ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Const. Petition No. D-1606 of 2007

Date	Order with signature of Judge

1. For orders on CMA No.28192/2023.
2. For orders on CMA No.36337/2018.
3. For orders on CMA No.35061/2018.
4. For orders on CMA No.23658/2019.
5. For hearing of Main Case.

12.11.2026

Mr. Abdul Waheed Kanju, Advocate for the Petitioners.
Mr. Hassan Abidi, Advocate for KMC.
Mr. Zohaib Zulfiqar Sarki, Addl. A.G., Sindh.

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RIAZAT ALI SAHAR, J.— The instant constitutional petition pertains to the year 2007 and has remained pending for nearly two decades without any substantial progress towards its final adjudication. We have examined the material available on record, particularly the inspection report submitted by the learned Nazir of this Court dated 23.10.2007, which reads as under:

> "During the inspection on 18.10.2007, the undersigned found that there is Katchi Abadi and people are residing in their houses. Disputed plot is in Sheet No.1, which is situated on the back side of the Bus Terminal. The undersigned found that at present there is no occupancy at all and it is an open plot, as shown in photographs, which are annexed and marked as 'A to E'. However, the undersigned took some more photographs from different angels, showing the construction of wall, which is recently constructed, as shown in photographs, which are annexed and marked as 'F to N'."

2. Upon being confronted with the aforesaid report, the petitioners disputed the observations recorded therein and maintained that they and their predecessors have been residing in Yousuf Goth for generations. They further alleged that the Government functionaries have been undertaking demolition of their residential structures without lawful authority and in disregard of their longstanding possession and

occupation. Thus, the controversy essentially revolves around disputed questions of fact concerning the identity, status, possession and occupation of the subject property, which cannot appropriately be resolved without a comprehensive examination of the relevant record and verification of the factual position at the site.

3. In these circumstances, particularly keeping in view the considerable lapse of time, the conflicting claims of the parties and the nature of the controversy, we deem it just and appropriate that the matter be examined and resolved by a competent Committee comprising the concerned Government functionaries. Accordingly, with the consent of the parties, we direct the Chief Secretary, Government of Sindh, to constitute a Committee under his supervision, comprising the following officers:

1. One representative of the Sindh Katchi Abadis Authority, not below the rank of BS-19;

2. One representative of the Karachi Metropolitan Corporation (KMC), not below the rank of BS-18; and

3. The Deputy Commissioner of the district within whose territorial jurisdiction the subject property is situated.

4. The Committee so constituted shall examine the competing claims of the parties, scrutinize the relevant revenue, municipal and other official records, consider the Nazir's report dated 23.10.2007 and, if necessary, undertake a fresh inspection of the subject property. The Committee shall afford a fair and meaningful opportunity of hearing to all concerned stakeholders and thereafter determine the controversy through a reasoned and speaking decision, strictly in accordance with law, within a period of four (04) months from the date of receipt of this order. The concerned departments and authorities shall extend all necessary assistance and cooperation to the Committee for the effective discharge of its assigned mandate.

5. Meanwhile, no coercive action, including demolition or dispossession, shall be taken against the petitioners in respect of the subject property, until the Committee has rendered its decision, whereafter the rights and obligations of the parties shall be governed by such decision, subject to any remedy available to an aggrieved party under the law. It is, however, clarified that this interim protection shall not be construed as recognition or conferment of any right, title or interest in the subject property in favour of the petitioners.

6. In view of the foregoing observations and directions, the instant constitutional petition stands disposed of, along with all pending applications, if any.

Let a copy of this order be transmitted forthwith to the Chief Secretary, Government of Sindh, for information, constitution of the Committee and necessary compliance within the stipulated period.

JUDGE

JUDGE

M. Khan