

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI

CP D 248 of 2025

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Date	Order with signature of Judge(s)
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1. For orders on CMA No.1241/2025.
2. For orders on CMA No.1242/2025.
3. For orders on CMA No.1243/2025.
4. For hearing of main case.

**22.01.2025**

Mr. Zahid Farooq Mazari, advocate for the petitioners.

1. Granted. 2. Granted; subject to all just exceptions. 3 & 4. Seventy Four (74) petitioners have filed this petition essentially seeking to assert *tenancy rights* with respect to property under the dominion and control of the *Auqaf* department.

Not a single tenancy agreement, in respect of any of the Seventy Four (74) petitioners, has been annexed with the petition. Irrespective thereof, learned counsel remained unable to assist as to how a tenancy dispute, if any in the first place, could be determined in writ jurisdiction. Notwithstanding the foregoing, this Court has deprecated the tendency to utilize writ jurisdiction in tenancy matters, as seen in the case of *Ali Tasleem*<sup>1</sup>; the said edict is hereby cited with approval.

The petition is fraught with factual controversy and even the prayer clause seeks orders for summoning evidence. It is settled law that disputed questions of fact requiring inquiry, investigation, evidence etc. are not amenable for adjudication in writ jurisdiction<sup>2</sup>.

Furthermore, without demonstrating an iota of entitlement whatsoever, the petitioners seek to quash an *advertisement*, whereby the Government of Sindh seeks to publicly auction rights in property. No cavil is articulated to the Government's entitlement to the property and no case could be set forth to merit any interference by this Court in the said process; in the exercise of its writ jurisdiction.

In view hereof, no case is made out to merit invocation of the discretionary<sup>3</sup> writ jurisdiction of this Court, therefore, this petition, along with pending application/s, is hereby dismissed in *limine*.

Judge

Judge

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<sup>1</sup> Per Muhammad Junaid Ghaffar J in *Ali Tasleem vs. Court of IXth ADJ Karachi East (CP S 985 of 2023)*.

<sup>2</sup> 2016 CLC 1; 2015 PLC 45; 2015 CLD 257; 2011 SCMR 1990; 2001 SCMR 574; PLD 2001 Supreme Court 415.

<sup>3</sup> Per Ijaz Ul Ahsan J. in *Syed Iqbal Hussain Shah Gillani vs. PBC & Others* reported as 2021 SCMR 425; *Muhammad Fiaz Khan vs. Ajmer Khan & Another* reported as 2010 SCMR 105.