

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
CP No. D-1315 of 2025

(Muhammad Akram v. Province of Sindh & Others)

DATE:	ORDER WITH SIGNATURE(s) OF JUDGE(s)
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- 1. For Orders on CMA No. 6668 / 2025 (Urgent App)
- 2. For Orders on Office Objection No.1 to 5 & 7
- 3. For Orders on CMA No. 6669 / 2025 (Exemption App)
- 4. For Orders on CMA No. 6670 / 2025 (Stay App)
- 5. For Hearing of Main Case

28-3-2025

Mr. Asif Ali Jokhio, Advocate for Petitioner

- 1. **Sana Akram Minhas J:** The Petitioner has primarily challenged the alleged encroachment of his purported land by private Respondents No.5 to 9.
- 2. The Petitioner (in paragraphs 2(a) to (c) of the Petition) claims to be a “co-owner / one of the legal heir of owner” of the following pieces of land:
 - a) A parcel measuring **5-34 acres** in Survey No.3, Deh Halkani, Tapo Manghopir, which is allegedly the Petitioner’s “maurosi” (hereditary) land;
 - b) A parcel measuring **36 acres** in Goth Haji Mehmood, within Na Class Nos.300, 294, and 286. The total land of the said Goth is alleged to be 45-13 acres, of which an area of 4 acres in Na Class No.300 is further claimed to be the Petitioner’s “maurosi” (hereditary) land.
- 3. The Petitioner further alleges that the 36 acres land in Goth Haji Mehmood was sanctioned in favour of Haji Mehmood, the Petitioner’s grandfather, after whom the eponymous Goth is named.
- 4. In support of his ownership claims, the Petitioner has annexed the following documents:
 - a) **For the 5-34 acres:** Alleged entries in the record of rights, specifically Form-VII dated 14.1.1982 and 16.4.1997 **(Court File Pg. 21 & 19, Annex A-1 & A)** in favour of Petitioner’s grand-father and grand-mother;

- b) For the 36 acres in Goth Haji Mehmood: Alleged sanction orders dated 30.11.1989 (for 14 acres) and 12.8.1993 (for 22 acres) (**Court File Pg. 23 & 25, Annex B & B-1**).

5. However, the annexed documents present a glaring contradiction, casting serious doubts not only about the Petitioner's ownership claims and his bonafides, but also the genuineness of the documents attached. These major inconsistencies include:

- i) Both sanction orders of 30.11.1989 and 12.8.1993 were allegedly issued by the Deputy Commissioner, West (Respondent No.2) under the provisions of the *Sindh Goth-Abad (Housing Scheme) Act, 1987 ("1987 Act")*, specifically Sections 3, 8, and 10, for the sanctioning of the "*existing village Haji Mehmood*".

However, the 1987 Act does not grant any authority to any provincial functionary to either sanction a village or allocate land for any village. Its limited purpose is merely to provide housing facilities to "*deserving persons*" in rural areas. Accordingly, both sanction letters are not only unlawful and beyond the jurisdiction of Respondent No.2 to allot such land in this manner, but also appear fraudulent, if not outright bogus.

- ii) Secondly, Section 3¹ of the 1987 Act permits an allocation of only 200 square yards per "*deserving person*" and that too on the recommendation of the Allotment Committee. There is no logical or legal justification for how the Petitioner (or his alleged predecessors) allegedly acquired 36 acres – i.e. the entire Goth Haji Mehmood land – under a law that strictly limits land allotment to 200 square yards per person. Clearly the Petitioner's claim to such extensive landholdings is not only absurd but also blatantly illegal.

6. Even otherwise, the two Form-VII documents relied upon by the Petitioner neither constitute title documents in favour of his grandparents nor establish any valid transfer of ownership in his favour. Furthermore, while the Petitioner asserts co-ownership and claims to be a legal heir of his grandparents, he has failed to produce any documentary evidence to substantiate his heirship or establish his inheritance rights.

¹ Section 3: Allotment of land. Subject to the other provisions of this Act, the Collector may on the recommendations of the Allotment Committee allot land not exceeding two ghuntas for construction of a house to a deserving person in the dehs in which he ordinarily resides free of cost in such manner and on such terms and conditions as may be prescribed.

Provided that the aforesaid limit shall not apply to the land or Asaish whereupon a deserving person has built a house before the coming into force of this Act with a view to taking up permanent residence.

7. Additionally, the Petitioner's primary grievance is against private persons (Respondents No.5 to 9), who have allegedly encroached upon his purported land. However, this claim concerns an alleged private dispute over property rights and falls outside the scope of constitutional jurisdiction under *Article 199 of the Constitution, 1973*, as constitutional petitions are not intended to adjudicate private disputes between individuals.
8. In sum, the Petition is based on patently contradictory and dubious documents, demonstrating a lack of bonafides on the part of the Petitioner. The Petitioner has failed to establish any lawful entitlement to the alleged land, rendering the Petition frivolous and vexatious.
9. Accordingly, the present Petition is misconceived, untenable in law, and is hereby **dismissed in limine** with **costs of Rs.100,000/-** (*Rupees One Hundred Thousand*), as the misuse of judicial resources on a meritless claim warrants the imposition of exemplary costs to deter frivolous litigation in the future². The costs must be deposited within twenty (20) days from today into the account of the High Court Clinic, and the receipt shall be submitted to the Office. In case of non-compliance, Office to fix the matter immediately in Court for further orders.

JUDGE

JUDGE

² 2023 SCMR 960 (*Zakir Mehmood v. Secretary Ministry of Defence*)