

## IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

C.P No.D-1869 of 2025

**(Mst. Samrta Kumari & 6 others through their attorney Mr. Rakesh Kumar v. P.O Sindh and others)**

PRESENT;

MR. JUSTICE ZULFIQAR ALI SANGI;  
MR. JUSTICE ABDUL HAMID BHURGRI;

Petitioners: Mst. Samrta Kumari and 6 others, through their attorney Mr. Rakesh Kumar, through Mr. Shahzeb Akhtar Khan, Advocate

Respondents: Through, Mr. Ahmed Ali Shahani, Assistant Advocate General a/w Mehmood Ahmed Babar, Mukhtiarkar Revenue Sukkur City

**Date of hearing and orders 18.11.2025**

### **ORDER**

**ZULFIQAR ALI SANGI, J.**– Through the instant petition, the petitioners have invoked the constitutional jurisdiction of this Honourable Court under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking appropriate directions against the respondents, and prays that this Court may graciously be pleased to:–

1. declare that the Respondents No. 2, 3 and 4 are acting in violation of the law with respect to their refusal to grant certificate of sale / Sale NOC for the Petitioners respective units in the Subject Land;
2. declare that the Impugned Letter dated 28.08.2020 issued by Respondent No. 3 is illegal, unlawful and void-ab-initio;
3. set aside letter dated 28.08.2020 issued by Respondent No. 3 for being in violation of the law;
4. direct the Respondent No. 2 and 3 to issue Certificate of Sale / Sale NOC to the Petitioners for their respective subject properties as per Law;
5. direct the Respondent No. 4 to register sale/transfer/conveyance documents of the Petitioners in relation to the Subject Land as per law;
6. declare that the Petitioners as lawful owners of their respective units in the Subject Land are empowered to sell the same;
7. declare the Respondents from hindering with the proprietary rights of Petitioners over the Subject Land and/or acting in violation of the Law;
8. award costs of this Petition in favour of the Petitioners;
9. granted any other relief that this Court may deem appropriate in view of the peculiar facts and circumstances of the case.

2. Upon issuance of notice, Mr. Khuda Bux Chohan, Advocate, files *vakalatnama* on behalf of respondent Sukkur Municipal Corporation, Sukkur, the same is taken on record. Mukhtiarkar Sukkur city file parawise comments, the same are taken on record.

3. We have heard learned counsel for the petitioners, learned counsel for the respondent SMC, learned Assistant Advocate General, Sindh, and have perused the material available on the record with their able assistance.

4. The case of the petitioners is that they are lawful owners of the subject property; however, the Assistant Commissioner and the concerned Mukhtiarkar are refusing to issue sale certificate without any lawful justification, which is against the scheme of law. Mr. Mehmood Ahmed Babar, Mukhtiarkar Sukkur City, is present and submits that prior to the institution of the present petition, the petitioners had not approached him for issuance of a sale certificate; subsequently he has received an application dated 28.10.2025, submitted by Rakesh which was not entertained as it was incomplete, however, he is ready to issue the sale certificate in favour of the petitioners as according to him they are owners of the property. He further affirms that there is no encroachment of any kind. Mukhtiarkar also admitted that mutation was made on application dated 11.01.2022 submitted by the representative of the respondent No.6, stating therein that they have made request for mutation of their ownership units, they are not touching the alleged encroached area. On the other hand, learned counsel representing respondent SMC has also admitted that the Municipal Corporation Sukkur holds no title documents of the subject property which is in the possession of petitioners and has raised no objection for issuance of the sale certificate as per revenue record.

5. Under such circumstances, the present Constitution Petition is ***allowed***. Accordingly, the concerned Mukhtiarkar is directed to issue the sale certificate in favour of the petitioners on their applications and after completing all legal formalities.

6. The petition is disposed of in the above terms.

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