

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI

**C.P No.D-1778 of 2025**

*[Abdul Waheed Barki and others v. Federation of Pakistan and others]*

DATE	ORDER WITH SIGNATURE OF JUDGE(S).
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*Before:*

*Mr. Justice Yousuf Ali Sayeed;*

*Mr. Justice Abdul Hamid Bhurgri.*

1. For orders on office objections No.1 to 4.
2. For hearing of CMA No.8836/25.
3. For hearing of CMA No.8837/25.
4. For hearing of main case.

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**Date of hearing:- 22.09.2025**

Mr. Abdul Mutalib, Advocate for the petitioners.

Mr. Khan Muhammad Bangash, Advocate for NHA.

Mr. Ghulam Muhammad, Advocate for respondents No.3.

Mr. K.A Vaswani, Asstt. Advocate General.

Ms. Zahra Sehr Vayani, A.A.G.

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***Abdul Hamid Bhurgri, J.-*** The petitioners assert that they have been residing for the past fifty years in the properties detailed in paragraph 2 of the petition. These properties were leased to them by the Sindh Katchi Abadi Authority, Government of Sindh.

2. According to the petitioners, respondents no. 5 to 7, in collusion with respondents no. 8 to 10 and their associates, arrived at the petitioners' properties and instructed them to vacate the premises immediately. The petitioners' family members informed the said respondents that they were lawful lessees of the property under valid leases issued by the Sindh Katchi Abadi Authority. Despite this, respondent no. 5 allegedly demanded Rs. 3.5 million from each petitioner, threatening demolition of their houses in the event of non-payment. Initially, the petitioners believed the respondent was impersonating an official. However, vague notices were subsequently issued to unidentified persons, lacking any particulars. As a result, the petitioners filed the present petition.

Respondent no. 3 submitted a written reply, questioning the maintainability of the petition but conceding that leases had indeed been granted to the petitioners, as the land in question was a notified Katchi Abadi, and that the National Highway Authority (NHA) had no jurisdiction over the same.

3. Counsel for the petitioners argued that the petitioners were lawful lessees, and that the notices issued by the NHA were without legal authority, particularly as they failed to name any individuals or provide sufficient detail.

4. Learned AAG and counsel for respondent no. 3 confirmed that the land was duly notified as Katchi Abadi and was lawfully leased out to the petitioners.

5. Counsel for the NHA, while not filing formal comments, submitted that the petitioners' houses fell within the right of way of the NHA, and therefore notices were issued directing them to vacate. In response to a query from the Court regarding the absence of names in the notices, he maintained that the notices were not vague and had also been affixed to the petitioners' homes.

6. Having heard the submissions of learned counsel and examined the material on record, and without delving into the factual dispute regarding title and possession, we are of the considered view that the notices issued by respondent no. 3 (NHA) are legally deficient. The said notices are vague, as they neither identify the alleged encroachers by name nor specify the properties alleged to have been encroached upon.

7. We find no merit in the submission of the learned counsel for the NHA that affixing the impugned notices on the doors of the petitioners is sufficient compliance with the requirement of service, particularly in the absence of any specific allegations or particulars. Accordingly, the impugned notices are set aside. However, the official respondents, particularly the National Highway Authority (NHA), may issue fresh notices to the petitioners, clearly setting out all relevant particulars, including the names and addresses of the petitioners and detailed description(s) of the land alleged to have been encroached upon. The said notices shall also require the petitioners to disclose the basis of their possession and/or title to the subject land. A minimum period of fifteen (15) days shall be afforded to the petitioners to submit their written response along with any supporting documents. Thereafter, the NHA shall consider the petitioners' submissions and pass a reasoned and speaking order, strictly in accordance with law. It is clarified that, in the event the petitioners are aggrieved by any such order or subsequent action taken by the NHA, they shall be at liberty to avail

appropriate remedy before the competent court of law in accordance with law.

8. The petition is accordingly disposed of along with any pending applications.

JUDGE JUDGE

Ayaz Gul