

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT
LARKANA

Constitution Petition No.S-349 of 2026.
(Muhammad Ibrahim vs Province of Sindh and Others).

<i>DATE</i>	<i>ORDER WITH SIGNATURE OF JUDGE</i>
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- 01. For orders on office objection "A".*
02. For hearing of main case.

28.09.2026.

Mr. Sajid Hussain Mahessar, Advocate for the
Petitioner.

Mr. Aftab Nek Muhammad Bhutto, Assistant Advocate
General, alongwith ASI Qadir Bux Sarki on behalf of
SSP Kashmore @ Kandhkot.

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Mr. Mumtaz Ali, Advocate, files Vakalatnama on behalf of
respondent No.10, which is taken on record. The statements filed by
respondents No.4 and 6 are also taken on record.

On 17.09.2026, learned counsel for the petitioner deleted
prayer clause “A”, whereafter the matter was ordered to be placed
before the Single Bench. Today, learned counsel has relied upon the
legal and constitutional protection available to the petitioner and
submits that a report may be called from the Mukhtiarkar, Taluka
Tangwani, regarding the dispute pertaining to Survey No.585. In
prayer clause “C”, he has further sought protection from this Court.

Upon being confronted as to how a report could be called
from the Mukhtiarkar, Taluka Tangwani merely on the assertion of a
fundamental right, and as to the legal basis for invoking the
constitutional jurisdiction when an efficacious remedy is otherwise
available for seeking protection in accordance with law, learned

counsel submitted that there is no bar against invocation of constitutional jurisdiction where fundamental rights are involved. In support of his contention, he has relied upon PLD 2016 Sindh 238.

Heard and perused.

At the outset, the request for calling a report from the Mukhtiarkar, Taluka Tangwani, regarding Survey No.585 is essentially founded upon a dispute concerning land. Such a dispute, arising from the competing claims or assertions of the parties in respect of landed property, is to be adjudicated by the competent forum in accordance with the relevant law. The petitioner cannot, merely by describing such grievance as a fundamental right, convert a disputed question of title, possession or revenue record into a constitutional issue. The contention advanced by learned counsel in this regard, therefore, is misconceived.

As regards the prayer for legal protection, the law in this regard is also well settled. In **Abdul Hameed vs P.O. Sindh and others PLD 2019 Sindh 168** and **Manzoor Ali vs The State SBLR 2026 Sindh 1074**, has already recognized that where a person alleges harassment or apprehends violation of his lawful rights, the appropriate remedy available before the learned Justice of Peace under Sections 22-A and 22-B, Cr.P.C. can be invoked, subject to the facts and circumstances of the case. Thus, even where a dispute exists between the parties, the remedy provided by law cannot be bypassed merely by invoking the constitutional jurisdiction of this Court. Learned counsel, despite being confronted with such available remedy, has not been able to demonstrate any exceptional circumstance warranting direct interference by this Court.

It is also apparent from the record that the petition was initially instituted with a prayer for establishment of a police picket, which was subsequently deleted. The petitioner now seeks to maintain the petition primarily on the basis of an alleged land

dispute, a request for calling a report from the Mukhtiarkar by invoking fundamental rights, and a further prayer for protection despite an efficacious remedy being available before the competent forum. None of these grounds, individually or collectively, constitutes a sufficient basis for exercise of the extraordinary constitutional jurisdiction of this Court under Article 199 of the Constitution.

The constitutional jurisdiction of this Court is discretionary and is not intended to substitute the statutory remedies available to a party, particularly where the grievance essentially concerns disputed questions relating to land and the petitioner has an adequate remedy before the competent forum. The petitioner cannot circumvent such statutory mechanism merely by giving a constitutional colour to an otherwise ordinary dispute.

For the foregoing reasons, this petition is found to be misconceived and does not warrant interference in constitutional jurisdiction. Accordingly, the instant petition is dismissed with costs of Rs.100,000/-, which shall be deposited with the Clinic of this Court.

JUDGE