

ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD  
C.PNo.D-14 of 2025

*[Muhabbat and 60 others vs Province of Sindh and others]*

Date	Order with signature of the Judge
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**Fresh Case**

1. For Order on Misc: Appl. No.27/2025 (U/A)
2. For Order on Office Objection
3. For Order on Misc: Appl. No.28/2025 (Exemption)
4. For Order on Misc: Appl. No.29/2025 (Stay Appl)
5. For Hearing on the main case

**07.01.2025**

Mr. Suhail Shahzad Khokhar, Advocate for the Petitioners

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The petitioners filed this constitutional petition under Article 199 of the Constitution of Pakistan, seeking a declaration that the respondents approached the petitioners' houses without following the proper legal procedure and framework such as demarcation between Wadhu Wah and the villagers' land and the act of dispossessing the petitioners is illegal and unlawful.

Upon scrupulous scrutiny of the petitioners' submissions and an exhaustive perusal of the record, it is indubitably manifest that the Irrigation Department launched the campaign to eradicate the unlawful encroachments from the periphery of the Wadhu Wah Channel/Canal IP/NIP within 66 feet. A conclusive notice, submitted by the advocate for the petitioners, elucidates that it was issued to all individuals who illicitly encroached upon the Wadhu Wah's boundary within 66 feet, which is under the purview of the Irrigation Department. Consequently, the petitioners' assertion that proper legal procedure was not adhered to and that they were not issued any notice holds no merit.

To substantiate their claim, the Petitioners appended copies of a letter dated 17.11.2017 pertaining to the demarcation of boundaries of Bhattai Town Katchi Abadi (Mohabbat Khan Channa), a Sanad in the name of Hazar Khan (not a party to the present petition), Deh Form-II in the name of Hazar Khan, and several utility bills. These documents are relevant to the village of Mohabbat Channa, whereas the petitioners have shown their residence in the present petition as the village of Raheem Bux Palari, near Kolhi Goth Qasimabad, Hyderabad. The petitioners have failed to furnish cogent documentary evidence demonstrating that the area in which their houses are situated does not belong to the Government. They have not established any legal title or infringement of any other legal right that could be enforced through a constitutional petition. It is incumbent upon the petitioners, in exhausting their remedy under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, to demonstrate that they possess a legal right

over the land belonging to the Irrigation Department, Government of Sindh and that such a right is unequivocally clear, leaving no room for doubt. Issues involving disputed and unclear titles over land are not within the purview of writ jurisdiction, as the exercise of extraordinary constitutional jurisdiction under Article 199 is primarily intended for providing an expeditious remedy where the illegality of the impugned action of an executive or other authority is manifest without extensive inquiry. In the case at hand, the petitioners have no explicit or undisputed title over the subject land, which is government land.

In view of the above, the petition is found to be not maintainable and is hereby **dismissed** in *limine* along with the other miscellaneous applications.

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