

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P. No. D-2966 of 2026

(Pakistan Reinsurance Company v Federation of Pakistan & 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: 15.07.2026

M/s. Javed Ahmed Rajput and Ibad Jawed Rajput, Advocates for the Petitioner.

Mr. Asaad Ahmed Aurangzeb, Advocate for the Respondent No.2.

Ms. Mehreen Ebrahim, DAG.

Mr. Naeem Akhtar Talpur, AAG Sindh.

DSP Sajid Gujjar and SIP Malik Mumtaz, P.S. Docks are present.

ORDER

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

- a) Declare the impugned action of sealing of the petitioner's property/ building situated at Sheet No. 75, Survey No. 7, M.A Jinnah Road Tower/PRC Old Tower Building, Karachi as illegal, unlawful, mala fide, without jurisdiction and of no legal effect;
- b) Suspend the impugned sealing action forthwith and direct the Respondents to immediately de-seal the subject property/building and restore peaceful possession, access and use thereof to the petitioner;
- c) Restrain the Respondents, their agents, officers, subordinates and all persons acting under them from interfering in possession, occupation, access, use and business operations of the petitioner regarding the subject property in any manner whatsoever;
- d) Direct the Respondents to produce before this Court any alleged order, notification, proceedings or authority under which the impugned action was undertaken;
- e) Grant interim relief during pendency of the petition;
- f) Any other better and further relief and appropriate orders deems fit and proper under the circumstances of the case.

2. The petitioner, Pakistan Reinsurance Company Limited (formerly Pakistan Insurance Corporation), a public sector reinsurance company, has filed the present constitutional petition challenging the action of the respondents in sealing its old building situated at M.A. Jinnah Road, Karachi.

3. Learned counsel for the petitioner submits that the petitioner is the lawful owner and possessor of the subject property by virtue of a duly registered Conveyance Deed executed in favour of its predecessor, Pakistan Insurance Corporation, pursuant to the approval of the Federal Government under the displaced persons rehabilitation framework. He submitted that since the execution of the conveyance deed, the petitioner has remained in peaceful, uninterrupted and lawful possession of the property for several decades. It is contended that on 08.05.2026, officials acting under the respondents illegally sealed the property

without issuing any notice, show cause, hearing or lawful order. He added that the petitioner immediately prepared an internal incident report and subsequently served a legal notice dated 11.05.2026 seeking de-sealing of the premises, but no response was received. He next argued that the respondents have neither disclosed any legal authority nor initiated any adjudicatory proceedings to justify the impugned action. Learned counsel further submits that the sealing of the property has seriously disrupted the petitioner's official operations, access to records and business activities, causing continuous and irreparable loss. It is argued that the respondents cannot dispossess or interfere with the petitioner's lawful possession except through due process of law and a competent forum. Counsel also submits that the controversy is similar to the Karachi Cotton Exchange Building, which has already been allowed by this Court, wherein protection of possession has been restored in action in relation to purported evacuee properties. It is maintained that the impugned action is arbitrary, mala fide, without lawful authority, and violative of Articles 4, 18, 23 and 24 of the Constitution. As no adequate or efficacious alternate remedy is available, the petitioner has invoked the constitutional jurisdiction of this Court and seeks directions for immediate de-sealing of the subject property.

4. Learned counsel for Respondent No.2 submits that the petition is not maintainable, being misconceived, vexatious and an abuse of the process of law. He contends that the Evacuee Trust Property Board is a statutory body constituted under the Evacuee Trust Properties (Management and Disposal) Act, 1975, and is fully competent to defend the present proceedings. It is submitted that the subject property, situated at Sheet No.75, Survey No.7, M.A. Jinnah Road, Karachi, is an Evacuee Trust Property known as *Trust Khushirai Hakmatral Dharamshala*, duly notified in the Gazette of Pakistan dated 09.08.1963. Counsel argues that, pursuant to the directions of the Honorable Supreme Court in Suo Motu Case No.01 of 2014 (CMA No.1547/2021), the ETPB was obligated to retrieve trust properties from unauthorized occupants and restore them to the Trust. Learned counsel further submits that, in compliance with the Supreme Court's directions, the petitioner was served with a show-cause notice, notice of hearing and other statutory notices requiring production of ownership documents. Upon the petitioner's failure to establish its claim, the Deputy Administrator passed an order, followed by an ejectment notice under Section 25 of the Act, whereafter the property was lawfully sealed with the assistance of the FIA. It is further contended that the petitioner's claim of ownership based on the conveyance deed dated 12.11.1959 is legally untenable, as Evacuee Trust Properties form part of the Trust Pool under Section 4-A of the Displaced Persons (Compensation and Rehabilitation) Act, 1958, and could not lawfully be transferred through private conveyance. Counsel submits that such properties could only be disposed of in accordance with the prescribed statutory scheme through public auction,

