

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Constitutional Petition No. D-2981 of 2026
(Muhammad Javed Malik versus Federation of Pakistan & others)

Date	Order with signature of Judge
	Before:- Mr. Justice Adnan-ul-Karim Memon Mr. Justice Adnan Iqbal Chaudhry

Date of hearing and order: 13.7.2026
Mr. Hussain Bux Balouch, Advocate for the petitioner

ORDER

Adnan-ul-Karim Memon, J. Petitioner Muhammad Javed Malik has filed this Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, with the prayer that official Respondents may be restrained from processing issuance of a license for a petrol pump on disputed / under litigation land bearing Survey No.110-J, Street No. 11, Gulshan-e-Zia, Orangi Town, Karachi.

2. At the very outset, learned counsel for the petitioner was asked to satisfy the Court regarding the maintainability of the instant petition, particularly in view of the admitted pendency of civil and criminal proceedings concerning the disputed property and the availability of adequate alternate remedies before the competent forums.

3. Learned counsel for the petitioner submits that the petitioner is the lawful owner of land bearing Survey No. 110-J, Street No. 11, Gulshan-e-Zia, Orangi Town, Karachi. He contends that respondents Nos. 5 and 6, in collusion with certain officials of KMC and the Katchi Abadi authorities, have managed to procure forged and fabricated lease documents in respect of the disputed property even though the land is already the subject matter of several pending civil and criminal proceedings before different courts, including summary suits, civil revision, civil appeal, and criminal cases arising out of various FIRs. It is further submitted that respondents Nos. 5 and 6, on the strength of the forged documents, have approached respondent No. 4/Pakistan State Oil for grant of a licence/dealership to establish a petrol pump over the disputed property. Learned counsel argues that issuance of any such licence during the pendency of litigation would not only prejudice the petitioner's rights but would also facilitate an illegal act based on fraudulent documents. He added that despite publication of public notices and service of legal notices upon the concerned authorities, no remedial action has been taken. Learned counsel, therefore, prays that the official respondents be restrained from processing or issuing any licence, NOC, dealership, or permission for establishment of a petrol pump over Survey No. 110-J until the ownership dispute is finally adjudicated by the competent courts, along with any other appropriate relief deemed just and proper.

4. We have heard the learned counsel for the petitioner on the maintainability of the petition and have examined the material available on record.

5. The principal grievance of the petitioner is directed against the proposed issuance of a licence/dealership for establishment of a petrol pump over land bearing Survey No.110-J, Street No.11, Gulshan-e-Zia, Orangi Town, Karachi, on the ground that the ownership of the said property is disputed and is already the subject matter of several civil and criminal proceedings pending before the competent forums.

6. The record reflects that the controversy essentially relates to the title, ownership, validity of lease documents, and alleged forgery, all of which are disputed questions of fact requiring recording of evidence and adjudication by the competent civil courts. Such questions cannot be effectively determined by this Court while exercising its constitutional jurisdiction under Article 199 of the Constitution, as writ jurisdiction is not intended to decide disputes over proprietary rights or to examine the genuineness of title documents that require detailed evidence.

7. We have noticed that the petitioner has already availed the appropriate statutory and civil remedies by instituting civil suits, appeals, revisions, and criminal proceedings concerning the same property, which are admittedly pending before competent courts. Once the matter is sub judice before forums with lawful jurisdiction to determine the parties' rights, parallel invocation of constitutional jurisdiction to indirectly secure the protection of the same disputed rights is ordinarily not maintainable. The outcome of the pending civil litigation shall determine the respective rights and liabilities of the parties.

8. Furthermore, the petitioner has not demonstrated that any final adverse order has been passed by the official respondents in violation of any mandatory statutory provision, nor has any material been placed before this Court to establish that the respondents have acted without lawful authority, in excess of jurisdiction, or in breach of any fundamental right to warrant interference under Article 199 of the Constitution. Mere apprehension that a licence may be issued during the pendency of civil litigation, without establishing any concluded illegal action, does not furnish a valid ground for invoking the extraordinary constitutional jurisdiction of this Court.

9. It is a settled principle of law that where an efficacious and adequate remedy is available before the competent forum, particularly in matters involving disputed title to immovable property, constitutional jurisdiction should not ordinarily be exercised. The petitioner, if so advised, is at liberty to seek appropriate interim or injunctive relief before the civil court where the ownership dispute is pending, which is fully competent to protect the subject matter of the litigation.

10. In these circumstances, this Constitutional Petition is not maintainable, being founded upon disputed questions of title and ownership, for which adequate and efficacious remedies are already available and have in fact been invoked by the petitioner before the competent courts.

11. Consequently, the petition is dismissed in limine, with the observation that any observations made herein are tentative in nature and shall not prejudice the merits of the pending civil or criminal proceedings, which shall be decided independently in accordance with law.

JUDGE

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