

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Constitutional Petition No. D-835 of 2026.
(Nazeer Ahmed and others vs Province of Sindh and others).

For Fresh Case.

1. For Order on CMA No. 3219/2026 (U/A)

2. For Order on Office objections

3. For Order on CMA No. 3220/2026 (Ex./A)

4. For hearing of main case.

5. For Order on CMA No. 3221/2026 (U/A)

14.05.2026.

Mr. Muhammad Hassan Pathan, Advocate for the Petitioners.

1. Urgency Granted for hearing of main case.

2 to5. The instant petition seeks directions to the respondents not to harass the petitioners, not to initiate any false or frivolous proceedings against them, and to act strictly in accordance with law. The petitioners have also prayed for protection, contending that they are tenants of shops owned by the Municipal Committee Naushero Feroze on rental basis, and that issuance of notices is being used as a tool of harassment.

Learned counsel for the petitioners submits that the petitioners are lawful tenants of the Municipal Committee and are regularly paying rent; however, eviction notices have been issued to them without lawful justification. It is further contended that the respondents, in collusion with local police, have extended threats to the petitioners. According to the learned counsel, the Chairman of the Municipal Committee, Naushahro Feroze, intends to dispossess the petitioners in order to allot the shops to persons of his own choice, which has compelled the petitioners to invoke the constitutional jurisdiction of this Court.

Heard learned counsel and perused the material available on record.

It is by now a well-settled principle of law that Constitutional jurisdiction is not to be invoked in a routine manner where an adequate and efficacious alternate remedy is available under the law. In such circumstances, the aggrieved party is required to avail the appropriate remedy before the competent forum rather than directly approaching this Court through a Constitutional petition.

In the present case, the grievance of the petitioners primarily pertains to alleged harassment, including actions attributed to police functionaries. However, mere allegations of harassment, without demonstrating any exceptional or extraordinary circumstances such as mala fide, abuse of process, or patent illegality do not warrant interference by this Court in exercise of its Constitutional jurisdiction.

This Court, in the case of **ABDUL HAMEED versus PROVINCE OF SINDH** reported as *PLD 2019 Sindh 168*, has categorically laid down that harassment petitions, in the absence of exceptional circumstances, are not maintainable before the High Court, particularly when statutory remedies are available to the aggrieved parties. The said principle squarely applies to the facts of the present case.

Furthermore, it has already been discussed that where an efficacious remedy exists under the relevant law, constitutional petitions are not maintainable. The petitioners have failed to demonstrate any such exceptional ground which may justify bypassing the available legal remedies. 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).

A perusal of the notices issued by the Municipal Committee, Naushahro Feroze, reflects that the matter primarily pertains to non-payment or determination of rent by the addressees. In such circumstances, this Court would not ordinarily entertain disputes relating to rent or tenancy, particularly where notices for fixation of fair rent were initially issued, followed by eviction notices by the competent public functionaries.

On the face of the record, the actions of the Municipal Committee do not disclose any arbitrariness, or excess in the discharge of official functions. Issuance of notice is a necessary procedural requirement, affording an opportunity to the addressee before any adverse action is taken. At this stage, no capricious exercise of authority is apparent from the record.

In view of the above, the instant constitutional petition is not maintainable and appears to be misconceived in nature. Accordingly, the same is hereby dismissed, along with any pending applications.

JUDGE

JUDGE