ORDER SHEET

IN THE HIGH COURT OF SINDH AT KARACHI

CP No.D-7346 of 2026

DATE	ORDER WITH SIGNATURE OF JUDGE(S).

Fresh Case

1. For order on Misc. No.29447/2026 (Urgent/App).
2. For order on office objection No.1 & 2.
3. For order on Misc. No.29448/2026 (Exemption/App).
4. For order on Misc. No.29449/2026 (Fast Track/App).
5. For hearing of main case.

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Dated 10.11.2026

Petitioner Agha Muhammad Naeem Khan present in person.

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1. Urgency granted.

2-5. The petitioner, appearing in person, submits that he applied for allotment of a residential plot measuring 8 marlas in the DHA Valley Project, Islamabad, which was launched in August 2008 and opened for public booking. He states that he submitted his application on 26.08.2008 from his native address at Tareen House, Sivi Gate, Shikarpur, Sindh, which falls within the territorial jurisdiction of this Court. According to the petitioner, he was declared successful in the first ballot held on 24.10.2008 and subsequently in the second ballot held on 31.08.2009. The result of the ballot was communicated to him by respondent No.1 through correspondence addressed to his native residence at Shikarpur. The particulars of the plot and the payments allegedly made by the petitioner are set out in paragraphs 5 and 6 of the petition, respectively.

The petitioner further submits that, following the allotment, he deposited the requisite installments towards the purchase of the plot and invested his hard-earned savings with the legitimate expectation that possession thereof would be delivered to him within a reasonable period. However, despite the lapse of approximately seventeen years, possession of the plot has not been handed over to him, nor has any satisfactory explanation been furnished for the prolonged delay. He maintains that he repeatedly approached the respondents for redressal of his grievance and ultimately served a legal notice dated 07.09.2026, but to no avail. He has, therefore, invoked the

constitutional jurisdiction of this Court seeking redressal of his grievance.

We have heard the petitioner in person and examined the material available on record.

At the outset, the question that arises for consideration is whether this Court possesses territorial jurisdiction to entertain the present petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973.

It is an admitted position that the subject property is situated in Islamabad. The application for allotment, available at page 29 of the petition as Annexure "A", relates to the DHA Valley Project, Islamabad. The allotment process, including the balloting and the obligations arising therefrom, pertains to the said project. The offices of the concerned respondents are also situated in Islamabad. The grievance raised by the petitioner essentially concerns the alleged failure of the respondents to deliver possession of the plot situated in Islamabad, notwithstanding the payments claimed to have been made by him.

The territorial jurisdiction of a High Court under Article 199 of the Constitution is determined with reference to the territorial nexus of the impugned action or omission and the material facts constituting the cause of action. The mere residence of a petitioner within the territorial limits of a particular High Court, or the receipt of correspondence at such address, does not, by itself, confer jurisdiction upon that Court where the substantive cause of action has arisen elsewhere. For the purposes of determining territorial jurisdiction, the relevant consideration is whether any material, integral or substantial part of the cause of action has arisen within the territorial limits of the Court.

In the present case, the petitioner's reliance upon his residential address at Shikarpur and the receipt of correspondence there does not establish that any material part of the cause of action arose within the territorial jurisdiction of this Court. The dispute relates to the allotment and delivery of possession of immovable property situated in Islamabad, and the alleged omission giving rise to the grievance is attributable to the respondents operating from

Islamabad. No material act or omission constituting an integral part of the cause of action has been shown to have occurred within the territorial limits of this Court.

It is, therefore, evident that the essential and substantial facts giving rise to the petitioner's grievance are connected with Islamabad. Consequently, this Court lacks territorial jurisdiction to entertain and adjudicate upon the present petition. The mere fact that the petitioner resides in Sindh cannot enlarge the territorial jurisdiction conferred upon this Court by the Constitution.

Since the petition is being disposed of solely on the ground of lack of territorial jurisdiction, we refrain from expressing any opinion on the merits of the petitioner's claim, including the validity of the allotment, the payments allegedly made, or his entitlement to possession of the plot. These questions, if raised before the competent forum, shall be determined independently and strictly in accordance with law, without being influenced by any observation made herein.

For the foregoing reasons, the instant petition is dismissed in *limine* for want of territorial jurisdiction, along with all pending applications. The petitioner shall, however, be at liberty to pursue such remedy as may be available to him under the law before the court or forum of competent jurisdiction.

JUDGE

JUDGE
HEAD OF CONST. BENCHES

Ayaz Gul