

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
CP No. D-2276 of 2018

(*Aziz Ullah & Others v. The Board of Revenue & Others*)

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

For Orders as to Maintainability of Petition

30-4-2025

Mr. Muhammad Atiq Qureshi, Advocate for Petitioners
Mr. Iqbal Khurram, Advocate for MDA
Mr. Imran Abro, AAG, Sindh along with Aziz Bhatti, Mukhtiarkar, Sindh Gothabad Scheme, Malir, Karachi

1. **Sana Akram Minhas J:** This Petition exemplifies the obstinate efforts of certain occupants of a non-existing, fraudulent “goth” (village) to seek legal recognition for a claim that has already been adjudicated and dismissed twice – with costs – approximately (15) years ago. It reflects not only an abuse of judicial process but also a broader malaise afflicting both our society and the conduct of licensed legal practitioners: a willingness to manipulate legal forums for personal or pecuniary gain, and the erosion of ethical standards that once underpinned the practice of law – the esteemed profession from which we ourselves have transitioned into judicial roles.
2. The present Petitioners claim to be lawful occupants of an alleged village, *Dur Muhammad Kharos Jatoi Goth* (“**Dur Muhammad Goth**”), situated in Naclass No.102, Deh Khanto, Tapo Bin Qasim Town (Ibrahim Hyderi), Karachi. Through this Petition, they seek the issuance of allotment letters and request restraining orders to prevent the Respondents from dispossessing them.
3. Upon being confronted with the fact that the Petitioners’ claim lacks any legal instrument evidencing a recognized right or interest in the subject property, Counsel for Petitioners referred to various paragraphs of the petition – particularly paragraphs 3 and 14 – and the annexed documents. These include two court orders issued in separate proceedings, most notably an order dated 6.4.2011 (**Court File Pg. 17, Annex P**) passed in CP No.D-2278/2010 (*Qadir Buksh & Others v. MDA & Others*), in an effort to substantiate their claim.
4. In paragraph 3 of the Petition, the Petitioners rely on the aforesaid disposal order dated 6.4.2011 (i.e. Qadir Buksh CP), asserting that the petition

therein was filed by other residents/occupants of *Dur Muhammad Goth*. The present Petitioners invoke this to argue that the Court, in addressing the claim of the Respondent No.2 i.e. *Malir Development Authority ("MDA")* over the disputed land, had directed the formation of a committee. However, this interpretation is not only erroneous but demonstrably false, as explained below.

5. As for MDA's stance, learned Counsel for MDA categorically denies the Petitioners' claim to the subject land and further denies the existence of any goth on the said property. He maintains that the land in question is owned by the MDA and is part of its jurisdiction. In this regard, he specifically disputes the authenticity of the letter dated 26.1.2010 (**Court File Pg. 41, Annex P-9**), which the Petitioners' Counsel heavily relied upon as purportedly conveying MDA's "no objection" to the existence of the goth. Counsel for MDA contends that the said letter is a forged document and does not exist in MDA's record.

6. To verify the matter for ourselves, we summoned the disposed-of record of CP No.D-2278/2010 (Qadir Buksh CP), as well as the file of another constitution petition referenced in the title of the order of 6.4.2011, viz. CP No.D-2469/2009 (*Dur Muhammad Goth Welfare Association (Registered) v. The Board of Revenue Sindh & Others*). Its examination has startlingly revealed that the latter petition – filed by *Dur Muhammad Goth Welfare Association*, which claimed to hold valid title documents/"sanads" under the *Sindh Goth Abad (Housing Scheme) Act, 1987* – had already been **dismissed with costs by order dated 19.5.2010, with directions for the initiation of criminal proceedings against those involved**. In that order, both the existence of the alleged *Dur Muhammad Goth* and the authenticity of the supporting title documents were determined to be fraudulent and forged. The full text of the order is reproduced below:

19-5-2010

Mr. Irfan Ahmed Memon, Advocate for Petitioner
 Mr. Iqbal Khurram, Advocate for Respondent Nos.1 to 3
 Mr. Adnan Ahmed, Advocate for Intervener
 Mr. Miran Muhammad Shah, AAG along with Qurban Ali Indhar,
 Mukhtiarkar Sindh Gothabad Scheme, Bin Qasim Town-1, Karachi

