IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P.No.D-2899 of 2018

[Shahabuddin and others v. Province of Sindh and others]

Before:
Justice Adnan-ul-Karim Memon
Justice Muhammad Jaffar Raza

Petitioner(s)	:	Through Mr. Sher Muhammad Dahri, Advocate.
Respondent No.4	:	Through Mr. Ayaz Hussain Chandio, Advocate.
Government of Sindh	:	Through Mr. Rafique Ahmed Dahri, Add.A.G.
Date of Hearing	:	30.10.2026
Date of Decision	:	30.10.2026.

O R D E R

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ADNAN-UL-KARIM MEMON, J.- Petitioners Shahabuddin and others have filed this constitutional petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking the following relief(s):-

(a) To issue writ declaring that the respondents are bound to perform their duties in the Industrial Zone known as Sindh Small Industrial Estate Hala at Shahdadpur Road, Hala and are bound to provide the facilities required under the law and their own promise and its non-providing is gross negligence, violation of law and criminal negligence on their part.

(b) To declare that the allottees are entitled for all facilities required under the law for Industrial Zone ie. Hala Industrial Estate, District Matiari and the claim of heavy development charges and fees as well as other amount under the garb of licence fee / maintenance fee, non-utilization charges are illegal, unlawful, unjust, without any lawful authority and the petitioners / allottees are not bound to pay any such maintenance fee or licence fee, non-utilization charges and the demand made by the respondents are illegal, unlawful and unjust.

(c) To declare that the respondents are bound by law to provide the facilities, amenities other facilities also provide the legal assistance under the law, without fail and also entitled for Check Post / Police Station of Site.

(d) To restrain the respondents from claiming the amount under different heads without providing the basic. facilities and restrain / stop the respondents from their such illegal act and also suspend the operation of the claim of the respondents initiated by them without providing any facility and recent

minutes of the Extraordinary Meeting held on 09.04.2018, whereby the maintenance and licence fee has been enhanced to Rs 50/- per square yard i.e Rs 50,000/- per plot per year and non-utilization charges and restrain the respondents from issuing notices of threats of cancellation of allotment and restrain the respondents from illegal act of cancellation of the allotment of the Plots of petitioners, in any manner whatsoever.

(e) To restrain the respondents from issuing notices, bills on the basis of so-called false enhancement without any cogent reason and restrain the respondents from acting upon such illegal, unjust demand being illegal, corum non-judice, without lawful authority in any manner whatsoever

2. The petitioners, being allottees of plots in Sindh Small Industrial Estate, Hala, District Matiari, have filed the instant Constitutional Petition seeking directions to the respondents to provide basic facilities and amenities in the Industrial Estate and challenging the demand of development charges, license fee, maintenance fee and non-utilization charges without providing the requisite facilities. They also seek restraint against enhancement of charges and cancellation of their allotments for non-payment thereof.

3. Learned Counsel for the petitioners contends that despite demanding various charges, the respondents have failed to provide basic facilities at the Industrial Estate.

4. Conversely, learned Counsel for the respondents submits that the requisite facilities are available, as reflected from the record, and assures that the drainage issue, if still unresolved, shall be addressed within a reasonable time.

5. When confronted with this aspect of the case, counsel for the petitioners seek disposal of the petition in the aforesaid terms.

6. In view of the submissions made by learned counsel for the parties, particularly the statement of learned counsel for the respondents that the requisite basic facilities are available and that any outstanding drainage issue shall be resolved within a reasonable time, coupled with the statement of learned counsel for the petitioners seeking disposal of the petition on such assurance, no further adjudication is warranted at this stage. The petitioners have accepted the respondents' assurance, and no contentious issue requiring determination by this Court survives for consideration.

7. Accordingly, without expressing any opinion on the merits of the claims regarding the legality of the charges or enhancement thereof, the petition is disposed of in the above terms. The respondents shall ensure that the outstanding drainage issue, if any, is resolved within a reasonable time and shall act strictly in accordance with law, and other ancillary issues shall also be decided in the intervening period.

8. In view of the above submissions, and without touching the merits of the case, the petition is disposed of in the above terms.

JUDGE

JUDGE

Karar_Hussain/PS*