

IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
LARKANA

Constitution Petition No.D-810 of 2026.

Date	Order with signature(s) of Judge(s).
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Before;
Mr. Justice Amjad Ali Bohio;
Mr. Justice Ali Haider 'Ada'.

Petitioners : 1.Jeetandar Kumar,
2.Veer Kumar,
3.Saturghun,
4.Kirpal Das,
5.Bahwal Khan
6.Toufeeque Ahmed, *through*
Mr. Wakeel Ali Shaikh Advocate.

Respondents : Province of Sindh and others.

Date of Hearing : 30.09.2026.

Date of Order : 30.09.2026.

O R D E R

Ali Haider 'Ada', J.- Perusal of the material available on record reflects that the Municipal Committee, Kandhkot, invited an open auction for its shops/properties. Prior thereto, notices for vacation of the subject premises were issued to the petitioners, who claim to be tenants/lessees thereof. In an earlier Constitutional petition, being C.P. No. D-761 of 2026, this Court directed the respondents to deal with and decide the matter of the petitioners in accordance with law, without being influenced by the judgment passed in C.P. No.D-17 of 2026.

2. As, vacation notices were issued to the petitioners and, thereafter, orders cancelling their respective allotments were passed, followed by initiation of the auction process. The principal grievance of the petitioners is that the cancellation orders were passed without affording them an opportunity of

hearing and, therefore, are liable to be set aside on the ground of violation of the principles of natural justice. It is further contended that the auction process is liable to be declared void, as the petitioners claim subsisting tenancy/lease rights under the respective agreements.

3. It is, however, noted that in C.P. No.D-17 of 2026, certain directions were issued by this Court in paragraph No.11 thereof.

4. At this stage, learned counsel for the petitioners has limited the grievance and submits that the petitioners may be afforded an opportunity of hearing before the final date fixed for the open auction, i.e. 28.10.2026. It is further submitted that, in case their applications/claims have not yet been considered, the petitioners may also be permitted to participate in the auction process.

5. Heard and perused.

6. Keeping in view the facts and circumstances of the case and the submissions made by learned counsel for the petitioners, insofar as the auction process is concerned, the same shall proceed in accordance with the auction notice issued by the Chairman, Municipal Committee, Kandhkot. However, the Chairman, Municipal Committee, Kandhkot, as well as the Chief Municipal Officer, Municipal Committee, Kandhkot, are directed to afford the petitioners an opportunity of hearing in respect of their respective grievances and thereafter pass a detailed and speaking order, strictly in accordance with law, well before the date fixed for the auction, i.e. 28.10.2026.

7. In case the petitioners' claims are not accepted or their grievances are otherwise not favourably considered, the

auction process may proceed in accordance with the auction notice; however, the petitioners shall not be precluded from participating in the said auction process, subject to fulfilment of the prescribed terms and conditions.

8. It is clarified that this order shall not be construed as an expression of opinion on the merits of the petitioners' alleged tenancy/lease rights, and the competent authority shall decide their respective claims independently and in accordance with law.

9. In view of the foregoing, the instant petition is disposed of in the above terms.

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