Through this constitutional petition, the petitioner association through its President, Dur Muhammad, claims that members of Petitioner Association are owners/allottees of 12 acres of land on the basis of purported Sanads. It is the case of Petitioner, that village Dur Muhammad was sanctioned on 5/12/1996. It is claimed that to protect land of village from encroachment permission was sought from Mukhtiarkar Gothabad (Respondent No.3). Petitioner claims that respondent No.3 affirmed their claim and detailed Asst. Mukhtiarkar for demarcation. It is also claimed that through letter dated 23/1/2009 respondent No.3 confirmed to MDA

sanction of subject village through petition, the petitioners seek protection of their right over village land. Respondent No.3, Mukhtiarkar, Sindh Gothabad has filed comments on 4/1/2010. Paragraphs 2 and 5 of said comments read as follows:

“2) The contents of Para No.3 and 4 are absolutely denied to the extent that Sanction Order No.SGAS/1352/ 1996 dated 05-12-1996, Sanad(s), Sketch and Form-II of Plots of 120 square yards each in favour of so called Village Dur Muhammad are fake and fabricated.

5) That the contents of Para No.7 are denied to the extent that neither Project Director Sindh Gothabad has enquired about the status of Dur Muhammad Goth nor my predecessor in-office has issued any letter regarding status / confirmation of village. Alleged letter bearing No.Mukh/ SGA/09 dated 23-01-2009 is also fake, fabricated and bogus”.

On 6/4/2010 when the matter was taken up Mr. Miran Muhammad Shah, learned AAG, on instruction also stated that Sanads relied upon by the petitioners and interveners are equally fake. Both the petitioners and interveners were put to notice to show cause as to why criminal prosecution may not be launched against them.

On 29/4/2010 Mr. Irfan Ahmed Memon, **learned counsel for the petitioners relied upon photocopy of letter dated 26/12/2009 purportedly addressed by Mukhtiarkar to Assistant Registrar, Writ Branch, verifying Sanads. Learned AAG was directed to seek verification of the letter and the petitioner was again cautioned of serious consequences if letter turns out to be forged.**

Today when matter was taken-up Respondent No.3, Mukhtiarkar Sindh Gothabad Scheme Bin Qasim Town-I, Karachi, is in attendance, has placed on record his Report No.Mukh/SGA/129/2010 dated 18/5/2010 along with a copy of Outward Register where the entire description of the properties with serial numbers and dates are mentioned. The report of said Mukhtiarkar shows that such outward number mentioned in the letter produced by the learned counsel for petitioners on 29/4/2010 does not exist in place from 26/12/2009 to 31/12/2009 and the documents are fake and forged. **We have noted with deep concern that despite warning and caution, the petitioners have dared to produce the said letter purportedly showing the verification of village i.e. Dur Muhammad Jatoi Goth** is situated at Naclass No. 102 of Deh Khanto, Tapo Landhi was sanctioned by the then Deputy Commissioner Malir Karachi vide Order No. SGA/ 1352/96 dated 5/12/1996 over an area of 12 acres from the aforementioned Naclass and the Sanads whereof have been issued to the residents of said Goth and sanction order is genuine. **We have taken serious notice of the matter and have already noted on 29/4/2010 in our earlier order that if it is found that such documentations are forged, the petitioners are cautioned that criminal prosecution may be launched against them.**

Under the present set of circumstances, the Mukhtiarkar Sindh Gothabad Scheme Bin Qasim Town-1, Karachi, is directed to file criminal prosecution against the unscrupulous including the President of petitioners who produced fictitious documents in respect of the lands in order to claim their rights and interests.

Petitioner's association was not able to establish any right over the subject property. Petitioner's claim is based on documents which are stated by Mukhtiarkar concerned as forged. In. exercise of writ jurisdiction, no factual enquiry is normally undertaken. **The petition is accordingly dismissed with cost along with all pending applications.**

Interveners' applications are also consequently dismissed. Interveners having any rights may enforce the same in appropriate proceedings as the factual controversy is involved in the instant petition which requires recording evidence on the controversial issues. Any interveners may seek remedy with regard to their entitlement and interest if any as permissible under the law. [**Emphasis added**]

