

ORDER SHEET
HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD
C.P No.D-72 of 2026

[Abdul Razzaque v. Province of Sindh and 07 others]

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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1. For orders on M.A No.302/2026 (U/A)
2. For orders on office objection (s)
3. For orders on M.A No.303/2026 (Exemption)
4. For hearing of main case

22.01.2026

Mr.Mumtaz Sachal Awan, Advocate for the Petitioner

The petitioner has invoked the constitutional jurisdiction of this Court under Article 199 of the Constitution, seeking a series of declarations and directions against the official respondents regarding the alleged demolition of certain shops allegedly constructed on a plot claimed by him.

2. The petitioner states that he is the owner of a plot situated on Khoski Road, Badin. According to him, the land was earlier occupied by certain private persons, against whom he succeeded before the civil Court and thereafter in appeal before this Court. He maintains that pursuant to the orders passed in those proceedings, the Mukhtiarkar delivered possession of the plot to him. After obtaining possession, he commenced construction of shops. His grievance is that the Assistant Commissioner, accompanied by police officials and certain private respondents, demolished the under-construction shops without issuing any notice or lawful justification. He further asserts that when he approached the Sessions Court under sections 22-A and 22-B Cr.P.C, the official respondents, instead of defending their actions, issued a notice for demarcation of the land, which, according to him, was a mala fide attempt to harass him and to undo the earlier Court orders. On this basis, he seeks declarations regarding the illegality of the demolition, confirmation of his ownership, constitution of an inquiry committee and restraining orders against further interference.

3. Learned counsel for the petitioner argued that once the civil Court and this Court had recognised the petitioner's rights and possession, the official respondents were bound to respect those orders. He contends that the demolition was carried out without notice, without any lawful authority and in collusion with private persons. He contended that the issuance of a demarcation notice after the filing of an application under Sections 22-A and 22-B Cr.P.C. was itself indicative of mala fide. Lastly, he contends that the petitioner's fundamental rights to property and dignity are violated and that the constitutional jurisdiction of this Court is therefore rightly invoked.

4. After hearing learned counsel and examining the petition, it becomes evident that the matter presented before this Court is deeply embedded in disputed questions of fact. The petitioner's entire case rests on assertions regarding title, possession, alleged demolition and alleged mala fide conduct of the official respondents. These are issues which cannot be resolved without recording evidence, examining witnesses and inspecting documents, an exercise that lies outside the scope of constitutional jurisdiction.

5. The Supreme Court has consistently held that Article 199 is not a substitute for civil proceedings, nor is it intended to adjudicate controversies involving title, possession, or factual disputes requiring evidentiary determination. The constitutional jurisdiction is supervisory and corrective, not investigative. It is invoked only where the act complained of is patently without jurisdiction or where no adequate alternate remedy exists.

6. In the present case, the petitioner himself acknowledges that he has already approached the Sessions Court under sections 22-A and 22-B Cr.P.C. He also refers to earlier civil litigation, including the execution of orders. These very references demonstrate that the petitioner has multiple alternate remedies available to him under the ordinary law. If the petitioner believes that the official respondents have violated civil Court orders, the appropriate remedy lies with him before the civil Court. If he believes that an offence has been committed, the criminal law provides a complete mechanism. If he

disputes the demarcation notice, the revenue hierarchy provides statutory remedies. None of these avenues has been exhausted.

7. The prayers sought in the petition further reinforce its non-maintainability. The petitioner seeks a declaration that he is the lawful owner of the property, that the demolition was illegal and that an inquiry committee be constituted. These are civil declarations, which fall within the jurisdiction of civil courts under the Specific Relief Act. This Court, in its constitutional jurisdiction, does not undertake the role of a trial Court to determine ownership or to adjudicate factual controversies between private parties.

8. As for the allegations of *mala fide*, the law requires that such allegations be pleaded with specificity and supported by material particulars. The petition contains general assertions but no concrete material demonstrating personal animus or extraneous considerations. Mere use of the word “*mala fide*” does not confer jurisdiction upon this Court.

9. The petitioner’s attempt to convert a private property dispute into a constitutional matter cannot be sustained. The constitutional jurisdiction is reserved for exceptional circumstances where the impugned act is *ex facie* without lawful authority or where fundamental rights are infringed in a manner that no other remedy can cure. The present case does not meet that threshold.

10. For the reasons discussed above, we are of the view that the petition is not maintainable under Article 199 of the Constitution. The issues raised by the petitioner involve disputed questions of fact, civil rights, and remedies already available under ordinary law. The petition, therefore, does not warrant interference in constitutional jurisdiction. Accordingly, the petition is **dismissed** in *limine* as not maintainable along with the pending application.

JUDGE**JUDGE**AHSAN K. ABRO