

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P No.D-4757 of 2026

[Sheeraz Khan V. Federation of Pakistan and others]

DATE	ORDER WITH SIGNATURE OF JUDGE(S).
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Before;
Mr. Justice Muhammad Saleem Jessar;
Mr. Justice Abdul Hamid Bhurgri.

- 1. For orders on Misc. No.18348/2026.
- 2. For orders on Misc. No.18349/2026.
- 3. For orders on Misc. No.18350/2026.
- 4. For hearing of main case.

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Date of hearing and Order:- 04.08.2026

Mr. Masood Ahmed Junejo, Advocate for the petitioner is present.

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Abdul Hamid Bhurgri, J.- Through this Constitution Petition, the petitioner seeks, inter alia, a declaration that the Rental Charge Notices dated 17.06.2026, whereby he has been called upon to pay rental charges in respect of the land licensed to him for cattle farming and agricultural purposes, are illegal, arbitrary, unconstitutional and without lawful authority. He has further sought suspension of the impugned notices, restraint against cancellation or termination of the licence, prohibition against creation of third-party rights, maintenance of status quo with regard to his alleged contractual rights, and other ancillary reliefs.

2. Learned counsel for the petitioner submits that pursuant to an open auction conducted by Pakistan Railways, the petitioner was granted licences in respect of railway land for cattle farming and agricultural cultivation for a period of ten years. It is contended that after execution of the licence agreements, payment of the prescribed consideration and delivery of possession, the petitioner commenced development over the land by raising a boundary wall. According to the petitioner, officials of the District Administration, accompanied by police personnel, demolished the boundary wall and restrained him from carrying out further development on the premise that the land did not fall within the control of Pakistan Railways. Aggrieved thereby, the petitioner instituted Suit No.3702 of 2025 before the learned VI-Senior Civil Judge, Malir, seeking declaration, permanent injunction, mesne profits and damages, which is admittedly pending adjudication. It is further submitted that despite the pendency of the

said suit and the dispute regarding possession, the respondents have issued the impugned Rental Charge Notices dated 17.06.2026, demanding payment of rental charges, which have been assailed through the instant petition.

3. We have heard the learned counsel for the petitioner and have examined the material available on record.

4. It is not disputed that the petitioner claims his right in respect of the subject property exclusively through the licence/lease agreements executed with Pakistan Railways pursuant to the auction proceedings and accepted Pakistan Railways as the licensor/lessor for the purposes of such contractual arrangement. Equally, the impugned Rental Charge Notices emanate from and are founded upon the same contractual relationship.

5. The controversy raised before this Court, therefore, is essentially one concerning the reciprocal rights and obligations flowing from the contractual arrangement between the petitioner and Pakistan Railways, including the legality and enforceability of the demand raised thereunder. Determination of such questions necessarily requires examination of the terms and conditions of the licence agreements as well as adjudication of disputed factual issues, which cannot appropriately be undertaken in the exercise of constitutional jurisdiction under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973.

6. It is equally significant that the petitioner himself has already invoked the jurisdiction of the competent Civil Court by instituting Suit No.3702 of 2025, wherein, according to his own pleadings, questions concerning his possession, the acts allegedly committed by officials of the District Administration and the status of the subject property are already sub judice. Once the petitioner has chosen the appropriate civil forum for adjudication of such disputed matters, this Court would refrain from simultaneously examining interconnected factual and contractual issues in its constitutional jurisdiction, as doing so may not only result in parallel adjudication but may also lead to conflicting findings.

7. It may also be observed that adjudication of the present petition would inevitably require this Court to express an opinion

upon questions touching the nature of the petitioner's rights under the licence agreements and, to some extent, the status of the subject property, all of which are matters pending before the competent Civil Court. Any such observation may unnecessarily prejudice the rights of one or more of the contesting parties. Judicial propriety, therefore, demands that those issues be left open for determination by the forum already seized of the matter after recording evidence and affording full opportunity of hearing to all concerned.

8. It is by now well settled that constitutional jurisdiction is not intended to resolve disputes arising purely out of contractual obligations or disputed questions of fact, particularly where an adequate and efficacious remedy before the competent forum is not only available but has already been availed by the aggrieved party.

9. In view of the foregoing discussion, we are of the considered view that the petitioner has failed to make out any case warranting interference in the extraordinary constitutional jurisdiction of this Court under Article 199 of the Constitution. Consequently, this Constitution Petition, being devoid of merit, is dismissed in *limine*, along with the pending applications.

10. It is, however, clarified that nothing contained in this order shall be construed as an expression of opinion on the merits of the disputes pending before the learned Civil Court, including but not limited to the questions relating to the nature of the petitioner's rights, possession, title, ownership, or the status of the subject property. All such questions shall be decided independently, strictly in accordance with law, on the basis of the evidence produced before the competent forum, without being influenced in any manner by the observations made herein, which are confined solely to the maintainability of the present Constitution Petition.

JUDGE

JUDGE
HEAD OF CONST. BENCHES