

ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI
C.P. No.D-1266 of 2020
(Usman Ghani ..v..Federation of Pakistan & others)

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| Date | Order with signature of Judge |
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Present

Mr. Justice Abdul Mobeen Lakho

Mr. Justice Muhammad Jaffer Raza

- 1.For order on office objection
- 2.For hearing of CMA No.5795/2020
- 3.For hearing of main case

Date of hearing: 12.02.2026

Mr. Siraj Ahmed Mangi, Advocate for petitioner.

Ms. Nasima Mangrio, Advocate for respondent No.2.

1. This petition impugns an encroachment being carried by the Respondent No. 12 to 14 at the land owned by Respondent No.2/KPT.
2. Learned counsel for the petitioner contended that the private Respondents are developing Jetties on the government Land and such an act amount to encroachment on the part of Respondent No. 12 to 14 and official Respondents more particularly Respondent No.2 is not taking any action, despite addressing several applications preferred by the Petitioner.
3. Learned counsel for the Respondent No.2 unequivocally denied the contention so raised in the petition. She contended that the land of KPT hasn't been encroached by the Respondent No.12 to 14 and the subject land is under the possession of KPT.
4. Heard and perused the record. Perusal of comments filed by the KPT/Respondent No.2 unequivocally articulates that the KPT is

not allowing any type of illegal construction in its area and no land of KPT has been encroached. The Petitioner is beseeching and challenging the dispute of a land of private Respondent No. 12 to 14 which requires factual inquiries as well as recording of evidence which exercise is not permissible under the prescriptions of Article 199 of the Constitution. It is not the province of this Court under Article 199 to decide the question of fact which requires evidence. The Hon'ble Federal Constitutional Court of Pakistan in an edict¹ settled as under:-

“Where the controversy involves intricate, disputed, or contentious questions of fact, the resolution of which necessitates the recording and appraisal of evidence by the parties, such matters fall within the domain of courts of plenary jurisdiction, and the High Court, in the exercise of its constitutional jurisdiction, cannot assume the role of a fact-finding forum or enter into such factual controversies. This legal position is so well settled in our jurisprudence that it scarcely requires reiteration; however, reference may be made to the judgment of the Supreme Court reported as Nazir Ahmad and another v. Maula Bakhsh (1987 SCMR 61), Fida Hussain and another v. Mst. Saiqa (2011 SCMR 1990) and Waqar Ahmed and others v. the Federation of Pakistan (2024 SCMR 1877).”

5. The instant petition was dismissed at the conclusion of hearing vide our short order dated 12.02.2026. Above are the reasons of our short order.

JUDGE

JUDGE

Aadil Arab

¹ Per Syed Hassan Azhar Rizvi and Muhammad Karim Khan Agha in Faizullah Khan & others v. Member Board of Revenue Punjab, F.C.P.L.A. No. 137/2025, decided on 28th January, 2026.

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