

**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**

*Constitutional Petition No. D-219 of 2025*  
*[Mst. Rafiqan and others vs. Additional Commissioner-II,*  
*Sukkur Division, Sukkur and others.]*

***Before:-***  
***Mr. Justice Amjad Ali Bohio,***  
***Mr. Justice Ali Haider 'Ada'.***

Petitioners : Mst. Rafiqan and others,  
*through Mr. Tariq Gul Mangi,*  
Advocate.

Respondents No.1 to 4 and 7 : Province of Sindh and others,  
*through, Mr. Shahryar Imdad*  
Awan, Assistant Advocate  
General.

Respondent No.5. : Muhammad Kamran, *through*  
Mr. Sarfraz A. Akhund,  
Advocate.

Respondent No.6. : Municipal Commissioner  
Sukkur, *through, Mr. Khuda*  
Bux Chohan, Advocate.

Date of Hearing : 08.04.2026.  
Date of short order : 08.04.2026  
Date of reasoning : 21.04.2026.

**ORDER**

**Ali Haider 'Ada' J.-** The petitioners have impugned the order dated 10.02.2025 passed by the Additional Commissioner-II, Sukkur Division, Sukkur in Revision Application No.52 of 2024, whereby the revision filed by the petitioners was dismissed. The grievance of the petitioners is that, through the impugned order and preceding orders in the revenue hierarchy, their claimed rights in respect of property bearing C.S. No. B-2922 has been adversely affected.

2. It is the case of the petitioners that the subject property originally belonged to their grandfather and was transferred through a valid permanent transfer deed, and thereafter the same

devolved upon them through inheritance. It is further stated that the Assistant Commissioner, Sukkur, on an application filed by respondent No.5 (private respondent), passed an order directing the municipal authorities to demolish the subject house of the petitioners. The petitioners challenged the said order before the Deputy Commissioner, Sukkur, by way of appeal, which was dismissed. Thereafter, a revision application was filed before the Additional Commissioner-II, Sukkur, which too was dismissed vide the impugned order. Hence, the petitioners have approached this Court seeking the setting aside of the said orders.

3. Learned counsel for the petitioners contended that the petitioners have the property based on longstanding entries in the revenue record, which cannot be disturbed without due process of law. He submitted that the revenue authorities failed to properly appreciate the documentary evidence available on record and erroneously declined to exercise jurisdiction, instead directing the petitioners to approach the civil Court. According to him, the revenue authorities were competent to decide the matter. In support of his contentions, reliance has been placed upon PLD 1988 Revenue 38.

4. Conversely, learned counsel for respondent No.5 raised preliminary objections regarding the maintainability of the present petition. He contended that the petitioners had an adequate and alternate remedy available under the law, i.e., to challenge the order of the Additional Commissioner before the Member, Board of Revenue, which they failed to avail. He further submitted that the petitioners have concealed material facts from this Court. In this regard, he pointed out that the petitioners had earlier filed Civil Suit No.70 of 2022 before the learned Ist Senior Civil Judge, Sukkur, wherein the question of ownership of C.S. No.B-2922 was directly in issue. The learned Civil Court, while referring to an earlier Civil Suit No.59 of 1980 involving the same property and substantially similar relief, observed that the claim of ownership had already been

declined, and the said suit was dismissed. The appeal arising therefrom was also dismissed. Subsequently, the learned Ist Senior Civil Judge, Sukkur, rejected the plaint under Order VII Rule 11, C.P.C. on the ground of non-maintainability. It is further contended that petitioner No.11 also filed Civil Suit No.222 of 2022 on the same cause of action, which too met the same fate and was rejected under Order VII Rule 11, C.P.C. Thus, according to him, the petitioners have approached this Court with unclean hands and are not entitled to any discretionary relief.

5. Learned counsel for the official respondents, including Sukkur Municipal Corporation, as well as the learned Assistant Advocate General, also opposed the petition and submitted that the same is not maintainable in view of the availability of an adequate statutory remedy. It is further contended that the matter involves disputed questions of fact, particularly relating to title and possession, which cannot be adjudicated in constitutional jurisdiction.

6. Heard the learned counsel for the parties and perused the material available on record.

7. First and foremost, it is to be examined that the petitioners have approached this Court against the order passed by the Additional Commissioner-II, Sukkur. The Chapter XIII of the Land Revenue Act, 1967, relating to appeals and revisions, provides a comprehensive mechanism for challenging orders passed by the revenue hierarchy before the Collector, Commissioner, and the Board of Revenue. Admittedly, the petitioners availed the remedy up to the level of the Commissioner; however, they failed to invoke the jurisdiction of the Member, Board of Revenue. Under Section 164(1) of the Land Revenue Act, 1967, the Board of Revenue is vested with the authority to call for and examine the record of any case decided or proceedings held by any revenue officer subordinate to it for the purpose of satisfying itself as to the legality or propriety of such order. The order passed by the Additional Commissioner-II,

Sukkur, being subordinate to the Board of Revenue, was amenable to such jurisdiction. The non-availability of this statutory remedy renders the present petition not maintainable, and reflects a jurisdictional defect in invoking the constitutional jurisdiction of this Court. Reliance in this regard is placed upon *Indus Trading and Contracting Company v. Collector of Customs (Preventive), Karachi and others* (2016 SCMR 842), *President, All Pakistan Women Association, Peshawar Cantt. v. Muhammad Akbar Awan and others* (2020 SCMR 260), *Commissioner Inland Revenue and others v. Jahangir Khan Tareen and others* (2022 SCMR 92), and *Executive Director (P&GS), State Life, Principal Office Karachi and others v. Muhammad Nisar* (2025 SCMR 249), wherein it has been consistently held that where an adequate and efficacious alternate remedy is available, constitutional jurisdiction should not ordinarily be invoked.

8. Furthermore, insofar as the factual matrix of the case is concerned, it clearly transpires that material facts about prior civil proceedings were not disclosed by the petitioners themselves, but were instead brought on record by respondent No.5. It is a settled principle of law that a litigant invoking the constitutional jurisdiction of this Court must approach with complete candour, placing all relevant facts before the Court, and must do so with clean hands. The petitioners have manifestly failed to discharge this obligation. Such deliberate concealment of material facts, coupled with contradictory and misleading pleadings, renders the present petition wholly misconceived and disentitles the petitioners from seeking any equitable relief from this Court. The conduct of the petitioners demonstrates an attempt to mislead the Court and to obtain relief by suppressing material information, which is impermissible in law. In this regard, reliance is placed upon *Arshad Ali v. Federation of Pakistan through Secretary Pakistan Railways, Department, Islamabad* (2026 MLD 387 [DB-Sindh]) and

*Muhammad Hassan Mustafa (Late) v. Oil and Gas Development Company Limited (OGDCL) (2025 PLC (CS) 1528 [DB-Islamabad]).*

9. For the foregoing reasons and discussion made hereinabove, the instant constitutional petition, being devoid of merits, misconceived, and suffering from material concealment of facts, is hereby dismissed. These are the detailed reasons for the short order dated 08.04.2026.

*J U D G E*

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