

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Constitutional Petition No.D-140 of 2026.
(Muhammad Kamran vs. P.O Sindh and others)

Date	Order with signature of Judge
1. 2.	For orders on office objections For hearing of main case.

17.02.2026.

Mr. Muhammad Qayyum Arain, Advocate for the Petitioner

Through this constitutional petition, the petitioner seeks a direction for demolition of the alleged encroachment over a passage situated in front of his property bearing Survey Nos. B-2923, B-2924, B-2925 and B-2926.

During the course of proceedings, it has come on record that the matter was earlier agitated before the Encroachment Tribunal. The learned Tribunal, vide order dated 16.06.2022, held that the property in question alleged by the petitioner side to be an encroached passage is, in fact, private property. The said order was not assailed by the petitioner. It further appears that the revenue hierarchy was invoked by the other side, and in revision application decided on 10.02.2025, the parties were advised to seek remedy before the competent Civil Court. Despite such direction, no proceedings were initiated for determination of the entitlement or for adjudication of the question as to whether the disputed property constitutes a public passage or private property.

In these circumstances, the instant constitutional petition filed under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973 cannot be treated as a substitute for the statutory or alternate remedy available under the law. The petitioner has failed to avail the appropriate forum for resolution of the disputed questions of fact and title. Reliance in this regard is placed upon the judgments of the Hon'ble Supreme Court reported as **Indus Trading and Contracting Company v. Collector of Customs (Preventive), Karachi and others (2016 SCMR 842)**; **President, All Pakistan Women Association, Peshawar Cantt. v. Muhammad Akbar Awan and others (2020 SCMR 260)**; **Commissioner Inland Revenue and others**

v. Jahangir Khan Tareen and others (2022 SCMR 92); and Executive Director (P&GS), State Life, Principal Office Karachi and others v. Muhammad Nisar, Area Manager, State Life Corporation of Pakistan, Peshawar Zone (2025 SCMR 249).

Accordingly, this petition is dismissed in *limine*.

JUDGE

JUDGE

*Faisal Mumtaz/PS***