

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
CP No. D-1127 of 2025

(Jamil Ahmed v. Federation of Pakistan & Others)

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

FRESH CASE:

1. For Orders on Misc. No.5809/2025 (Urgency App)
2. For Orders on Office Objections Nos.1 to 5 & 9 to 11
3. For Orders on Misc. No.5810/2025 (Exemption App)
4. For Orders on Misc. No.5811/2025 (Stay App)
5. For Hearing of Main Case

17-3-2025

Mr. Muhammad Naseeruddin, Advocate for Petitioner

Through this Petition, the Petitioner challenges the proposed demolition by Respondent No.7 (KPT) of a house allegedly belonging to the Petitioner, situated on a plot along Sandspit Road in Younusabad Village, Karachi.

When confronted about the Petitioner's title, learned Counsel for the Petitioner referred to a registered "*General Power of Attorney*", registered on 15.12.2023 (**Court File Pg. 15, Annex P**), asserting that the Petitioner purchased the subject plot from his predecessor, who himself held a registered "*General Power of Sub-Attorney*", registered on 19.3.2007 (**Court File Pg. 31, Annex P-1**).

By its nature and intendment, a Power of Attorney is a document of convenience. It is a creation of an agency whereby the grantor authorizes the grantee to do the acts specified therein, on behalf of grantor, which when executed will be binding on the grantor as if done by him.

It is a long-standing legal principle that a General Power of Attorney ("**GPA**"), by itself, does not constitute a valid instrument of transfer for any right, title, or interest in immovable property under the law. Even an irrevocable GPA coupled with interest does not have the effect of transferring title or conferring ownership upon the attorney or agent. The law does not recognize such a GPA as a conveyance or a document of title, nor have the courts ever treated it as proof of ownership. In the absence of a duly registered sale deed, the title to immovable property does not legally transfer.

Likewise, we are not convinced that an unregistered document (**Court File Pg. 43, Annex P-2**) in favour of the original grantee, Hassan Ali (i.e. Petitioner's alleged predecessor) is sufficient to establish the pedigree of the Petitioner's title. Remarkably, this very document is annexed again with the Petition (**Court File Pg. 53, Annex P-3**), yet both versions bear different photographs of the original grantee.

Another aspect to consider is that the aforesaid undated, unstamped, and unregistered document annexed to the Petition (**Court File Pg. 43 & 53, Annex P-2 & P-3**) purportedly shows that the subject plot was allegedly allotted by the Government of Sindh to the original grantee (i.e. Petitioner's predecessor) under the *Colonization of Government Lands (Sindh) Act, 1912*. Assuming, without conceding that this is true, the Petition remains silent on the impact of the *Sindh Urban State Land (Cancellation of Allotments, Conversions, and Exchanges) Ordinance, 2001 ("Ordinance")*, which was enacted by the Government of Sindh with retrospective effect from 1.1.1985. Under Section 3 of this Ordinance, all allotments, conversions, or exchanges of Government land – whether obtained or granted for residential, commercial, or industrial purposes – at rates lower than market value or in violation of legal provisions or a ban, including any subsequent transactions, stood mandatorily cancelled. However, Section 4 allowed affected parties to regularize their land by paying the differential amount to the Government. There is no indication of whether the Petitioner's alleged predecessors or the Petitioner pursued any regularization process under this provision.

In the given circumstances, and particularly in the absence of a valid and subsisting title in the immovable property, the Petitioner lacks the legal standing to maintain this Petition. Accordingly, this Petition is **dismissed in limine**, along with pending applications, with costs of Rs.15,000/-. The costs must be deposited within twenty (20) days from today into the account of the High Court Clinic, and the receipt shall be submitted to the Office.

JUDGE

JUDGE