

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Constitutional Petition No. D – 3118 of 2024
(*Asghar Anjum Siddiqui versus Province of Sindh & others*)

Date	Order with signature of Judge
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Before:

Mr. Justice Adnan-ul-Karim Memon

Mr. Justice Muhammad Jaffer Raza

Date of hearing and order: 28.09.2026

Mr. Kuldeep Kumar, Advocate for the Petitioner.

Mr. Zorawar, Advocate for the applicant/intervenor.

Mr. Ali Safdar Depar, AAG.

ORDER

Adnan-ul-Karim Memon, J. The case of the petitioner is that he claims to be the lawful and exclusive owner of land bearing Survey Nos. 77, 78, 79, 80 and 153, measuring 40 Acres 26 Ghuntas at Deh Nagan, Karachi, which he allegedly purchased through a registered Sale Deed dated 05.04.1999 and has remained in continuous and peaceful possession thereof for over 26 years. He asserts that the property was mutated in his name and is secured by boundary walls, constructions, plantations and security guards. According to the petitioner, Respondent No.9, acting in collusion with certain official respondents and land grabbers, attempted to dispossess him from the subject land and threatened his security guard on 23.05.2024. Although a complaint was made to the police and Criminal Petition No.2019/2024 under Sections 22-A & 22-B Cr.P.C. was filed, no effective action was taken. The petitioner further apprehends alteration of the official land record and continued interference with his possession despite Respondent No.9 allegedly having no title documents. Claiming violation of his proprietary and constitutional rights, the petitioner has approached this Court seeking protection of his possession, production and preservation of the official record, and restraint against the respondents from interfering with his possession or altering the record.

2. This Court, vide order dated 25.06.2024, issued notices to the respondents and appointed the Nazir as Commissioner to inspect the subject land and submit a report, while restraining the police and other Government officials from taking coercive action against the petitioner.

3. We asked the counsel for the petitioner whether the petitioner's title could be adjudicated in constitutional jurisdiction, learned counsel stated that the petitioner would avail the appropriate remedy before the competent Court having plenary jurisdiction and now has sought disposal of the petition in those terms.

4. The Intervener also seeks impleadment as Respondent No. 10 under Order 1 Rule 10 read with Section 151 CPC, contending that the present petition directly affects his proprietary rights in land measuring 40.26 acres situated in Deh Nagan, Karachi West, comprising Survey Nos. 77, 78, 79, 80 and 153. He submits that the subject land originally belonged to his late father, Shaikh Ejaz-ur-Rehman, who had acquired 408-34 acres in Deh Nagan through auction in 1986, and whose title was verified by the Mukhtiarkar on 02.01.2018. According to the Intervenor, his father transferred the property to him through an Oral Gift dated 12.02.2018, subsequently formalized through a Declaration and Memorandum of Gift, and after his father's death in 2023, he became the sole successor-in-interest. He disputes the Petitioner's reliance upon a Sale Deed dated 05.04.1999, asserting that his father, due to prolonged illness and infirmity, never executed any such sale deed or transfer in favour of the Petitioner. He further relies upon orders and Nazir's Reports dated 24.09.2007 and 11.09.2008 passed in C.P. No.D-636/2007, whereby his father's possession over the subject land was verified and protected, as well as pending contempt proceedings arising from alleged violation of the status quo orders. He therefore claims to be a necessary and proper party, maintaining that any order affecting the subject property without affording him an opportunity of hearing would prejudice his rights and violate the principles of natural justice.

5. In view of the nature of the controversy, particularly the disputed claims of title, ownership and possession over the subject land, this Court is of the view that such questions, involving disputed questions of fact and examination of title documents, cannot appropriately be adjudicated in its constitutional jurisdiction under Article 199 of the Constitution, which is not a substitute for a civil trial or a forum for determining competing proprietary claims.

6. Since the learned counsel for the petitioner has fairly stated that the petitioner shall avail the appropriate remedy before the competent Court

having plenary jurisdiction, no useful purpose would be served by keeping the present petition pending.

7. Accordingly, the petition is disposed of, without expressing any opinion on the merits of the respective claims of the petitioner, Respondent No.9 or the proposed intervenor, and all parties are left at liberty to agitate their respective claims, counterclaims and objections before the competent Court in accordance with law, which shall decide the same independently on the basis of the material produced before it. Any observations of this court in the present proceedings or interim arrangements made shall not prejudice the rights or contentions of the parties before such competent forum which shall deal with the issues independently.

JUDGE

JUDGE