

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

*Constitutional Petition No. D- 410 of 2025.
(Ibrar Hussain and others vs. P.O Sindh and others).*

*Constitutional Petition No. D- 464 of 2025.
(Meer Khan and others vs. P.O Sindh and others).*

Date of hearing	Order with signature of Judge
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For Direction

C.P No.D-410/2025.

1. For hearing of CMA No.1448/2026 (S/A)
2. For hearing of CMA No.1449/2026 (Contempt Appln:)

C.P No.D-464/2025.

1. For hearing of CMA No.1444/2026 (S/A)
2. For hearing of CMA No.1445/2026 (Contempt Appln:)

11.03.2026.

Mr. Shabbir Ali Bozdar, Advocate for the Petitioners in both captioned petitions.

Mr. Mohabbat Khan Baladi, Advocate for the Respondents No.2 & 3

Mr. Ali Raza Balouch, Additional Advocate General.

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On 17.02.2026, the above-captioned petitions were disposed of through a common order. The main grievance of the petitioners in those petitions was that they were running their respective shops and were allegedly being forcibly vacated by the respondents / government functionaries. On the other hand, the respondents had taken the stance that the existing shops of the petitioners were causing obstruction and hindrance to the old National Highway; therefore, it had become necessary to remove such structures. The respondents had further submitted that a new shopping centre had already been constructed and the petitioners would be accommodated in the newly constructed shops.

To verify the said position, this Court appointed the Commissioner, the learned Senior Civil Judge-I, Kandiaro, with directions to inspect the newly constructed shops and submit a

report regarding their physical condition and suitability for occupation. In compliance with such directions, the Commissioner conducted the inspection and submitted a detailed report along with photographs, confirming that the newly constructed shopping centre/shops were physically in good condition and suitable for occupation. Based on such a report and the statement of the respondents that the petitioners would be accommodated in the new shops, both the petitions were disposed of.

Subsequently, the petitioners filed the present Contempt Applications, alleging that despite the commitment made before this Court, the respondents/government functionaries did not accommodate them in the newly constructed shops. Instead, the respondents issued notices to the petitioners directing them to vacate their old shops. On such grounds, the petitioners assailed the eviction notices and sought initiation of contempt proceedings against the respondents.

Upon notice, the public functionaries/respondents appeared before the Court and filed their para-wise comments/statements. Respondent Nos. 2 and 3 mainly contended that in pursuance of the order dated 17.02.2026, the petitioners were repeatedly called upon to appear and complete the formalities for allotment of the newly constructed shops. However, according to the respondents, the petitioners deliberately and intentionally avoided responding to such calls and refused to cooperate in the process of shifting. It was further stated that the old shops were creating a hindrance to the old National Highway; therefore, after giving due opportunity to the petitioners, the respondents were left with no option but to issue notices for vacating the old structures in accordance with the law.

The respondents also placed on record photographs of the newly constructed shopping centre as well as copies of allotment orders showing that shops had been allocated in favour of the petitioners. It was further stated by Respondent No.3 that some of the original allottees, namely Allah Warayo (father of Petitioner Nos. 2 and 3) and Deen Muhammad (father of Petitioner No.6), had

passed away. Therefore, in order to complete the necessary codal formalities, the department had asked the petitioners to submit the relevant documents regarding legal heirs and entitlement, but the required documents were not furnished.

Conversely, learned counsel for the petitioners submitted that the newly constructed shops were not completely ready for occupation and required certain renovation and basic arrangements. In this regard, Petitioner Ibrar Hussain filed a statement before this Court expressing willingness to take possession of the newly constructed shop through the Commissioner / learned Senior Civil Judge-I, Kandiaro. It was further requested that after handing over possession, a reasonable time may be granted to the petitioners for the installation of electricity and completion of other necessary works, as such facilities were not yet available in the newly constructed shops.

On the other hand, the learned Additional Advocate General submitted that the conduct of the petitioners clearly reflects mala fide intention. According to him, the petitioners are not willing to vacate the old premises because they have already established their businesses there. He further argued that there is no substantial difference between the structure of the old shops and the newly constructed shops. However, the petitioners intend to retain possession of the old shops while also seeking possession of the new shops, thereby attempting to enjoy double possession. The learned Additional Advocate General further pointed out that the petitioners had even challenged the consent order dated 17.02.2026 before the Hon'ble Federal Constitutional Court of Pakistan, and in this regard, he placed on record a notice issued by the Advocate-on-Record as Annexure-G. According to the learned Additional Advocate General, on the one hand, the petitioners claim that they are willing to comply with the order of this Court and shift to the newly constructed shops, while on the other hand, they have challenged the same order before the higher forum, which clearly reflects their contradictory stance and ulterior motive.

Heard the learned counsel for the parties and perused the available record.

It is evident from the record that the petitioners had earlier shown their willingness to shift to the newly constructed shops. In particular, through the order dated 12.02.2026, the petitioners had expressly stated that they had no objection if the report of the Commissioner / learned Senior Civil Judge-I, Kandiaro, was obtained after inspection of the new construction. Pursuant thereto, the Commissioner conducted an inspection and submitted his report along with photographs, concluding that the newly constructed shopping centre was in proper physical condition and suitable for occupation for running the businesses of the petitioners.

The Commissioner had indeed observed that some shops were without shutters and were not completely ready for occupation. However, the respondents had already expressed their willingness to allot those shops to the petitioners that were physically complete and suitable for immediate occupation.

From the record, it appears that the petitioners have not approached this Court with clean hands. They have alleged that the eviction notices are illegal; however, the record shows that such notices were issued only after the petitioners failed to respond to the respondents and refused to shift to the newly constructed shops. In these circumstances, the respondents were left with no option but to proceed in accordance with the law and issue notices for the removal of the old structures, which were causing obstruction to the National Highway.

Keeping in view the foregoing facts and discussion, this Court is of the considered view that the contempt applications filed by the petitioners are misconceived and frivolous in nature. The respondents have not violated the order dated 17.02.2026; rather, they have taken steps for the implementation of the same by offering the newly constructed shops to the petitioners.

Accordingly, the present Contempt Applications are hereby dismissed. The respondents are at liberty to proceed with the matter strictly in accordance with law and the prescribed procedure. It is, however, clarified that the order dated 17.02.2026 was passed for the purpose of accommodating the petitioners in the newly constructed shops. If the petitioners are willing to shift, they may avail such opportunity; otherwise, the eviction notices may be processed by the respondents in accordance with the law and prescribed procedure.

JUDGE

JUDGE