

**IN THE HIGH COURT OF SINDH, KARACHI**

*Before: Salahuddin Panhwar &  
Mohammad Abdur Rahman, JJ,*

**C.P. No.D-1350 of 2024**

Muhammad Maqsood Raja

Vs.

Province of Sindh & Other

- 1.For orders on Misc. No.6275/2024.
- 2.For orders on Misc. No.6276/2024.
- 3.For orders on Misc. No.6277/2024.
- 4.For orders on Misc. No.6278/2024.
- 5.For hearing of main case.

Petitioner : Through Mr. Athar Saleem, Advocate.  
 Respondents : Nemo.  
 Date of hearing : 15.03.2024  
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**ORDER**

**MOHAMMAD ABDUR RAHMAN, J.** The Petitioner maintains this Petition, under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, seeking directions that his allotment in respect of 10 acres of land in Na Class No. 92, PF Deh Moachko, Tappo Gabopat, Karachi (hereinafter referred to as the "Said Property") may be processed and finalised.

2. The Petitioner contends that a meeting of a Scrutiny Committee of the Respondent No. 3 was convened on 26 April 2012 and pursuant to which a request made by the Petitioner, for the allotment of the Said Property, was acceded to. He however contends that despite the approval accorded by the Respondent No. 3, no action has been taken to complete the process of allotment and for which he seeks directions of this Court.

3. The Honourable Supreme Court of Pakistan in Suo Moto Case No. 16 of 2011 has passed an interim order on 28 November 2012 holding that:

" ... 7. Under these circumstances, we are constrained to direct that the Deputy Commissioners/District Coordination Officers of Sindh, to ensure that immediately the entire revenue record of all the district is kept in the custody of Mukhtiarkar in terms of the directives contained

*in the aforesaid judgment of the High Court and shall not be removed from the officer of the Mukhtiarkar to any other place. Moreover, mindful of rampant corruption and organized crime of land grabbing, particularly, regarding prime state land, and mismanagement/forgeries in the revenue record, we hereby, until further orders restrain the Government/Revenue Department from mutation, allotment, transfer and/or conversion of any state land and or keeping any transaction or entry in the record of rights in this regard in revenue record of Sindh or till the entire revenue record in Sindh is reconstructed. The conversion of lease for 30 years or of any term upto 99 years shall also be stopped immediately as by this mode the state land is being sold out at a throwaway price without participation of public at large, which the law does not permit. Any further conversion or mutation of state land in the record of rights from today onwards would be deemed nullity and would expose the Deputy Commissioner/DCO of the relevant districts/dehs besides others to contempt proceedings."*

As is apparent the order passed by the Honourable Supreme Court of Pakistan *inter alia* clarifies that:

- (i) no further mutation, allotment, transfer or conversion of any state land was to be made until the entire revenue record of Sindh was reconstructed;
- (ii) without prejudice to the generality of the above-mentioned restriction on conversion, the conversion of a 30 year lease to an enhanced term shall be stopped as it was prohibited by the law;
- (iii) by clarifying that state land cannot be sold out "without participation of public at large", it is apparently being suggested that direct allotments of land to persons without a process of public auction cannot be carried out even pursuant to Statements of Conditions issued under Section 10 of the Colonisation & Disposal of Government Lands (Sindh) Act, 1912; and
- (iv) any further conversions of lands that were done by the Province of Sindh after 28 November 2012 were to be treated as a nullity and would be treated a contempt of the order dated 28 November 2012.

To the best of our knowledge the order passed by the Supreme Court of Pakistan, has to date not been recalled by it and still subsists.

4. We have no doubt that this Petition is nothing more than an attempt that is being made by the Petitioner to bypass proceedings in Suo Moto Case No.16 of 2011. The Petitioner has therefore come to this Court with

unclean hands and ***in addition*** his attempt to use this Court's jurisdiction to circumvent the orders passed by the Honourable Supreme Court of Pakistan is clearly an abuse of process.

5. For the foregoing reasons we are of the opinion that this Petition cannot be sustained and which is, along with all listed applications, dismissed *in limine* with costs of Rs.50,000 to be deposited by the Petitioner with the High Court Clinic Fund within a period of two weeks from the date of this order. In the event that the amount is not deposited by the Petitioner, the MIT-II shall forthwith send a report to this Court and where after both the Petitioner's CNIC No.42401-0378256-1 and the Petitioner's Attorney's CNIC No. 42501-5236978-1 shall be blocked until compliance of this Court's order is made.

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