

IN THE HIGH COURT OF SINDH AT KARACHI

Constitutional Petition No. D-2228 of 2023

(Mst. Shazia Said Khan v Military Estate Officer & others)

Date	Order with signature of Judge(s)
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Mr. Justice Muhammad Karim Khan Agha
Mr. Justice Adnan-ul-Karim Memon

Date of hearing and order:-16.01.2025

Mr. Shahid Jamal Butt advocate for the petitioner
Ms. Wajiha Mehdi, Assistant Attorney General

ORDER

Adnan-ul Karim Memon, J; Petitioner Mst. Shazia Said Khan seeks the following declarations and orders:

- A) *To direct to convert the old grant cantonment code lease of the subject property to a regular lease without undue delay and well within specified/stipulated time.*
- B) *To direct the respondents to evaluate/assess the property per applicable law and rules which are mentioned in SRP 837(I) 2019.*

2. We questioned the petitioners' counsel on the maintainability of this petition under Article 199 of the Constitution on the premise that this Article is for clear-cut cases of unlawful government action, not complex disputes requiring extensive fact-finding/evidence and in such eventuality, petitioners should pursue alternative remedies, as this court's jurisdiction addresses clear illegalities, not intricate matters.

3. Learned counsel for the petitioner has submitted that the petitioner is the title holder/occupant of a property measuring three thousand four hundred forty-nine point ninety six square yards (3449.96 sq. yards, situated at Bungalow/Survey No.235, Staff Lines, Fatimah Jinnah Road, Saddar Cantonment, Karachi since the subject property devolved to the petitioner vide order of this court on 01.07.2014 and the petitioner becomes the title holder of 54% from the total area of 1.32 acres/6388.8 sq.yards and same has been reflected in extract from the General Land Register dated 26.11.2014. He has further contended that the petitioner received an impugned extract from the General Land Register (GLR) dated 27.01.2020 issued by the respondent No.1, divergent from the record and previous GLR dated 26.11.2014 of the subject property which illegally and unlawfully mentioned the wrong measurements i.e. total area as 1.216 acre instead of 1.32 acre, whereas the area of petitioner mentioned as 3179.13 sq yards instead 3449.96 sq yards which is stark violation of law and without any justification. He lastly contended that the petitioner approached the respondent No.1 through letter dated 19.07.2021 which was received by the office of respondent No.1 dated 23.07.2021 but till to date respondent No.1 has not replied the petitioner.

3. We have heard the argument of the petitioners' counsel on the case's maintainability and reviewed the relevant documents and case law cited at the bar.

6. This court concluded that the complex factual issues, including the subject issues as agitated by the petitioner to declare the subject notices as illegal, should be resolved in a civil/revisional court, where the lis is stated to be pending. Therefore, this petition is found to be not maintainable and is dismissed along with the pending application(s), and the petitioners may seek remedies through the civil court process as discussed supra.

JUDGE

JUDGE

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