

THE HIGH COURT OF SINDH, CIRCUIT COURT,
MIRPURKHAS
C.P. No.D-434 of 2026

Present:
Mr. Justice Amjad Ali Bohio
Mr. Justice Riazat Ali Sahar.

Rao Faisal Ali advocate for petitioners.

Mr. Ghulamullah Memon A.A.G. Sindh.

Mr. Muhammad Shoaib advocate for respondent No.7.

Date of hearing: 19.08.2026.

RIAZAT ALI SAHAR, J: - Through this petition, the petitioner seeks following reliefs: -

- a. That this Honourable Court may be pleased to direct the official respondents NO.5 & 6 to provide safety, security and legal protection to the petitioner and his whole family members according to law, as enshrined by the Constitution of Pakistan, 1973.*
- b. That this Honourable Court may be pleased to direct the respondent No.2 to restrain the respondent No.4 not to misuse his powers and positions not to demarcate the subject property or seize the office of the petitioners and not to create any kind of harassment, issuing threats or falsely implicated in false cases against the petitioner and his family members without due course of law.*
- c. Any other relief which this Honourable Court deems fit and proper in the favour of petitioner.*

2. Learned counsel for the petitioners contends that the petitioners are the owners/sponsors of a private housing scheme known as M/s. Five Star Housing Scheme, situated at Mirwah Road, Mirpurkhas. He contends that respondent No.7 instituted F.C. Suit No.218 of 2018 before the learned Senior Civil Judge-II, Mirpurkhas, which was subsequently disposed of on the basis of a joint compromise application on 31.08.2023. He further contends that thereafter one Muhammad Anees sold and

transferred his land measuring 12-00 acres to certain private persons, giving rise to a dispute regarding demarcation of the said land. Learned counsel also contends that demarcation has already been carried out by the competent authority and that the petitioners do not seek any further demarcation.

3. Conversely, learned A.A.G. Sindh submits that the controversy pertains to a civil dispute between private parties and that any question regarding demarcation falls within the lawful domain of the competent Revenue Authorities.

4. We have heard the learned counsel for the petitioners as well as learned A.A.G. Sindh and have perused the available record.

5. The controversy essentially relates to the rights and interests of the parties in respect of immovable property, particularly the question of demarcation of the land in question. **Such matters involve disputed questions of fact** and are, therefore, required to be examined and determined by the competent authorities in accordance with the applicable law and prescribed procedure.

6. **It is also settled that the constitutional jurisdiction of this Court is not ordinarily exercised for determination of disputed questions of fact, particularly where the law provides an appropriate forum and mechanism for their resolution. At the same time, any exercise of revenue jurisdiction concerning demarcation must strictly conform to the applicable law, rules and prescribed policy.**

7. In view of the above, we deem it appropriate to direct the Director, Land Survey and Settlement Department, to examine the issue regarding demarcation of the land in question and determine, in accordance with law, rules and the prescribed procedure/policy, whether any further demarcation is required or not. In case such demarcation is considered necessary, the same shall be undertaken strictly in accordance with law after associating all concerned parties and affording them a reasonable opportunity of hearing and revenue authorities.

8. The competent authority shall thereafter pass a speaking order strictly in accordance with law. It is clarified that this Court has not expressed any opinion on the merits of the respective claims of the parties regarding title, ownership, possession or any other civil right in respect of the subject property and the competent authority shall decide the matter independently and uninfluenced by any observation contained herein.

9. As regards the apprehension of harassment, threats or unlawful interference raised by the petitioners, the official respondents are directed to act strictly in accordance with law and due process and shall not subject the petitioners or their family members to any unlawful harassment or coercive action. This direction, however, shall not preclude any competent authority from taking action against the petitioners if warranted by law.

10. A copy of this order shall be communicated to the Director, Land Survey and Settlement Department, as well as the Deputy Commissioner and SSP, Mirpurkhas, for information and necessary compliance.

11. The instant petition is **disposed of** in the above terms.

JUDGE

JUDGE