HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P. No.D-2140 of 2025

[Mst. Maida Latif Versus Province of Sindh & others]

Before:

Justice Adnan-Ul-Karim Memon
Justice Muhammad Jaffer Raza

Petitioner:	Through M/s. Barrister Jawad Ahmed Qureshi and Osama Yousuf Parhyar, advocates.
Official Respondents:	By Mr. Rafiq Ahmed Dahri, Addl. Advocate General and Inspector Manzoor Ali.
Respondent No.5:	Through Mr. Imdad Ali R. Unar, advocate.
Date of hearing	02.11.2026
Date of Order	02.11.2026

O R D E R

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ADNAN-UL-KARIM MEMON, J:- Mst. Maida Latif has filed the instant constitutional petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking the following reliefs:

"1. To issue a Writ of Prohibition restraining the Respondents and their agents, servants, labourers or any builder acting on their behalf, from entering upon, carrying out any construction, laying paver blocks, or altering the nature of the Petitioner's private property bearing City Survey No. 246, Unit No. 10, Latifabad, Hyderabad.

2. To declare that the act of the Respondents in raising construction/laying paver blocks on the private property of the Petitioner is illegal, mala fide, and without lawful authority.

3. To issue a Writ of Mandamus directing the Respondents to immediately remove the paver blocks and construction material illegally placed on the Subject Property and restore the possession to the Petitioner in its original condition.

4. To further direct the Respondent No. 8 (SSP) and Respondent No.9 (SHO) to provide legal protection to the Petitioner and ensure that no harassment or illegal dispossession/trespass takes place at the hands of the Municipal authorities or private builders or any other persons.

5. Any other relief which this Honourable Court deems fit and proper in the circumstances of the case, in the interest of justice."

2. It is the case of the petitioner that a plot measuring 3,507-7 square yards, bearing City Survey No. 246, situated at Unit No. 10, Latifabad, Hyderabad, was allotted to her mother, namely Mst. Shagufta Naheed, who, being its owner, subsequently sold the same to the petitioner through a registered sale deed. The said transaction was duly reflected in the Record of Rights. It is further the case of the petitioner that the Hyderabad Municipal Corporation (HMC) is attempting to dispossess her from the subject property without any lawful justification. However, in support of her claim, reference has been made to paragraph No. 6 of the memo of petition, wherein it has been admitted that the petitioner is no longer in possession of the subject property.

3. Learned counsel for the respondent submits that the subject land was never allotted by the HMC, as the same is an amenity plot, and that, in the absence of any valid allotment documents, no subsequent transaction could lawfully take place in the manner asserted by learned counsel for the petitioner. In support of his contentions he has relied upon the cases of *Mir Zaman Versus Mst. Sheda and 58 others (2000 SCMR 1699)* and *Special Secretary-II (Law and Order), Home and Tribal Affairs Department, Government of Khyber Pakhtunkhwa and others versus Fayyaz Dawar (2023 SCMR 1442).*

4. Learned Additional Advocate General has also endorsed the stance taken by learned counsel for the respondent.

5. Prima facie, disputed questions of fact are involved in the instant matter, as both parties claim entitlement to the subject property. Such disputed questions of fact can only be resolved by a competent court of civil jurisdiction, where the parties would have an opportunity to lead evidence and establish their respective claims.

6. When confronted with the aforesaid legal position, learned counsel for the petitioner submits that the petitioner will avail appropriate remedy before the competent court of jurisdiction, subject to all just and legal exceptions.

7. In view of the foregoing, the instant constitutional petition is disposed of, without touching upon the merits of the case.