

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

**Constitutional Petition No. D- 1096 of 2025.
(Ferozuddin Qureshi vs. Province of Sindh and others)**

Before:-

Mr. Justice Amjad Ali Bohio.

Mr. Justice Ali Haider 'Ada'.

30.04.2026.

Mr. Khan Muhammad Sangi, Advocate for the Petitioner.
Mr. Kashif Hussain Shaikh, Advocate for Respondent
No.3.

Mr. Noor Hassan Malik, Advocate for Respondent No.6.
Mr. Ali Raza Balouch, Additional Advocate General.

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ORDER

Ali Haider 'Ada' J- The case of the petitioner is that his father, namely Karamuddin, initially moved an application before the Town Officer, Town Committee, Kandiaro, for allotment of shops, whereafter a rent agreement was executed. The petitioner now asserts that he had been depositing rent with the Town Committee through his son, Zafar Ali (respondent No.6), and has challenged the rent agreement executed by the Town Committee, Kandiaro, in favour of respondent No.6, alleging the same to be illegal, unlawful, and unconstitutional.

2. Learned counsel for the petitioner submits that the petitioner, being the father, reposed trust in respondent No.6; however, respondent No.6, in collusion and with mala fide intent, allegedly obtained the rent/lease agreement with the support of government functionaries, which is unjust and liable to be set aside. In support of his contention, he has relied upon the case law reported as 2010 CLC 849.

3. On the other hand, learned counsel for respondent No.6 has controverted the said assertions and submits that the rent

has been duly deposited by respondent No.6, a fact that is not disputed by the concerned authorities.

4. Learned counsel for respondent No.3 (Chairman, District Council Naushahro Feroze), as well as the learned Additional Advocate General, have primarily raised the objection of maintainability, contending that the matter pertains to a private dispute involving disputed questions of fact, which cannot be adjudicated in constitutional jurisdiction.

5. Heard learned counsel for the parties and perused the material available on record.

6. A careful examination of the record reveals that the dispute is essentially inter se between the petitioner (father) and respondent No.6 (son), involving competing claims regarding the validity of a rent agreement. The controversy entails the determination of disputed questions of fact, including the genuineness, validity, and legal effect of the agreement in question.

7. It is a settled principle of law that such factual controversies, particularly those involving cancellation of documents or declaration of rights, do not ordinarily fall within the ambit of constitutional jurisdiction under Article 199 of the Constitution, and are to be adjudicated by a competent forum.

8. Learned counsel for the petitioner has relied upon case law reported as 2010 CLC 849 and PLJ 2000 Lahore 271; however, both authorities are distinguishable on facts. The former pertains to the allotment of State land in violation of a ban, while the latter relates to proceedings in an intra-court appeal arising out of trial court proceedings. Neither of these judgments is applicable to the present case.

9. The settled legal position that disputed questions of fact cannot be adjudicated in writ jurisdiction is further supported by the authoritative pronouncements of the Honourable Supreme Court in *Special Secretary-II (Law and Order), Home and Tribal Affairs Department, Government of Khyber Pakhtunkhwa, Peshawar and others v. Fayyaz Dawar* (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. Yasir Majeed Sheikh and others* (2021 SCMR 624) and *Messrs Fateh Yarn (Pvt.) Ltd. Faisalabad v. Commissioner Inland Revenue Faisalabad and others* (2021 SCMR 1133).

10. In view of the foregoing, this Court is of the considered opinion that the controversy raised by the petitioner is of a purely civil nature, and adjudication by a competent forum of jurisdiction. Accordingly, this petition, being not maintainable, is hereby dismissed along with pending application(s).

JUDGE

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