

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

Second Appeal No. S-03 of 2022

Date	Orders with Signature of Judge
------	--------------------------------

1.

For orders on C.M.A. No. 378/2026. (Exemption Application)
2.

For orders on C.M.A. No. 379/2026. (Stay Application)
3.

For hearing of C.M.A No. 380/2026. (Contempt Application).

28-09-2026.

Mr. Abdul Ghaffar Shaikh, Advocate for the appellant

Mr. Riaz Ahmed Khoso, Deputy Attorney General, along with
Saqib Raza, Deputy Director (Property and Land) Pakistan
Railways Sukkur and Akhtar Ali, Assistant Executive
Engineer, Pakistan Railways, Larkana.

.....

Ali Haider ‘Ada’ J.- The second Civil Appeal was disposed of vide order dated 08.04.2024, whereby the respondents/Railway authorities were directed to decide, on merits and in accordance with law, the pending application, if any, submitted by the appellant in respect of the subject matter, within one month.

Thereafter, the appellant preferred CMA No.380 of 2026 under Sections 3 and 4 of the Contempt of Court Act, 1976, read with Article 204 of the Constitution of the Islamic Republic of Pakistan, contending that the directions issued by this Court had not been complied with.

Notices were accordingly issued. In response thereto, learned Deputy Attorney General placed on record a letter bearing No. 473-W/M.Lawn/ZA/LRK, titled “Extension in Lease of Lawn at Railway Rest House Larkana”, whereby the appellant was informed that, under the applicable policy, once the contractual period had expired, and the matter was required to be dealt with through an auction process and that the appellant was at liberty to participate therein. Learned Deputy Attorney General further placed on record

letter No. 473–W / Marriage / Rest House / LRK / 04.05.2026, dated 18.05.2026, issued by the Divisional Superintendent, Pakistan Railways, Sukkur, regarding the open auction of railway land for establishment of a marquee/marriage lawn near the Railway Rest House at Larkana. The auction was conducted in accordance with the stated process and the highest bidder was declared successful.

Learned Deputy Attorney General further submitted that the contempt proceedings were misconceived, as the order of this Court did not contain any direction for extension or renewal of the appellant's previous contract, nor did it confer upon him any vested right to have the lease extended in his favour. According to learned DAG, the Railway authorities had complied with the order by considering the matter in accordance with the applicable policy and thereafter adopting the prescribed auction process, in which the appellant was also at liberty to participate. Since another person emerged as the successful bidder through the open auction, the appellant could not seek to enforce an alleged right to continuation of the previous arrangement through contempt proceedings. He, therefore, prayed for dismissal of the application.

However, learned counsel for the appellant, while reiterating his stance, submitted that the pending application was neither decided by the respondents in accordance with the parameters laid down by this Court nor was any formal order passed thereon communicated to the appellant. He contended that the respondents, instead of complying with the specific direction of this Court, proceeded with the auction process without first deciding the appellant's pending application in accordance with law. It was, therefore, argued that such deliberate non-compliance amounted to wilful and intentional disobedience of the order of this Court and, consequently, constituted contempt.

Heard and perused.

The record reflects that the order dated 08.04.2024 merely required the respondents/Railway authorities to decide the pending application of the appellant, if any, on merits and in accordance with

law. There was no direction whereby the respondents were required to extend, renew or continue the appellant's previous lease or contract. The direction of this Court, therefore, cannot be construed as conferring any vested or indefeasible right upon the appellant to secure extension of the previous contractual arrangement.

The material placed on record further shows that the Railway authorities considered the matter in accordance with the applicable policy and informed the appellant that, upon expiry of the previous contractual period, the subject property would be offered through the prescribed auction process. The open auction was subsequently conducted and on 18.05.2026, the highest bidder was declared successful.

The adoption of the auction process, in the circumstances, falls within the domain of the competent public authority, subject to compliance with the applicable law and policy. Nothing has been brought on record to establish that the respondents wilfully or deliberately disobeyed the order dated 08.04.2024. On the contrary, the record demonstrates that the direction issued by this Court was acted upon by the respondents and the matter was dealt with in accordance with the applicable policy.

It is also significant that the present contempt application was instituted on 12.05.2026, whereas the open auction was conducted thereafter on 18.05.2026. Thus, the subsequent completion of the auction process and declaration of the successful bidder cannot constitute non-compliance with the order of this Court, which did not mandate extension of the appellant's contract.

The jurisdiction of contempt is invoked to secure compliance with a clear and unequivocal direction of the Court and cannot be employed for obtaining a substantive relief which was neither granted nor contemplated in the original order. The grievance of the appellant, in substance, seeks to secure continuation or extension of his previous contractual arrangement, which cannot be adjudicated or granted in contempt jurisdiction.

In view of the foregoing facts and circumstances, no wilful or deliberate disobedience of the order dated 08.04.2024 is established. The instant contempt application is, therefore, misconceived and not maintainable in the circumstances. Accordingly, CMA No.380 of 2026 is hereby dismissed.

JUDGE