

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P No.D-2458 of 2025

[Khawaja Muhammad Khan v. P.O Sindh and others]

DATE	ORDER WITH SIGNATURE OF JUDGE(S).
------	-----------------------------------

Before;
Mr. Justice Yousuf Ali Sayeed;
Mr. Justice Abdul Hamid Bhurgri.

- 1. For orders on office objections No.1 to 6.
- 2. For orders on Misc. No.11653/25.
- 3. For orders on Misc. No.11654/25.
- 4. For hearing of main case.

Date of hearing:- 10.10.2025

Mr. Naveed Ali Khokhar, Advocate for petitioner.

Abdul Hamid Bhurgri, J.- Through this petition, the petitioner contends that he is the lawful owner of immovable property bearing Plot Nos. C-1 and C-2, each measuring 600 square yards, allegedly purchased through a registered Sale Deed from the previous owner, Mr. Khalid Mehmood. It is further averred that the said previous owner had instituted Civil Suit No. 839/2024 before the learned XII-Senior Civil Judge, Karachi East, seeking declaration of ownership in respect of the aforementioned plots, which suit was decreed in his favour, thereby declaring him the lawful owner. The petitioner submits that no appeal has been preferred against the said decree nor has any adverse claim been raised by any party till date. The Petitioner further avers that on 22.04.2025, upon visiting the site to commence construction works, Respondents No.2 and 3, through their subordinate staff and agents, allegedly obstructed the Petitioner from proceeding and demanded illegal gratification as a condition for permitting the construction to continue. Despite the Petitioner's repeated attempts to resolve the issue amicably with the Respondents, it is alleged that they remained intransigent and continued to create obstructions, thereby infringing upon the Petitioner's legal rights. Additionally, the Petitioner alleges that Respondent No.4 has been deploying police personnel at the site at the behest of Respondents No.2 and 3, to prevent the commencement of construction. It is in this context that the present petition has been filed.

2. We have heard learned counsel for the Petitioner and examined the material placed on record.

3. No document has been produced alongside the petition evidencing any formal or written action having been taken by the official Respondents. Further, no material has been brought before this Court substantiating the allegation that the Respondents have harassed the Petitioner or unlawfully obstructed construction activity. More pertinently, upon query by this Court, the Petitioner was unable to produce any approved building plan in respect of the proposed construction.

4. Prima facie, no cause of action has been established justifying the filing of the present petition. It appears that the petition is pre-emptive in nature and founded upon mere apprehension, which, as settled in law, is insufficient to invoke the constitutional jurisdiction of this Court.

5. In view of the foregoing, the petition, being misconceived and not maintainable, is hereby dismissed along with all pending applications. However, it is clarified that in the event any unlawful or coercive action is taken by the official Respondents in future, the Petitioner shall be at liberty to approach the appropriate forum or competent court for redressal in accordance with law.

JUDGE JUDGE

Ayaz Gul