

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Constitutional Petition No. D-6013 of 2021
(Habibullah Khan Khaskheli v Province of Sindh & others)

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|---|-------------------------------|
| Date | Order with signature of Judge |
| For hearing of CMA No. 25185/2025(Contempt) | |

Date of hearing and order: 18.05.2026

Mr. Ahmed Ali Ghumro advocate for the petitioner
Syed Ali Ahmed Zaidi, Additional AG

Petitioner has filed this Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking the following relief: -

- (a) *To hold and declare that the act of the Respondents No.3 and 4 Assistant Commissioner and Sub-Registrar not executing the deed of conveyance in favor of the petitioners who are residents of Dawood Wachani Goth/Village, Sector-17 Baldia Town District West Karachi which is pending without any justification, therefore the act of respondents are illegal, unlawful is based with mala fide intention and against the Government of Sindh Notification dated 21.11.2008*
- ;
- (b) *Direct the Respondent No.3 Assistant Commissioner, Baldia, to execute a deed of conveyance before the Respondent No.4, such Registrar, in favor of the petitioners in respect of their plots which were allotted to them by the Government of Sindh, in compliance with Notification dated 21.11.2008;*
- (c) *Any other relief which this court may deem proper and appropriate in the circumstances.*

2. The subject petition was disposed of vide order dated 24.04.2025 in the following terms:-

“ On query posed to the learned AAG as to why the conveyance deeds had then not been executed, he invited attention to the comments of the Respondent No.3 (Assistant Commissioner Baldia), which suggest that the petitioners never approached the functionary in that regard. Such a stance appears to be implausible and is refuted by learned counsel for the petitioners, who states that the petitioners have been pursuing the matter before the relevant quarters, but have been repeatedly rebuffed.

At this juncture, the leaned AAG submits and undertakes that if the petitioners even now approach the relevant quarter, their cases would be examined and the conveyance deed(s) would be executed without any undue delay. Under such circumstances, the purpose of the petition appears to have been served. The petition stands disposed of accordingly.”

Therefore contempt application has been filed alleging non-compliance of the aforesaid order. Learned counsel for the petitioners submitted that the petitioners are residents of Dawood Wachani Goth/Village, Sector-17, Baldia Town, Karachi, and are lawful occupants of built-up units in the said village. He argued that under the Notification dated 21.11.2008 issued by the Government of Sindh, Land Utilization Department, leasehold rights for 99 years were granted to occupants of existing villages. Pursuant thereto, this Court in C.P. No. D-2385 of 2009 directed the authorities to process the case of the village for regularization, whereafter the competent authority i.e., the Chief Minister, Sindh, approved the

regularization of the village, and the Secretary, Land Utilization Department, issued a letter dated 09.08.2012 directing issuance of allotment orders to the occupants. He further submitted that after completion of the survey, verification, and all codal formalities, challans were issued, the petitioners deposited the requisite amounts, allotment letters/sanads were issued in their favour, and entries were incorporated in the revenue record. He emphasized that despite the completion of all legal formalities, Respondent Nos. 3 and 4 failed to execute conveyance deeds in favour of the petitioners without lawful justification. Learned counsel further contended that even the official respondents in their comments admitted the regularization of the village and entitlement of the petitioners for execution of conveyance deeds under Condition No.7 of the Statement of Conditions dated 21.11.2008. He lastly argued that despite the order dated 24.04.2025 passed by this Court and repeated approaches and applications filed by the petitioners before the concerned authorities, the respondents deliberately failed to comply with the directions of this Court, vide order dated 24.04.2025, compelling the petitioners to file contempt proceedings.

3. Conversely, learned Additional Advocate General appearing on behalf of Respondent No.1 submitted that the village measuring 84 acres and 31 ghuntas situated in Deh Moach, District West Karachi, stood regularized pursuant to the approval of the competent authority, and allotment letters/sanads were duly issued to the petitioners in accordance with the Statement of Conditions dated 21.11.2008. He conceded that under Condition No.7 of the said policy, the petitioners are entitled to execution of conveyance deeds in the prescribed form. However, he submitted that during the process of allotment, the Hon'ble Supreme Court of Pakistan imposed a ban vide order dated 28.11.2012 upon allotment/transfer of state land and, therefore, conveyance deeds could not be executed. He assured the Court that the same would be executed strictly in accordance with law once the said restriction is lifted, an excerpt of the policy dated 21.11.2008 is reproduced as under:-

“ 7. The grantee shall, after making the full payment of the lease-money execute the conveyance-deed in form prescribed by the Land Utilization Department conferring the full propriety rights on such Grantee which shall be stamped and got registered at the expenses of Grantee.

8. The conveyance-deed shall be the documents of title which after execution shall be entered in the Record of Rights in the form prescribed by Government.”

