

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P No. D-2246 of 2014

[National Transmission & Dispatch Company Ltd. vs. The Province of Sindh & Ors]

BEFORE:

JUSTICE MUHAMMAD SALEEM JESSAR
JUSTICE NISAR AHMED BHANBHRO

Mr. Ghulam Murtaza Shaikh, advocate for the petitioner

Mr. Rafique Ahmed Dahri, Assistant A.G Sindh

Date of hearing : 28.10.2025

Date of decision : 28.10.2025

ORDER

NISAR AHMED BHANBHRO, J:- Through this petition, the petitioner seeks following reliefs:-

a) To issue writ declaring that the entertainment, processing of application towards allotment of land admeasuring 2-00 acres in front of Plot No.S-28, 29 & 30 in Deh Ganjo Takkar and its approval / grant by respondents No.2 & 3 are illegal, unlawful, false, baseless, without any lawful authority, in excess of power and jurisdiction, as the land on one hand does not exist at site and being the estate area of SITE as well as Sindh Small Industries Corporation there exists no waste area and/or available area for its grant and is too not within the power and jurisdiction of respondents No.1 to 3 and the documents are liable to be cancelled, confiscated and the amount paid by the respondent No.17 be forfeited with the direction to Police /concerned agency to lodge criminal proceedings against official as well as private respondents towards preparation of false and fake documents.

b) To declare that the acts of the respondents being collusive, illegal, unlawful, against the norms of justice, equity towards the illegal, unlawful grant, preparation, manipulation of documents to usurp the land of Federal Government now under the management and control of NTDC Hyderabad.

c) To direct the respondents No.2 & 3 to stop the proceedings and especially the respondents No.4 & 5 the Commissioner and Deputy Commissioner Hyderabad be restrained from preparation, execution of Conveyance Deed and the respondents No.13 & 14 be also restrained from receiving executing and registering the Deed in respect of fake, frivolous, false allotment and in case the Conveyance Deed so presented and / or registered same may be declared being void and confiscated being corum non-judice.

d) To restrain the respondents No.16 S.H.O PS SITE Hyderabad from interfering, helping the private respondents in their illegal, unlawful acts and further restrain the respondents from claiming the area of 2-00 acres which is not in existence, available at site even in Sindh Small Industries Corporation or even in SITE and the claim of private respondents be permanently restrained to that effect.

2. Learned counsel for the petitioner submits that respondent Sindh Small Industries Corporation (SSIC) allotted 02-acres plot to respondents No.17 and 18 in front of plots No.S-28, 29 & 30 situated in Deh Ganjo Takar Hyderabad that is owned and possessed by the petitioner company; that in fact there was no area/land in front of aforesaid plots, however, under the garb of so called allotment order the respondents No.17 and 18 attempted to encroach upon the property owned and possessed by the petitioner. He prayed for cancellation of allotment orders in favour of respondent SSIC.

3. Despite notice no one effected appearance on behalf of the private respondents; whereas learned Assistant A.G contended that actually the land belongs to Government of Sindh and the competent authority can allot it to any one's favour by observing all codal formalities and the respondent SSIC being owner of the land was/is within its domain to utilize it for industrial purposes; that the petitioner has no locus standi to challenge the allotment in favour of the respondent SSIC.

4. Heard the arguments and examined the material available on record. Perusal of record reflects that the petitioner being Transmission and Dispatch Company was allotted land in Deh Ganjo Takkar Hyderabad and adjacent to said land the respondent SSIC was also allotted land by the Sindh Government for industrial purposes. The respondent SSIC was allotted the land after observing codal formalities for industrial purposes, therefore, petitioner has no locus standi to challenge the said allotment. However, if the petitioner has any grievance that the respondent No.17 and 18 have encroached upon its land and/or in fact no extra land was available in front of the plots/land already allotted in favour of the petitioner, the petitioner has the remedy before the forum provided under anti-encroachment laws as well as, to prefer appeal before appellate authority under Sindh Land Revenue Act 1967, but the petitioner without exhausting the said statutory remedies, has directly approached this Court. Moreover, the claim of the petitioner requires

evidence which exercise cannot be done by this Court under writ jurisdiction.

5. The stance of the petitioner being factual in nature cannot be looked into by this Court in exercise of its constitutional jurisdiction under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973. Therefore, this petition stands dismissed being not maintainable, leaving the petitioner at liberty to avail remedy before the competent forum in accordance with law, if so desire.

JUDGE

JUDGE

Sajjad Ali Jessar