

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**  
 Const. Petition No. D-7180 of 2019  
 (Muhammad Muslim Vs. Karachi Port Trust & 4 others)

<b>Dated</b>	<b>Order with signature of Judge</b>
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Present:  
 Mr. Justice Muhammad Shafi Siddiqui  
Justice Ms. Sana Akram Minhas

Priority

1. For order on office objection
2. For hearing of Misc. No.31748/2019
3. For hearing of main case

**Dated 27.05.2024**

Mr. Mahmood Habibullah Advocate for the Petitioner  
 Mr. Bashir Ahmed, Advocate for the Respondent No.2  
 Ms. Wajiha Mehdi, Assistant Attorney General

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A suit on the strength of a licence agreement which is not disputed by the Petitioner's counsel was filed. At the very outset we have inquired from the counsel as to what rights he enjoyed in terms of the Easement Act, 1882, Counsel submits he only seeks "regularization of a licence". We are afraid that a licensee under the law cannot maintain a suit, license bestow a permission to use the premises/land which use in the absence of such permission would be unlawful. Once licence is revoked or annulled permission to use the premises seized and user becomes trespasser it forcibly occupied the premises/land<sup>1 2 3</sup>. Since admittedly the Petitioner does not dispute his status, the plaint was rightly rejected by the revisional Court. We maintain the conclusion drawn in terms of the above reasoning also. Petition is dismissed alongwith pending application.

*JUDGE*

*JUDGE*

Amjad PS

<sup>1</sup> PLD 1964 Supreme Court 106 (Abdullah Bhai & others Vs Ahmad Din)

<sup>2</sup> PLD 1965 Supreme Court 83 ( M.A. Naser Vs Chairman, Pakistan Eastern Railways & others)

<sup>3</sup> 1959 AIR 1262 (Associated Hotels of India Ltd Vs R. N. Kapoor)