

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
CP No. D–113 of 2019

(Allahdino Jakhro v. Province of Sindh & Others)

DATE:	ORDER WITH SIGNATURE(s) OF JUDGE(s)
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1. For Orders on CMA No. 16262 / 2019 (Sec 151 App)
2. For Orders as to Maintainability

22-4-2025

Mr. Aijaz Hussain Shirazi, Advocate for Petitioner
Mr. Shaharyar Qazi, AAG, Sindh

1. **Sana Akram Minhas J:** The Petitioner, who claims to be a tenant of a piece of “*municipal waste land*” measuring 1700 sq. feet, seeks directions against official Respondents No. 1 to 6 to “ (a) *to further process the case of the petitioner for allotment of said plot as recommended by them and issue necessary allotment order in favour of the petitioner, receive the lease money from the petitioner*”. This clearly indicates that the Petitioner holds no existing right, title, or interest in the plot in question.
2. More significantly, the documents annexed with the Petition reveal an inconsistent and contradictory stance regarding the nature of the subject land. For instance:
 - i) The letter dated 29.11.1995 (**Court File Pg. 25, Annex C**) issued by Respondent No.6 (Administrator, Municipal Committee, Thatta) describes the land as a commercial plot;
 - ii) Conversely, the letter dated 3.9.1998 (**Court File Pg. 21, Annex A**) issued by the same Respondent No.6 (now as Chief Municipal Officer, Municipal Committee, Thatta) refers to it as “*waste land measuring 1066 sq. feet*” allotted to the Petitioner on a monthly rent basis;
 - iii) In another instance, the Respondent No.5 (Mukhtiarkar (Revenue), Thatta), in his purported letter of 2005 (**Court File Pg. 23, Annex B**), characterizes the land as an “*abandoned street*”, stating that the Petitioner has constructed a hotel on one half and a residence on the other.

3. Significantly, the Respondent No.5 (Mukhtiarkar (Revenue) Thatta in his "*Parawise Comments*" dated 15.1.2020 (presented under cover of Statement dated 16.1.2020), states (at paragraph 2) that the subject land is private property registered in the names of private individuals, and denies that it constitutes municipal waste land. Furthermore (in paragraphs 3 and 16), he alleges that the Petitioner is an encroacher upon street land. As regards the Mukhtiarkar's alleged letter of 2005 (**Court File Pg. 23, Annex B**), the *Parawise Comments* (at paragraph 4) cast serious doubt on its authenticity, noting that the letter bears no Office Outward Number and cannot be verified, as the entire record had been destroyed by fire.
4. In these circumstances, the Petition appears to be devoid of merit, as it is premised on inconsistent and contradictory claims regarding the nature and ownership of the subject land. The Petitioner not only lacks any established legal right, title, or interest in the property but also seeks directions that presuppose such entitlement, despite documentary evidence to the contrary. The shifting narrative – ranging from claims of tenancy to assertions of allotment, and from descriptions of commercial use to allegations of encroachment upon public land – further undermines the credibility of the Petitioner's status as well as claim.
5. In view of the foregoing, the Petition does not warrant any favourable consideration and is hereby **dismissed**.

JUDGE

JUDGE