

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH AT KARACHI**

C.P. No.D-2386 of 2021

Date	Order with signature of Judge
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1. For orders on CMA No.10278/2021.
2. For orders on CMA No.10279/2021.
3. For orders on CMA No.10280/2021.
4. For hearing of main case.

03.5.2021

Mr. Bhajandas Tejwani, Advocate for Petitioner.

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1. The petitioner, representing itself to be a partnership, claims to operate a petrol station, upon ostensibly encroached irrigation land. The petitioner seeks to assert purported title in such regard and is aggrieved by notices, dated 04.11.2020 and 04.03.2021, seeking removal of encroachment upon irrigation land (“Impugned Notices”) addressed thereto; hence, this petition.

2. At the very onset, petitioner’s counsel was confronted with respect to the maintainability of this petition. The counsel remained unable to articulate any rationale as to why any purported grievance with respect to title or possession of immovable property was not escalated before the court of competent jurisdiction

It is trite law that the writ jurisdiction of this court is not amenable for resolution of disputed questions of fact, requiring detailed inquiry and evidence<sup>1</sup>.

3. It is manifest from the Impugned Notices that successive opportunities and a forum was provided to the petitioner to demonstrate any entitlement to the land under occupation. No justification was placed before us for the petitioner to have abjured the designated fora and invocation of the writ jurisdiction of this Court.

4. This Full Bench has been constituted in respect of encroachments upon irrigation lands and appropriate recourse is

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<sup>1</sup> 2016 CLC 1; 2015 PLC 45; 2015 CLD 257; 2011 SCMR 1990; 2001 SCMR 574; PLD 2001 Supreme Court 415.

available to those asserting title to property under occupation. It has repeatedly been observed, in similar earlier matters, that individual claims in respect of property may be asserted before the courts of competent jurisdiction, as such an exercise cannot be undertaken before this specially constituted bench.

5. In view of the reasoning and rationale herein contained, we are of the considered view that this petition is misconceived and even otherwise no case for the exercise of extra ordinary writ jurisdiction by this Court is made out, hence, this petition, along with pending application/s, is hereby dismissed *in limine*.

JUDGE

JUDGE

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