

ORDER SHEET  
**IN THE HIGH COURT OF SINDH AT KARACHI**  
C.P No. D-3111 of 2015

DATE

ORDER WITH SIGNATURE OF JUDGE

**Priority:**

1. For orders on Misc. No. 14166/15
2. For hearing of Misc. No. 14167/15
3. For hearing of Main Case.

**13.10.2020.**

Mr. Amir Zaheer, Advocate for Petitioner.  
Mr. Abdul Jalil Zubedi, Asstt. Advocate General.

Through this Petition, the Petitioner has sought the following reliefs: -

“It is therefore, humbly prayed that this Honourable Court may be pleased to pass the order by giving directions to the Respondent No.1 to 3 to mutate the property i.e. 8 acres in Deh 43 Nusrat, Survey No.34/3-4, Taluka Dour District Shaheed Benazir Bhutto Abad (Former District Nawabshah) allotted to the Petitioners against his displaced persons claim.

To restrain the respondent No.1 to 3 who are working under the supervision of respondent No.4 not to create any third party interest any hurdle in the suit property.

Any other better relief/relieves which this Honourable Court may deem fit and proper under the circumstances of the case.”

Today, we have confronted the Petitioner’s Counsel as to the territorial jurisdiction of this Court in view of the fact that land in question as well as Respondents No.1,2 & 3, against whom the relief of mutation is being sought, are situated in District Shaheed Benazirabad (Former District Nawabshah) i.e. outside the territorial jurisdiction of the Principal Seat at Karachi and the learned Counsel is not in a position to satisfy except that Respondent No.4 i.e. Province of Sindh / Member Land Utilization is at Karachi. He has relied upon the case of ***Muhammad Shoaib v. Project Director, National ICT Scholarship Program Ministry of Information Technology, Islamabad*** reported as **PLJ 2010 Quetta 53 (DB)**,

However, we are least impressed by the arguments of the learned Counsel as well as the precedent relied upon inasmuch as this Court lacks territorial jurisdiction in that the relief being sought is in respect of land which is outside the territorial jurisdiction of this Bench

including Respondents No.1 to 3 against whom the entire / main relief has been sought. The case cited as above is entirely different on facts and in essence the observations of the learned Bench is against the petitioner's contention as it has been observed that a writ can only be issued against a person who must be within the territorial jurisdiction of the Court, and second, the act complained of also must be within that jurisdiction. In the present case the petitioner seeks directions against Respondent No.1 to 3 for mutation of the property which does not lie within the territorial jurisdiction of this Bench.

Accordingly, this Petition is dismissed for want of jurisdiction being not maintainable.

Judge

Judge