

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

Constitution Petition No.D-200 of 2026

Date	Order with signature of Judge
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Before;

*Mr. Justice Adnan Iqbal Chaudhry;
Mr. Justice Abdul Hamid Bhurgri.*

Petitioner : Riaz Ahmed son of Ghulam Muhammad Babar, through Mr. Imtiaz Ali Mugheri, Advocate.

Respondents : P.O Sindh and others.

Date of Hearing : ***12.03.2026.***

Date of Order : ***12.03.2026.***

ORDER

Abdul Hamid Bhurgri, J.- The case of petitioner, as set out in the instant constitutional petition, is that he purchased agricultural land measuring 02-22 acres bearing Survey No.744, situated in Deh Ghogharo, Taluka and District Kamber-Shahdadkot, from its owners, namely Mst. Shabiran Khatoon and Sughran, daughters of Abdul Manan Meo Rajput, through their attorney Roshan Ali, vide agreement to sell dated 04.06.2020. The petitioner contends that he approached respondent No.7 for registration of the sale deed; however, the said respondent refused to do so on the ground that respondent No.5 had issued a letter directing that the land involved in the petition should not be registered. The petitioner submits that the actions of the respondents are illegal as they are bound to register the sale deed; hence, he has filed the present constitutional petition.

2. We have heard learned counsel for the petitioner and have perused the material available on record. From a perusal of the petition, it appears that disputed questions of fact and title are involved, as the petitioner himself asserts that respondent No.8 is also claiming title over the land in question. It is now well settled that constitutional petitions involving disputed questions of title and fact cannot be entertained in exercise of constitutional jurisdiction under Article 199 of the Constitution, particularly where determination of rights requires recording of evidence.

3. It is a settled principle of law that constitutional jurisdiction under Article 199 of the Constitution is discretionary in nature and is

exercised only where a clear, undisputed, and enforceable legal right is established. Where the very existence of such right is disputed and its determination depends upon resolution of controversial questions of fact requiring recording of evidence, constitutional jurisdiction cannot be invoked as a substitute for regular proceedings before a competent forum. Reliance in this regard may be placed upon ***Mst. Kaniz Fatima through legal heirs v. Muhammad Salim and others (2001 SCMR 1493) and Anjuman Fruit Arhtian and others v. Deputy Commissioner, Faisalabad and others (2011 SCMR 279)***.

4. Consequently, this Court is of the considered view that the instant constitutional petition is not maintainable under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973. Accordingly, the instant constitutional petition is dismissed in *limine* as not maintainable, along with pending applications, if any. However, the petitioner shall be at liberty to avail appropriate remedy before the competent forum strictly in accordance with law.

JUDGE

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