

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P No.D-505 of 2026

[Muhammad Raees v. Province of Sindh and 10 others]

Before:

Justice Arbab Ali Hakro

Justice Riazat Ali Sahar

Petitioner by : Mr.Muhammad Sajjad Soomro, Advocate

Respondents by : Nemo

Dates of Hearing : **05.3.2026**

Date of Decision : **05.3.2026**

ORDER

ARBAB ALI HAKRO J:- The petitioner has invoked the constitutional jurisdiction of this Court under Article 199 seeking directions against the Sindh Building Control Authority and district administration to refrain from demolishing, to de-seal and to restore possession of a shop situated on City Survey No. 2992, Ward-C, Timber Market, Hyderabad. The petitioner further seeks protection against alleged harassment by respondent No.11.

2. The petitioner claims to have entered into an agreement to sell dated 12.02.2021 with the predecessor-in-interest of respondent No.11 for the purchase of one shop on the ground floor of C.S. No. 2992. He asserts that he paid Rs. 45,00,000 as an advance and was handed over possession. The seller allegedly failed to perform her part of the contract, leading to the filing of F.C. Suit No. 850 of 2022 for specific performance, cancellation of the subsequent sale deed and permanent injunction. Respondent No.11, claiming under a registered sale deed dated 15.03.2022, disputes the petitioner's possession and has also initiated proceedings. During the pendency of the civil suit, SBCA issued a notice dated 13.11.2025 declaring the property a dangerous

building. The premises were sealed on 31.12.2025. The petitioner challenges these actions and seeks restoration of possession.

3. Learned counsel submits that the sealing and proposed demolition were undertaken without lawful authority and without conducting a proper inspection. He relies on a structural stability certificate dated 25.11.2025, which states that the ground-floor structure is performing satisfactorily under normal gravity loads, without any visible signs of distress. He argues that the petitioner is being deprived of possession in collusion with respondent No.11 and that the administrative machinery is being misused to influence the pending civil proceedings.

4. We have heard learned counsel and examined the material available on record.

5. The petitioner's claim to the property is founded solely on an agreement to sell. His suit for specific performance is pending adjudication. Whether the petitioner is entitled to specific performance, whether the subsequent sale deed in favour of respondent No.11 is valid, and whether the petitioner is in lawful possession are all matters requiring evidence and determination by the civil Court.

6. This Court, in its constitutional jurisdiction, cannot adjudicate disputed questions of title or possession. The Supreme Court has consistently held that where an efficacious alternate remedy exists, particularly where civil rights are already sub judice, the High Court must decline to exercise jurisdiction under Article 199.

7. The relief sought by the petitioner, de-sealing, restoration of possession and restraining respondent No.11, directly concerns matters of possession and title. These are not amenable to writ jurisdiction. The petitioner has already availed the appropriate remedy

by filing a civil suit. The civil Court is fully competent to regulate possession, grant injunctions and determine the rights of the parties.

8. As for the actions of SBCA, whether the building is dangerous, whether the inspection was proper and whether the sealing was justified are factual controversies requiring technical evidence. Such matters cannot be resolved in writ jurisdiction, particularly when the petitioner's own status as owner or lawful occupant is disputed.

9. The petitioner has therefore failed to establish that the impugned actions were taken without lawful authority in a manner that warrants interference under Article 199.

10. For the reasons recorded above, this petition is not maintainable and is accordingly **dismissed** in *limine* along with pending miscellaneous application (s).

JUDGE

JUDGE

Ali Haider