

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
CP No. D-978 of 2025

(Maqbool Ashfaq v. Province of Sindh & Others)

DATE: **ORDER WITH SIGNATURE(s) OF JUDGE(s)**

1. For Order on CMA No. 5173 / 2025 (Urgent App)
2. For Order on Office Objection No. 1, 2, 3, 4, 10, 19, 29 & 30
3. For Order on CMA No. 5174 / 2025 (Exemption App)
4. For Hearing of Main Case

11-3-2025

Mr. Maqbool-ur-Rahman for Petitioner

A contractual breach by private Respondent No.6 has led to a dispute with the Petitioner regarding the sale of a plot of land by the latter to the former, prompting the filing of this Petition. Per learned Counsel for Petitioner, the Petitioner claims ownership of a plot located in one *Dildan Umrani Village*, Scheme No.33, Karachi, which was allegedly sold to Respondent No.6, who paid through cheques that were later dishonoured. Alleging fraud, the Petitioner cancelled the sale agreement executed with Respondent No.6. Despite the cancellation, the Petitioner later discovered that Respondent No.6 was proceeding with construction on the plot, compelling him to lodge an FIR against the Respondent No.6.

The Petitioner's Counsel asserts that in order to succeed before the Trial Court in the criminal proceedings instituted by the Petitioner, he has to establish his legal title over the plot in question. However, this is proving challenging, as the official Respondent No.7 to-date has not issued any *sanad* or lease to the occupants of the aforesaid Village, including the Petitioner. Consequently, the Petitioner has filed this Petition, seeking, among other reliefs, a direction (as stated in prayer clause (ii) of the Petition) for Respondent No.7 to issue leases to the occupants of the Village.

It is elementary that before any lease can be issued to the Petitioner, he must first establish his legal title over the plot in question. Such a determination falls strictly within the domain of civil proceedings and cannot be adjudicated through a Petition under Article 199 of the *Constitution of Pakistan, 1973*. Therefore, the appropriate legal course for the Petitioner would have been to initiate civil litigation to substantiate his claim to ownership before seeking any relief concerning the issuance of a lease.

Considering the above, the present Petition being misconceived is **dismissed in limine**.

JUDGE

JUDGE