

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P. No. D-2702 of 2026
(Ahsan & others v Province of Sindh & others)

Date	Order with signature of Judge(s)
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Before:
Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Adnan Iqbal Chaudhary

Date of hearing and Order: 13.07.2026

Mr. Gul Meer, Advocate, for the Petitioners.
Mr. Muhammad Yousuf Narejo, Advocate for Respondent No.11
Syed Ali Ahmed Zaidi Addl. A.G.
Sajid Gujjar, DSP Legal, CPO Karachi.

ORDER

Adnan-ul-Karim Memon, J. – Petitioners have filed this petition under Article 199 of the Constitution with the following prayer(s):-

- a) *To take legal action against the private respondents Nos. 8 to 15 who illegally encroached upon agricultural land bearing survey Nos. 223,227,145 total area 14-172 acres situated in Taluka Mirpur Sakaro District Thatta;*
- b) *To direct the respondents to remove the illegal encroachment upon the agricultural land bearing survey Nos. 223,327,145 total area 14-172 acres, situated in Taluka Mirpur Sakaro, District Thatta, raised by the private respondents Nos. 8 to 15 and also submit a report before this Court;*
- c) *To direct the official respondents No. 3 to 8 to conduct the inquiry against the private respondents who illegally encroached upon the inherited land which belongs to the petitioners and petitioners have all legal and title documents;*
- d) *To restrain the private respondents and their notorious persons who are harassing as well as issuing threats to the petitioner and other villagers;*
- e) *Any other relief(s) which this Court deems fit and proper in the circumstances of the case.*

2. The learned counsel for the petitioners submits that the petitioners are lawful owners/occupants of agricultural land bearing Survey Nos. 223, 227 and 145, measuring 14-172 acres, situated in Taluka Mirpur Sakro, District Thatta, inherited from their predecessor, Haji Karfil, whose name was duly entered in the revenue record through Entry No.184 dated 11.01.1961. Petitioner Nos.1 to 23 have authorized Petitioner No.24 through a Special Power of Attorney to prosecute the present petition. It is submitted that the petitioners' village, comprising several households, has existed on the said land for decades and the sanctioned Watercourse L-13 serves as the only access route to their village as well as to their agricultural lands. He further submits that private Respondent Nos.9 to 15, with the assistance of anti-social elements, have illegally encroached upon the boundary of the sanctioned watercourse by constructing houses, thereby blocking the only passage leading to the petitioners' village and obstructing the watercourse, as a result of which the petitioners and other villagers

have been deprived of access to their village and are unable to cultivate their lands, causing them continuous financial loss. When the petitioners requested the private respondents to remove the encroachments, they were allegedly threatened with dire consequences, including threats to their lives. Learned counsel contends that despite repeated complaints to the police and revenue authorities, no effective action has been taken. He further points out that a similar issue had arisen in the year 2009, when the petitioners' predecessor approached the District Coordination Officer, Thatta. Upon inquiry, the concerned Tapedar reported that the petitioners' village consisted of approximately 99 houses and that the residents had historically been using the boundary of Watercourse No.13-L as the only passage to their village. The report further confirmed that the residents of Village Ramoon Khaskheli had illegally blocked the passage by constructing houses and that no alternative access route existed. It was also observed that the encroachers possessed sufficient Kabuli land adjacent to the watercourse where their houses could be shifted without prejudice. He lastly submits that despite the availability of official revenue reports confirming the encroachment, the official respondents have failed to remove the illegal constructions or provide protection to the petitioners, thereby violating their constitutional rights to life, property and lawful enjoyment of their inherited land. He therefore prays that the official respondents be directed to remove the encroachments, restore the passage and watercourse, conduct an inquiry against the private respondents, and provide adequate protection to the petitioners and other villagers in accordance with law.

3. Learned counsel for the private respondents, at the very outset, raised a preliminary objection regarding the maintainability of the instant constitutional petition, contending that the dispute pertains to alleged encroachment, right of way, and questions relating to title, possession and demarcation of agricultural land, which involve disputed questions of fact requiring appreciation of evidence and fall within the competence of the concerned revenue authorities. He submits that the petitioners have an adequate and efficacious remedy available under the relevant revenue laws before the competent forum; therefore, the constitutional jurisdiction of this Court is not attracted.

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

5. Prima facie, the controversy relates to the alleged encroachment over agricultural land, blockage of the passage and watercourse, and the competing claims of the parties regarding their respective rights. Resolution of such controversy necessarily requires factual inquiry, site inspection, demarcation, and examination of the relevant revenue record, which cannot appropriately be undertaken in constitutional jurisdiction under Article 199 of the Constitution. Such matters are more effectively and lawfully adjudicated by the competent

executive, revenue and concerned authorities vested with the requisite statutory powers.

6. In the circumstances, without expressing any opinion on the merits of the rival claims, and to ensure that the grievance of the petitioners is examined by the competent authority in accordance with law, this petition is disposed of with the direction to the Deputy Commissioner, Thatta, to take cognizance of the petitioners' grievance, if they have genuine grievances issue notices to all concerned parties, afford them a fair opportunity of hearing, conduct such inquiry, and site inspection as may be necessary through the competent revenue officials, and thereafter pass a speaking and reasoned order strictly in accordance with law, preferably within three (03) weeks from the date of receipt of a copy of this order.

7. The petition stands disposed of in the above terms, along with all pending applications.

JUDGE

JUDGE