subordinate revenue officers up to the Member, Board of Revenue, and the Secretary of the concerned department, who are fully competent to adjudicate upon such issues.

It is a well-settled principle of law that where an adequate and efficacious alternate remedy is available under the law, constitutional jurisdiction is not to be invoked. 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).

Keeping in view the above facts and circumstances, the instant constitutional petition is hereby dismissed, being devoid of merits.

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