

ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI  
C.P. No.S-81 of 2026  
(Muhammad Irfan v Province of Sindh & others)

Date	Order with signature of Judge
<u>Date of hearing and order:- 09.02.2026</u>	

Mr. Wajahat Naseem Khan advocate for the petitioner.  
Mr. Abdul Jalil Zubedi, AAG  
Mr. Faheem Hussain Panhwar DPG  
Ghulam Ahmed Shaikh DSP Sukkan, on behalf of SSP Malir  
PI Ghous Bux of PS Ibrahim Hayderi  
Mr. Raza Mian DSP Legal II, CPO

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**ORDER**

**Adnan-ul-Karim Memon, J.-** Petitioner Muhammad Irfan has filed this Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking the following reliefs:

- “a) To direct the official respondents No. 2 to 4 to provide legal protection to the petitioner against the private respondents.
- b) To direct the official respondents No. 2 to 4 not to take any adverse action against the petitioner or his family members on the behest of the respondent NO.5 without due course of law.
- c) To direct the private respondents and their companions, agents, employees, colleagues, persons acting on their behalf, not to harass, humiliate, pressurize, cause mental torture and agony to petitioner so also restrain them from raiding the house of the petitioner without due course of law.
- d) To direct respondents No. 2 to 4 not to stop construction, interfering in the property, and harassing the petitioner illegally on the behest of respondent No. 5 without adopting due course of law.

2. The case of the petitioner is that he is the lawful owner of land measuring 1.32 acres, NA Class-25, Deh Ibrahim Hayderi, Survey No. 41, District Malir, Karachi, duly mutated and recorded in revenue records, as verified by the official report of the Mukhtiarkar, Ibrahim Hayderi. The private respondent earlier filed civil suit No. 1029/2022 for declaration before the learned Senior Civil Judge, Malir, challenging the Petitioner’s ownership. During the proceedings, the Mukhtiarkar submitted a detailed report categorically confirming that the land stands in the name of the Petitioner and is duly reflected in revenue entries. After submission of the said

report, the private respondent unconditionally withdrew the suit, which was disposed of vide order dated 20-11-2025. Despite withdrawal of the suit and clear revenue record, the private respondent, in collusion with police officials of P.S. Ibrahim Hyderi, has been harassing, threatening, and illegally interfering with the Petitioner's peaceful possession. He added that on various occasions, when the Petitioner started construction of a boundary wall over his own land, police officials unlawfully stopped the work without any written order or lawful authority. He emphasized that such acts constitute illegal interference in private property, misuse of authority, harassment, and abuse of the process of law at the behest of the private respondent. He argued that there is no restraining order against the Petitioner from any court of law; as such, the interference by Respondent No.04 is illegal, mala fide, and without jurisdiction. He argued that the conduct of the respondents violates Articles 4, 14, 15, and 25 of the Constitution, infringing the Petitioner's fundamental rights, dignity, liberty, and equality before law. The police have failed to perform their statutory duties under the law, leaving the Petitioner with no alternative remedy except to invoke constitutional jurisdiction. He prayed to allow this petition.

3. Learned Assistant Advocate General (AAG) submitted that, according to the record of Police Station Ibrahim Hayderi, the petitioner is a habitual offender and several FIRs stand registered against him. These include FIR No. 350/2019 under sections 447/34 PPC; FIR No. 795/2020 under sections 384/385/34 PPC read with section 7 of the Anti-Terrorism Act; FIR No. 501/2024 under sections 147/148/149/427/506/34 PPC; and FIR No. 515/2025 under sections 147/354/452/337-A(i) PPC. In view of the petitioner's criminal antecedents, he is not entitled to the relief of protection, as there is a likelihood of misuse of such concession. The learned AAG, therefore, prayed for dismissal of the petition.

4. The aforementioned stance has been refuted by the petitioner's counsel, by saying that the petitioner has been acquitted of all cases.

5. I have heard the learned counsel for the parties and perused the record with their assistance.

6. Under Article 199 of the Constitution, the High Court has jurisdiction to entertain a writ petition where a public authority, including police officials, acts without lawful authority, in violation of law or fundamental rights, and where no other adequate remedy is available. It is well settled that police actions, including registration of FIRs and investigations, are matters connected with provincial affairs and are amenable to constitutional scrutiny. Where police interfere with a person's lawful possession or construction on property without lawful authority, written orders, or in collusion with private parties, the aggrieved person may seek relief

under Article 199 of the Constitution. Although this Court cannot determine title to property, and exercises writ jurisdiction sparingly, such jurisdiction may be invoked to prevent patent illegality or abuse of State authority resulting in violation of constitutional rights.

7. Prima facie, if established, the alleged acts of police officials amount to harassment and are violative of the constitutional guarantees of dignity, property, and due process. The concerned DIGP is directed to look into the matter and ensure that no harassment is caused to either party by the police.

8. This petition is disposed of with the direction that the parties shall not be subjected to harassment by the police; however, the police are at liberty to take action if they discover a cognizable offense committed by either party.

JUDGE

Shafi