7. To summarize the above-quoted order: the purported 1996 sanction order of the alleged *Dur Muhammad Goth*, along with the *sanads* claimed to have been issued to members of the *Dur Muhammad Goth Welfare Association* (the petitioner in CP No.D-2469/2009), were found to be forged. Both the Mukhtiarkar and the AAG, Sindh, confirmed that the documents – including a key verification letter (dated 26.12.2009) allegedly addressed to the Assistant Registrar, Writ Branch – were fake. Despite clear warnings, the *Dur Muhammad Goth Welfare Association* persisted in relying on false records. The Division Bench accordingly dismissed the petition with costs, directed that criminal prosecution be initiated against the perpetrators, and dismissed all pending as well as interveners' applications, advising that any legitimate claims be pursued through appropriate legal proceedings.
8. Disturbingly, the prior dismissal and findings recorded in the order of 19.5.2010 (passed in CP No.D-2469/2009) appear to have had no deterrent effect on the occupants/residents of the alleged *Dur Muhammad Goth*, nor do they seem to have left any impression. Fifteen (15) years after the said dismissal – unperturbed and seemingly indifferent to the judicial findings, including those of forgery – they have now initiated yet another Petition, i.e. the instant Petition, with a different set of Petitioners, once again seeking issuance of allotment orders. This conduct reflects a brazen disregard for the rule of law and a misuse of the judicial process.
9. More disturbing still, this is neither an isolated nor unprecedented occurrence. Recently, on 15.4.2025, we dismissed with exemplary costs another constitutional petition (viz. CP No. D-2259 of 2024 – *Iqbal Ahmed v. The Province of Sindh & Others*) which fraudulently sought enforcement of an order passed decades ago (on 7.7.1997) in a prior constitutional petition (instituted in 1997) – even though that very order had already been recalled by a Division Bench twenty-four (24) years ago (on 12.12.2001) and was reported in law journals.
10. There is more. While reviewing the disposed of file of CP No.D-2278/2010 (Qadir Buksh CP), we came across another order pertaining to a separate petition filed by the President of the *Dur Muhammad Goth Welfare Association*, viz. CP No.D-1111/2013 (*Dur Muhammad v. Province of Sindh & Others*), seeking the issuance of *sanads* in favour of the villagers of *Dur*

Muhammad Goth. This petition was also dismissed with costs by a separate Division Bench vide order dated 19.3.2013.

11. Reverting to CP No. D-2278/2010 (Qadir Bux CP), we came upon an order of a Division Bench dated 17.12.2015, dismissing a contempt application (CMA No. 29554/2013) with the following observations:

..... This is encroachment on state land therefore it can be removed. **The petitioners in CP No.D-2469/2009** [i.e. Dur Muhammad Goth Welfare Association (Registered)] **are land grabbers** and they apparently sell Government land by making plots of various sizes on the spot. [**Emphasis added**]

12. Taken together, the aforementioned orders neither confer any rights upon the Petitioners nor preclude lawful action by the Respondents. On the contrary, they bring into sharp focus the persistent and mala fide conduct of the purported occupants/residents of the so-called *Dur Muhammad Goth*, who appear determined to encroach upon public/state land by any means. The Petitioners have failed to identify any statutory provision, scheme, or legal framework under which they may claim entitlement to allotment letters or seek the establishment or regularization of their alleged Goth – particularly within the urban limits of Karachi, where land use is subject to a regulated planning regime.
13. This audacious recurrence of frivolous and misleading petitions not only burdens courts with meritless litigation but also erodes the credibility of legitimate claims and undermines the sanctity of prior judicial adjudications. It reveals an alarming pattern of calculated disregard for the finality of court decisions and the integrity of the legal system, coupled with a troubling confidence in the ability to evade accountability and legal consequences – fuelled by the misplaced assumption that, with time, institutional memory will fade or court records will be lost.
14. Given the foregoing facts – particularly the wilful suppression of the dismissal of two earlier Petitions on the identical subject (viz. CP No.D-2469/2009 and CP No.D-1111/2013) – the present Petition is **dismissed with costs of Rs.1,000,000/-** (Rupees One Million). While this matter is fit for the imposition of costs on the Petitioners' Counsel as well, owing to his failure to disclose the existence of CP No.D-2469/2009 – despite its express citation in the title of the order dated 6.4.2011, upon which he himself relied – we are, for now, exercising utmost restraint. However, Counsel is hereby warned that any future attempt to mislead the Court, or to withhold material facts, may result in more severe consequences, including the imposition of personal costs. The said amount shall be deposited within twenty-five (25) days from today into the account of the High Court Judges Library, and proof

of deposit shall be submitted to the Office. In the event of failure to deposit the amount(s) within the specified time, the Office shall immediately list the matter before the Court for further orders.

15. The imposition of costs is deemed fitting in this matter, not only to discourage imprudent and repetitive litigation and safeguard the efficient use of judicial time and resources, but also to serve as a clear deterrent against attempts to manipulate the judicial forum in furtherance of unlawful claims over public land.

JUDGE

JUDGE