

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
CP D 536 of 2019
CP D 5315 of 2021

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For hearing of CMA No.2366 of 2019
2. For hearing of main case

27.01.2025

Mr. Imran Ahmed, advocate for the petitioner
Ms. Kiran Gul advocate holds brief for Syed Sultan Ahmed, advocate for the petitioner
Mr. Dhani Bux Lashari, advocate for respondent
Mr. K.A. Vaswani, Assistant Advocate General
Ms. Alizeh Bashir, Assistant Attorney General

These petitions have been filed essentially seeking to assert entitlement, possession etc. of immovable property. *Prima facie* such disputes could not be adjudicated without recourse to inquiry / investigation / evidence etc.

Learned AAG states that these petitions are fraught with factual controversy; as in the very first instance there is a shroud on the title of the petitioners, which requires determination by a civil court. It is further added that there is NAB inquiry pending with regard to this property and an order under Section 164 of the Land Revenue Act, 1967 has also been passed. Learned counsel also points out an order dated 20.11.2023 wherein the latter controversy was recorded.

Learned counsel for SBCA submits that there is no layout plan for the society or any member thereof *inter alia* as the property is Government land. While adopting arguments of learned AAG, he reiterated that no case is made out to entertain these matters in writ jurisdiction of this court.

Learned counsel for the petitioners was confronted as to how issues pertaining to entitlement, possession etc. of immovable property could be entertained in writ jurisdiction. He remained unable to assist. The petitions are fraught with factual controversy and it is settled law that disputed questions of fact requiring inquiry, investigation, evidence etc. are not amenable for adjudication in writ jurisdiction¹.

In view hereof, no case is made out to merit invocation of the discretionary² writ jurisdiction of this Court, therefore, these petitions, along with pending application/s, are hereby dismissed.

Office is instructed to place copy of this order in connected matter.

Judge

Judge

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

² Per *Ijaz Ul Ahsan J.* in *Syed Iqbal Hussain Shah Gillani vs. PBC & Others* reported as 2021 SCMR 425; *Muhammad Fiaz Khan vs. Ajmer Khan & Another* reported as 2010 SCMR 105.