rendering the alleged conveyance deed void, without lawful authority and incapable of conferring any title upon the petitioner. Learned counsel also submits that the petitioner has suppressed material facts, approached the Court with unclean hands, and has an adequate statutory remedy of appeal under the Evacuee Trust Properties Act against the show-cause notice and the order of the Deputy Administrator, which has not been availed. It is therefore argued that the constitutional petition is not maintainable and is liable to be dismissed with costs.

5. We have heard the learned counsel for the parties and perused the record with their assistance.

6. The controversy in the present petition revolves around the ownership, status and lawful possession of the subject property. While the petitioner asserts title on the strength of a registered Conveyance Deed executed in 1959 and alleges that the property was sealed without notice or due process, Respondent No.2 disputes the very foundation of such title by contending that the property is an Evacuee Trust Property forming part of the Trust Pool under Section 4-A of the Displaced Persons (Compensation and Rehabilitation) Act, 1958, and, therefore, was never capable of being transferred through the alleged conveyance deed. It is further the case of the respondents that proceedings under the Evacuee Trust Properties (Management and Disposal) Act, 1975 were initiated against the petitioner, show-cause notices and notices of hearing were issued, an order was passed by the competent authority, and thereafter an ejectment notice under Section 25 of the Act culminated in sealing of the property.

7. From the respective pleadings, we have noticed that the dispute raises highly contested questions regarding the validity of the petitioner's title, the legal character of the subject property, the effect of the registered conveyance deed, the applicability of the provisions of the Displaced Persons (Compensation and Rehabilitation) Act, 1958, and the legality of the proceedings conducted by the Evacuee Trust Property Board. Primarily, determination of these issues necessarily requires examination of documentary evidence, scrutiny of historical records, and adjudication of disputed questions of fact and law, which cannot appropriately be undertaken in constitutional jurisdiction under Article 199 of the Constitution.

8. It is equally significant that the Evacuee Trust Properties (Management and Disposal) Act, 1975 provides a complete statutory mechanism against orders passed by the authorities under the Act. Where a statute creates rights and liabilities and simultaneously provides a forum for redress of grievances, such remedy is ordinarily required to be exhausted before invoking the extraordinary constitutional jurisdiction of this Court. The petitioner has not been able to demonstrate that the statutory remedy is either unavailable or inefficacious, nor

has it established that the impugned proceedings suffer from inherent lack of jurisdiction to warrant bypassing the statutory forum.

9. Although the petitioner has alleged violation of the principles of natural justice and absence of notice, the respondents have specifically pleaded that show-cause notices, notices of appearance and ejectment proceedings were duly undertaken before the property was sealed. Such disputed factual assertions cannot be conclusively resolved merely based on affidavits exchanged in constitutional proceedings. Likewise, the reliance placed by the petitioner upon proceedings relating to the Karachi Cotton Exchange Building does not advance its case, as each matter must be decided on its own facts, the statutory framework governing the property in question, and the evidence available on record.

10. Constitutional jurisdiction under Article 199 is discretionary and equitable in nature. It is not intended to substitute the statutory forums constituted by law or to determine disputed questions of title requiring detailed examination of evidence. The petitioner has failed to make out a case warranting interference in the extraordinary constitutional jurisdiction of this Court.

11. For the foregoing reasons, the petition, being not maintainable in its present form, is dismissed, leaving the petitioner at liberty to avail such statutory remedy as may be available under the Evacuee Trust Properties (Management and Disposal) Act, 1975 or any other remedy available under law. Needless to observe that if such remedy is availed, the competent forum shall decide the matter independently and strictly in accordance with law, without being influenced by any observation made herein, which shall be confined solely to the question of maintainability of the present constitutional petition.

JUDGE

JUDGE