

**IN THE HIGH COURT OF SINDH BENCH AT
SUKKUR**

Const. Petition No.D-270 of 2025
(*Bilquis Bano and others v. P.O. Sindh and others*)

Before:

Mr. Justice Zulfiqar Ali Sangi

Mr. Justice Riazat Ali Sahar

Mr. Muhammad Aslam Roshan, Advocate for the petitioners.

Date of Hearing: 17-09-2025

Date of Decision: 17-09-2025

O R D E R

RIAZAT ALI SAHAR J.- The case set forth by the petitioners is that they are the lawful heirs of the deceased Muhammad Jameel, son of Muhammad Ramzani, by caste Qureshi, who, during his lifetime, was the absolute owner of an immovable private property bearing City Survey No. 309, situated within the territorial limits of Taluka New Sukkur, District Sukkur. The said property, admeasuring approximately 18,000 square feet, equivalent to 16.5 ghuntas, was lawfully purchased by the late Muhammad Jameel under a registered transaction dated 17.11.1981. His proprietary title was thereafter duly incorporated and recognised in the record of rights maintained by the Revenue Authorities, arrayed herein as respondents No. 5 and 6. It is the further assertion of the petitioners that in or about the year 1992, when the Iron and Grain markets were ordered to be shifted towards the periphery of Golimar, Old Sukkur, the then Mayor of Sukkur, impleaded herein as respondent No. 3, purported to exercise authority which was neither conferred upon him by law nor supported

by any statutory sanction. In so acting, he unlawfully allotted the subject property to certain iron and grain dealers for the construction of commercial shops and godowns. Such action, according to the petitioners, amounted to an unauthorised deprivation of their lawful inheritance. By means of the instant petition, the petitioners accordingly seek a declaration from this Honourable Court to the effect that the purported allotment of their property is illegal, void ab initio, and without lawful authority. They further pray for consequential relief, namely, restoration of vacant and peaceful possession of the subject plot in their favour, together with a direction upon the Revenue Authorities to conduct a proper demarcation of its boundaries in order to safeguard their proprietary rights and to prevent further encroachment or unlawful interference.

2. When confronted with the office objection regarding the maintainability of the instant petition, on the ground that the controversy raised therein involves disputed questions of fact and law pertaining to the title of an immovable property, learned counsel for the petitioners has not been able to offer any satisfactory explanation or demonstrate how such issues could be adjudicated within the limited scope of constitutional jurisdiction.

3. We have heard learned counsel for the petitioners and have examined the material placed on record. Upon such perusal, it is evident that the controversy raised by the petitioners entails disputed questions of fact and law relating to the title and ownership of immovable property, which do not fall within the ambit of

constitutional jurisdiction under Article 199 of the Constitution. Such matters are to be resolved by the competent civil forum under the ordinary course of law. The recent judgments of Apex Court further elaborated on this view, in *Mst. Tayyeba Ambareen and another v. Shafqat Ali Kiyani and another (2023 SCMR 246)* and held:

“8. The object of exercising jurisdiction under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973 ("Constitution") is to foster justice, preserve rights and to right the wrong. The appraisal of evidence is primarily the function of the Trial Court and, in this case, the Family Court which has been vested with exclusive jurisdiction. In constitutional jurisdiction when the findings are based on mis-reading or non-reading of evidence, and in case the order of the lower fora is found to be arbitrary, perverse, or in violation of law or evidence, the High Court can exercise its jurisdiction as a corrective measure. If the error is so glaring and patent that it may not be acceptable, then in such an eventuality the High Court can interfere when the finding is based on insufficient evidence, mis-reading of CP.1418 of 2023 - 4 - evidence, non-consideration of material evidence, erroneous assumption of fact, patent errors of law, consideration of inadmissible evidence, excess or abuse of jurisdiction, arbitrary exercise of power and where an unreasonable view on evidence has been taken.”

4. Accordingly, this petition, along with all pending applications, is **dismissed** in *limine* as being not entertainable before this Court, leaving the petitioners at liberty to avail such remedy as may be available to them before the competent forum, in accordance with law.

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