

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

*Constitutional Petition No. D-202 of 2024.
Syed Shoukat Ali Shah Masoomi vs. Chairman National
Accountability Bureau and others)*

*Before:-
Mr. Justice Amjad Ali Bohio,
Mr. Justice Ali Haider 'Ada'.*

Date of Hearing: 01.04.2026.

Date of Decision: 14.04.2026.

Petitioner, present in peron.

Mr. Ghulam Abbas Kuber, Assistant Advocate General, Sindh.

Mr. Adnan Arshad Jatoi, Special Prosector, NAB.

ORDER

Ali Haider 'Ada' J:- This constitutional petition has been filed by Syed Shoukat Ali Shah on behalf of his wife, Mst. Bibi Rafia Begum Talpur, who claims to be the daughter of the late Ghulam Jaffar Khan Talpur, the alleged owner of the land in question.

2. The subject land measures 202-02 acres, out of which 160-02 acres are situated in Deh Hamid Jagir, Garhi Yaseen, District Shikarpur, and 42 acres are located in Deh Qasimpur Jagir, Pano Akil. It is asserted that the said land was mutated in the name of Mst. Rafia Begum Talpur through a gift, as claimed by the petitioner.

3. The petitioner has alleged that Respondent No. 08, being claimed as one of the legal heirs, in collusion with the revenue authorities, fraudulently mutated the record of rights. The grievance was also reportedly brought before the enforcement agencies as well as the revenue hierarchy. Nevertheless, no effective outcome or conclusive determination has surfaced despite such efforts.

4. In compliance with the Court's notice, statements were filed by the Commissioner Sukkur and the Assistant Commissioner Pano Akil. They stated that the inheritance claim of the said lady is

disputed, as her name does not appear in the list of legal heirs and serious objections have been raised by other relatives of the deceased. It has further been asserted that the deceased, during his lifetime, had already sold the land in question to various persons, and presently no land remains in the name of the deceased or any of his legal heirs.

5. The record further reflects that, on the same cause of action, Constitutional Petition No. D-1639 of 2023 was previously filed and dismissed by this Court in *limine* on 14.11.2023, as the petitioner failed to satisfy the Court regarding the maintainability of the petition and did not first approach the competent revenue authorities for redressal of his grievance.

6. Heard, and the available record has been perused.

7. It is noted that the earlier petition filed on the same cause of action has already been dismissed by this Court. Filing a second petition on identical grounds amounts to a futile exercise and is not permissible under the law.

8. Furthermore, the grievance regarding declaration of legal heirship and mutation of land involves complicated and disputed questions of fact, which require recording of evidence. Such matters cannot be adjudicated in constitutional jurisdiction. Reliance is placed upon the case of **Special Secretary-II (Law and Order), Home and Tribal Affairs Department, Government of Khyber Pakhtunkhwa, Peshawar and others v. FayyazDawar (2023 SCMR 1442), Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar and others v. Intizar Ali and others (2022 SCMR 472), Province of Punjab through Secretary Communication and Works Department, Lahore through Chief Engineer (North/Central) Punjab Highway Department, Lahore v. YasirMajeed Sheikh and others (2021 SCMR 624) and MessrsFateh**

Yarn (Pvt.) Ltd. Faisalabad v. Commissioner Inland Revenue Faisalabad and others (2021 SCMR 1133).

9. It is also an admitted position that an alternate remedy is available to the petitioner under the relevant revenue laws. This Court has already observed in earlier proceedings that the petitioner failed to avail such remedy. It is a settled principle that where an adequate alternate remedy exists, constitutional jurisdiction is not ordinarily exercised. The claim of the petitioner that he has moved applications is not sufficient to constitute proper recourse; instead, he is required to avail the statutory remedy by invoking the jurisdiction of the competent revenue hierarchy in terms of the provisions of the Land Revenue Act. Reliance in this regard is placed upon the judgments reported as **Indus Trading and Contracting Company v. Collector of Customs (Preventive), Karachi and others (2016 SCMR 842); President, All Pakistan Women Association, Peshawar Cantt. v. Muhammad Akbar Awan and others (2020 SCMR 260); Commissioner Inland Revenue and others v. Jahangir Khan Tareen and others (2022 SCMR 92); and Executive Director (P&GS), State Life, Principal Office Karachi and others v. Muhammad Nisar, Area Manager, State Life Corporation of Pakistan, Peshawar Zone (2025 SCMR 249).**

10. In view of the foregoing facts and reasons, the instant petition is devoid of merit, constitutes a futile exercise, and is hereby dismissed along with all pending applications.

JUDGE

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