4. The Assistant Commissioner also submitted that the conveyance deeds would be processed in accordance with law after removal of the ban, whereas the Sub-Registrar stated that the matter primarily related to the revenue authorities and that he was only a formal party in the proceedings.

5. In rebuttal, learned counsel for the petitioners submitted that the plea taken by the respondents regarding the ban imposed by the Hon'ble Supreme Court vide order dated 28.11.2012 is misconceived and has been selectively invoked only to deprive the petitioners of their lawful rights. He argued that the object of the said order was to restrain illegal allotments, mutations, and conversion of government land until reconstitution and computerization of the revenue record was completed; however, the Hon'ble Supreme Court itself carved out exceptions in respect of allotments/acquisitions for bona fide public purposes where compliance with the order dated 28.11.2012 had already been made. Learned counsel contended that despite repeatedly relying upon the ban against the petitioners since 2012, the Land Utilization Department itself continued to grant long-term leases of state land even thereafter. In this regard, he referred to a letter dated 02.02.2026 issued by the Government of Sindh, Land Utilization Department, whereby 731.28 acres of state land adjoining DHA City in Deh Babar Bund, District Jamshoro, was granted on 99 years' lease in favour of DHA City Karachi for residential schemes for Shuhadas' NOKs, pursuant to approval of the competent authority and Provincial Cabinet. He submitted that the said lease was granted notwithstanding the very same Supreme Court order dated 28.11.2012, which the respondents are now using as a shield against the petitioners. Learned counsel therefore argued that the respondents cannot adopt discriminatory standards by permitting fresh 99-year leases in favour of influential entities while simultaneously refusing execution of conveyance deeds in favour of the petitioners whose village already stood regularized, allotment letters/sanads had been issued, consideration amounts deposited, and all legal formalities completed long before. He contended that such conduct on the part of the respondents is arbitrary, discriminatory, and violative of Articles 4, 9, 23, 24, and 25 of the Constitution. He prayed to allow this contempt application by directing to execute deed in favor of the petitioner.

6. We have heard the learned counsel for the parties on listed application and perused the record with their assistance.

7. It is an admitted position that Dawood Wachani Goth/Village, Sector-17, Baldia Town, Karachi, was regularized by the competent authority pursuant to the Statement of Conditions dated 21.11.2008 issued by the Government of Sindh, Land Utilization Department. It is further not disputed that after completion of the survey, verification, and codal formalities, allotment letters/sanads were issued in favour of the petitioners, the requisite consideration amounts were deposited by them, and corresponding entries were incorporated in the revenue record. Even the official respondents, in their comments, have conceded the entitlement of the petitioners for execution of conveyance deeds in terms of Condition No.7 of the Statement of Conditions dated 21.11.2008.

8. The only objection now pressed into service by the respondents is the restriction flowing from the order dated 28.11.2012 passed by the Hon'ble Supreme Court of Pakistan in *Suo Motu Case No.16 of 2011*.

9. Prima facie, the stance adopted by the respondents appears inconsistent, since the petitioners' village stood regularized and the allotment process had substantially been completed much before the respondents' present refusal. Moreover, the petitioners have placed on record material showing that even subsequent to the order dated 28.11.2012, the Land Utilization Department continued to process and grant long-term leases of state land in other matters after obtaining approval from the competent authority. Therefore, the respondents cannot adopt a discriminatory or arbitrary approach while dealing with the case of the petitioners.

10. At the same time, this Court is mindful of the fact that the interpretation, scope, and effect of the order dated 28.11.2012 passed by the Hon'ble Supreme Court fall within the domain of the Hon'ble Apex Court, and this Court would refrain from issuing any direction contrary thereto.

11. In the circumstances, this contempt application is disposed of with direction to Respondent Nos. 1 to 3 to reconsider the case of the petitioners strictly in accordance with law, the Statement of Conditions dated 21.11.2008, and all subsequent developments, without discrimination and by affording an opportunity of personal hearing to the petitioners or their authorized representatives. In the event the respondents are of the view that execution of conveyance deeds is still barred on account of the order dated 28.11.2012 and subsequent orders passed by the Hon'ble Supreme Court in *Suo Motu Case No.16 of 2011*, they shall pass a clear, reasoned and speaking order specifying the precise legal impediment, the nature and extent of the restriction and the reasons for treating the case of the petitioners differently from other cases wherein leases/allotments have allegedly been processed after the said order. Such exercise shall be completed within a period of thirty (30) days from the date of receipt of this order.

12. It is clarified that in case the respondents maintain their position regarding the subsistence of the restriction imposed by the Hon'ble Supreme Court, the petitioners shall be at liberty to seek appropriate remedy or file appropriate application before the Hon'ble Supreme Court in *Suo Motu Case No.16 of 2011* or before any other competent forum in accordance with law.

JUDGE

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