

ORDER SHEET
IN THE HIGH COURT OF SINDH, Karachi
C.P. No. D-2293 of 2026
(*Ghulam Akbar v Province of Sindh & others*)

Date	Order with signature of Judge
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Before:
Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Muhammad Hasan (Akber)

Date of hearing and Order: 20.05.2026

Petitioner is present in person
Mr. Abdul Jalil Zubedi, Additional AG
Mr. Shiraz Shaukat Rajpar advocate for Respondent No.16
Nemo for Respondent No.17
Syed Khurram Kamal, Special Prosecutor NAB
Inspector Shahnawaz, SHO P.S Memon Goth.
Sajad Ahmed, Assistant Commissioner Bin Qasim and on behalf of Samiullah
Shaikh, Deputy Commissioner Malir Karachi

ORDER

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

- a.** *To pass an order for cancellation of the allotment of the 19600 Acres land situated at different Deh of District Malir, Karachi, in the name of Education City (respondent No.17);*
- b.** *To direct the respondent No.15 to conduct the inquiry in respect of allotment of 19600 Acres of land situated at different Deh of District Malir, Karachi, in the name of the respondent No.17, and further direct to the respondent No.15 to submit the detailed report before this Hon'ble Court;*
- c.** *To direct the respondent No.15 to take the legal action against the respondents Nos 1 to 11, 16, and 17 according to law;*
- d.** *Any other equitable relief which this Hon'ble Court may deem fit and proper may also be granted.*

2. The Petitioner, who is present before this Court in person submits that his fundamental rights are guaranteed under the Constitution of the Islamic Republic of Pakistan, 1973 and are fully protected which are presently at stake at the hands of Respondents. It is further submitted that Respondent No.1 is the competent and final authority for the allotment of State land within the relevant jurisdiction. He asserts that his grievance arises from the arbitrary, unlawful, and non-transparent manner in which large tracts of public land have been allotted in District Malir, Karachi. He briefed this Court and submitted that Respondent No.1, without conducting any proper inquiry or following due legal process, initially allotted approximately 9,600 acres of land situated in different Dehs of District Malir,

Karachi, in favour of Respondent No.17 for the project known as “Education City”. It is submitted that despite the lapse of a considerable period of time, Respondent No.17 has failed to undertake or complete any meaningful development on the said land. It is further submitted that thereafter, Respondent No.1 proceeded to allot an additional approximately 10,000 acres of land, also situated in different Dehs of District Malir, Karachi, once again in favour of Respondent No.17 for the same project of “Education City”, thereby raising serious questions regarding the legality, transparency, and bona fides of the entire process. The Petitioner further submits that there exist long-standing public interest issues that require urgent policy intervention and a comprehensive legislative framework. In particular, agricultural lands previously leased to local cultivators for periods ranging from 10 to 30 years have not been renewed for a prolonged period, thereby creating uncertainty, insecurity, and hardship for thousands of farmers whose livelihoods depend upon such lands. It is, therefore, imperative that appropriate policy measures and legislation be introduced to ensure renewal and extension of agricultural leases, thereby safeguarding the rights and livelihood of the affected local population. It is further the case of the Petitioner that Respondent No.17 is acting merely as a front or middleman for Respondent No.16, whereas in reality the subject land measuring approximately 19,600 acres has been unlawfully treated as *benami* property in favour of Respondent No.17. The said allotments have been made through a collusive arrangement involving Respondent No.1 and other official Respondents, namely Respondents No.2 to 11, with the intent to unlawfully appropriate valuable public land belonging to the State and the people of the concerned area. The Petitioner further submits that the Supreme Court of Pakistan has already imposed a ban on the transfer and alienation of land in District Malir, Karachi through various orders; however, despite such clear restraint, the Respondents, in collusion with each other, are continuing to deal with and misappropriate precious public land in violation of the law and binding judicial directives. He submits that it has come to his knowledge that Respondents No.16 and 17 have not deposited even a single penny towards the consideration or cost of the subject land measuring approximately 19,600 acres, which further renders the entire transaction doubtful, illegal, and void ab initio. He submitted that the said allotments have been made in violation of law and through collusion amongst Respondents No.1 to 11, 15, 16, and 17. As a consequence of the aforesaid illegal and arbitrary allotments, the fundamental rights of the Petitioner as well as other residents of the area stand seriously affected and prejudiced, depriving them of lawful use, benefit, and protection of public resources. It is further submitted that various elected representatives, including Members of Provincial Assembly (MPAs), Members of National Assembly (MNAs), and other political representatives of the Pakistan People’s Party Parliamentarians, have also raised objections and submitted representations to Respondent No.1 seeking cancellation of the impugned allotments. He, being aggrieved and left with no other adequate, efficacious, or speedy remedy available under the law, has approached this Court by filing the

instant Constitutional Petition in the interest of justice. The Petitioner further submits that he has approached this Court with clean hands, without suppression of any material facts, and has not made any false or misleading statement. He prayed to allow this petition.

