

Order Sheet

IN THE HIGH COURT OF SINDH, KARACHI

JCM NO. 37 of 2003

Date

Order with signature of Judge

1. For hearing of Ref. No. 49/2024
2. For hearing of Ref. No. 50/2024

08.04.2026.

Mr. Shaharyar Khan, Advocate for the Petitioners.
M/s. Zeeshan Abdullah, Adnan Abdullah, Shoaib Ahmed and Waris Ali, Advocates for Auction Purchaser.
Mr. Mushtaque Ahmed Laghari, Official Assignee.
Ch. Mohammad Rafiq Rajourvil, Addl. Advocate General.

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Today, the Official Assignee's References Nos. 49 and 50 of 2024 are listed for hearing, which in essence pertain to property being an area of 68.28 acres of land situated at N.C. No. 26 of Deh Rehri Bin Qasim, Malir Karachi ("**Property**"). The gist of the submissions put forth by the learned Official Assignee is that the said Property belonged to M/s. Sindh Alkalis Limited ("**Company**"), which was ordered to be wound up vide Order dated 04.06.2004. The said Property was ordered to be auctioned vide order of this Court dated 29.09.2008. Subsequently, the bid of the Auction Purchaser, namely M/s. Five Star Enterprises, was accepted vide order of this Court dated 03.06.2011. The auction of the said Property was confirmed vide order of this Court dated 08.06.2011.

This matter has long been disposed, but the grievance arising currently by way of References of the Official Assignee and counsel for the Petitioners is that they now contend that the Auction Purchaser was only authorized by this Court to purchase 68.28 Acres of land of the said Property which belonged to the Company, whereas as per the *prayer* in Reference No. 49/2024, which was filed by the Official Assignee alleges that an excess of 01.32 acre has also been taken over by the Auction Purchaser.

Learned counsel for the Auction Purchaser has controverted the same and submits that he has only taken over such part of the Property as was duly auctioned under the order of this Court. At this juncture, counsel for the Petitioners has submitted that the Auction Purchaser has taken an excess land of approximately of ten (10) acres. When counsel for the Petitioners was asked as to how he has made such statement regarding excess of ten (10) acres being allegedly usurped by the Auction Purchaser, he has relied upon Letter dated 03.08.2011 issued by the Office of the Deputy Commissioner Malir Karachi, which states that an area of approximately 78 acres was transferred to the Company.

I have heard learned counsel for the parties. The primary issue relates to the alleged excess land taken by the Auction Purchaser. Since this matter was already disposed in the year 2004 when the Company was ordered to be wound up, and the Property and its transfer to the Auction Purchaser was carried out in the year 2011, to which no objections were raised. It is only now, i.e. thirteen (13) years belatedly,¹ that the present allegations have emerged.

The matter at hand does not appear to come within the remit of the Companies Jurisdiction,² but pertains to demarcation of land, cancellation of title and/or seeking of a declaration, which do not fall within the ambit of this Company Court. The instant JCM was filed relating to winding up proceedings against the Company, which was duly granted. The assets of the Company were then accordingly auctioned / disposed through this Court. The matter ended there. Any subsequent claim, such as those made in the instant Official Assignee References placed before this Court do not relate to a matter under the Companies Act 2017.

Furthermore, even the Letter dated 03.08.2011, being the sole document relied upon by counsel for the Petitioners, which,

¹ When the Official Assignee filed the References

² Under which the main JCM has been filed

as per the counsel, allegedly shows the Auction Purchaser has purchased approximately 78 acres (and not 68 acres) of land, has remained unchallenged for the past 15 years, meaning that the same was accepted by the Petitioners. Moreover, it is relevant to note even if the contents of the said Letter were accepted, the same would have no bearing to the instant JCM.

Accordingly, both these References are decided in light of the above observations, with a finding that the contentions / allegations raised in the said References do not fall within the ambit of these Company proceedings and cannot be entertained here. The parties, if so advised, may seek their legal remedies (if any are available) before the relevant land revenue departments and /or civil court having jurisdiction, as may be provided under law. Order accordingly.

J U D G E

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