

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH AT KARACHI**  
**CP No. D-6112 of 2024**

( *Syed Laiq Ahmed v. Karachi Development Authority & Others* )

<b>DATE:</b>	<b>ORDER WITH SIGNATURE(s) OF JUDGE(s)</b>
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- 1. For Orders on CMA No. 7098 / 2025 (O 22 R.3 CPC – Legal Heirs of (late) Petitioner)
- 2. For Orders on Office Objection
- 3. For Hearing of CMA No. 27049 / 2024 (Stay App)
- 4. For Hearing of CMA No. 27050 / 2024 (O 18 R. 18 CPC)
- 5. For Hearing of Main Case

**13-5-2025**

M/s Abbas Rasheed Razvi & Shoaib Ali Khatian, Advocates for Petitioner  
Mr. Khursheed Javed, Advocate for Respondent No.1 (KDA)  
Ms. Humaira Jatoi, Advocate for Respondent No.5 (SMPA)  
M/s Asim Iqbal & Farmanullah Khan, Advocates for Respondent No.7  
Mr. Rehan Aziz Malik, Advocate for Respondent No.8

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- 1. **Sana Akram Minhas J:** The deceased Petitioner, who claims to be the owner of a large flat-site plot in KDA Scheme 33, Karachi, measuring 5,555.55 square yards ("**Subject Plot**"), has petitioned for a land survey to be undertaken by official Respondents No.1 to 5, for purpose of identifying three distinct parcels of land, including the Subject Plot. Notably, no title document exists in the Petitioner's name with respect to the Subject Plot. Instead, the Petitioner relies solely on a registered General Power of Attorney dated 24.01.1994 (**Court File Pg. 49, Annex A-8**), which he alleges (in paragraphs 3 & 4 of Petition) was executed in his favour by his purported predecessor following the payment of a nominal consideration of Rs. 484,000/- (**Court File Pg. 43, Annex A-7**).
- 2. According to the learned Counsel for Petitioner, a dispute has arisen between the Petitioner and private Respondents No.7 to 9 regarding the precise location of the Subject Plot. The Counsel contends that these private Respondents do not assert any ownership or proprietary interest in the Subject Plot and that their landholding is altogether distinct from the Subject Plot.
- 3. An examination of the record indicates that the deceased Petitioner is currently involved in civil litigation concerning the Subject Plot – viz. Suit No.51/2023 (*Syed Laiq Ahmed v. KDA & Others*) (**Court File Pg. 75, Annex A-18**) – filed by the Petitioner against certain other private individuals who, notably, have not been impleaded as Respondents in the present Petition.

4. With reference to Suit No.51/2023, when confronted by the Court as to why the defendants in that Suit have not been made parties to the present Petition, Counsel for the Petitioner responded that the said defendants have taken the position in that Suit that they have no concern with the Subject Plot. When further questioned as to why the Suit remains pending despite such a statement, and why it has not been withdrawn, the Petitioner's Counsel was unable to provide a satisfactory explanation.
5. Additionally, when asked why the deceased Petitioner did not seek a land survey in Suit No.51/2023, the Petitioner's Counsel offered an unpersuasive explanation, stating that although such relief could have been sought in that Suit, there is no bar to pursuing similar relief through the present Petition.
6. In view of the fact that a competent civil court is already seized of the matter pertaining to the title of the Subject Plot (in the form of Suit No.51/2023), and given that the deceased Petitioner is, inter alia, seeking a declaration of ownership in that forum – a determination that is yet to be adjudicated – it would be inappropriate for this Court to exercise a parallel or overlapping jurisdiction, as doing so may give rise to conflicting findings or orders and that too in the absence of a proper and/or necessary party, viz. the private defendants in the said Suit, who hold registered instruments whose cancellation has also been sought by the Petitioner. Accordingly, this Court is not persuaded to exercise its jurisdiction under Article 199 of the *Constitution of Pakistan, 1973*, in the present matter which is hereby **dismissed**.
7. The deceased Petitioner (through his legal heirs), however, remains at liberty to apply for a land survey, should he choose to do so, before the civil court seized of the matter, in accordance with the law. The private Respondents No.7 to 9, who have initiated their independent Suits No.369 & 460 of 2021 (as referenced in the Division Bench order dated 22.11.2024 in HCAs No. 248 & 249 of 2024 [**Court File Pg. 479, Annex A-38**] and which, as learned Counsel for Respondents No.7 & 8 have informed, have been tagged/grouped with the aforementioned Suit No.51/2023, all of which have recently been transferred to the competent District Courts), shall be notified and made aware by the Petitioner when applying for the survey.

**JUDGE**

**JUDGE**