3. At the outset, learned counsel for Respondent No.16, submits that the instant Constitutional Petition is not maintainable in its present form and is liable to be dismissed in limine. It is submitted that the petition is founded upon disputed questions of fact, allegations of collusion, *benami* transactions, illegality in allotment, and non-payment of consideration, all of which require the recording of evidence through examination and cross-examination of witnesses. He pointed out that it is a settled principle of law that such contentious factual controversies cannot be adjudicated upon in proceedings under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973. It is further submitted that the Petitioner has failed to place on record any legally admissible documentary evidence to substantiate the sweeping allegations made against Respondent No.16 and other Respondents. Mere assertions, conjectures, and presumptions cannot form the basis of the invocation of Constitutional jurisdiction of this Court under Article 199 of the Constitution. It is also submitted that Respondent No.16 has no direct role in the alleged administrative decisions regarding land allotment, nor is any official act or statutory duty of Respondent No.16 under challenge, which may warrant the invocation of writ jurisdiction against her. The learned counsel further submits that the constitutional jurisdiction of this Court is discretionary and equitable in nature, and cannot be converted into a forum for conducting fishing or roving inquiry into complex factual disputes relating to land transactions and inter-se rights of parties. It is, therefore, prayed that, in view of the factual controversies involved, lack of documentary substantiation, and availability of an alternate remedy before the competent fora, the instant petition may be dismissed in limine qua Respondent No.16 along with other Respondents.

4. Learned AAG is of the same view, however, he has adopted the arguments of learned counsel for Respondent No.16 and prayed for dismissal of the petition as not maintainable.

5. In view of the foregoing assertions of the parties, this Court is of the considered view that the instant Constitutional Petition is not maintainable in exercise of constitutional jurisdiction under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973.

6. The entire controversy raised by the Petitioner revolves around highly disputed and controversial questions of fact, including allegations of collusion, *benami* arrangements, illegal allotment of State land, non-payment of consideration, violation of governmental policy, and alleged breach of orders passed by the Honourable Supreme Court of Pakistan. Prima facie, the determination of such allegations necessarily requires a comprehensive fact-

finding inquiry, production and scrutiny of the original record, recording of evidence, and examination and cross-examination of witnesses, which cannot be undertaken in summary constitutional proceedings. It is by now a settled principle of law that writ jurisdiction under Article 199 is not available for the adjudication of disputed factual controversies requiring trial-like proceedings.

7. Furthermore, no direct or immediate infringement of any enforceable fundamental right of the Petitioner has been established based on admitted or undisputed material placed before this Court. Besides, the petitioner has failed to establish his *locus standi* in the present case to invoke the extra ordinary jurisdiction of this Court.

8. The Petitioner has primarily sought cancellation of land allotment and initiation of inquiry proceedings, matters which squarely fall within the statutory and administrative domain of the competent authorities regulating State land and land utilization affairs.

9. In the presence of an available and adequate remedy before the competent forum, constitutional jurisdiction cannot ordinarily be invoked as a substitute for statutory or departmental remedies, particularly where the controversy requires technical examination of revenue records, policy decisions, and administrative actions.

10. This Court is also mindful of the settled legal position that no writ can ordinarily be issued against a private person unless it is shown that such person is performing statutory functions or acting in connection with affairs of the Federation or Province.

11. In the present case, Respondent No.16 is admittedly a private individual, against whom no specific statutory duty or enforceable public obligation has been demonstrated. The allegations levelled against private Respondent are merely accusatory in nature and unsupported by any cogent or legally admissible material warranting the invocation of constitutional jurisdiction. Consequently, no case for issuance of writ against the private Respondents is made out.

12. For the foregoing reasons, the instant Constitutional Petition is dismissed in *limine*.

JUDGE

JUDGE

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