

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
CP No. D-6883 of 2019

(*Nek Muhammad Baloch v. Province of Sindh & Others*)

DATE:	ORDER WITH SIGNATURE(s) OF JUDGE(s)
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1. For Hearing of CMA No. 30572 / 2019 (Stay App)
2. For Hearing of Main Case

9-4-2025

Mr. Harchand Rai Khemani, Advocate for Petitioner
Mr. Shehryar Qazi, AAG Sindh

1. **Sana Akram Minhas J:** The Petitioner (who is reported to have expired, as recorded in order dated 13.1.2022) claims to be the allottee of a plot of land situated in the eponymous “*Nek Muhammad Goth*”, Taluka Mirpur Khas, District Thatta, and alleges that a “*sanad*” was issued to him under the *Sindh Goth-Abad (Housing Scheme) Act, 1987 (“1987 Act”)*. Through this Petition, the Petitioner principally seeks relief against private Respondents No.7 to 10, who are accused of misusing, as grazing ground for their cattle, an area surrounding the said Goth, purportedly reserved for “*Asaish*” purposes.
2. Upon being confronted with the fact that the alleged *sanads* (**Court File Pg. 35 to 43, Annex P-1 to P-5**) do not specify the date of issuance, the tenure of allotment, or the purpose for which they were granted, the Counsel for Petitioner was unable to offer any explanation. Instead, he sought to evade the issue by repeatedly referring to the joint Para-wise Comments submitted by official Respondent No.3 (Assistant Commissioner, Mirpur Sakro, Gharo) and Respondent No.4 (Mukhtiarkar (Revenue), Mirpur Sakro), wherein the sanctioning of the said Goth had been acknowledged (in paragraphs 2 and 6). However, when his attention was expressly drawn to paragraph 4 of the said Comments – which unequivocally states that “***there is no any [sic] entry in respect of plots of the Petitioner in the record of rights***” – as well as to the further assertion therein that the sketch map (**Court File Pg. 45, Annex P-6**) produced by the Petitioner does not reflect any designated “*Asaish*” area, the Counsel once again failed to respond.
3. It is obvious that the Petitioner has not been able to establish any lawful entitlement to the land in question. The documents relied upon are incomplete and lack the essential particulars that may confer any legal sanctity upon the alleged allotment. Despite repeated opportunities, the Petitioner’s Counsel failed to address these deficiencies and instead sought

refuge in official Comments that themselves negate the Petitioner's claim by confirming the absence of any corresponding entry in the record of rights and the lack of any demarcated "Asaish" area on the purported sketch. This clearly reflects an attempt to rely on ambiguous and unsupported assertions rather than on cogent and valid documentation. The Petition, thus, appears to be devoid of merit and has been filed without any lawful justification, warranting its dismissal.

4. Additionally, an examination of the record reflects that the Petitioner and private Respondents No.7 to 10 (particularly Respondent No.7) have been embroiled in a long-standing private dispute over the ownership of lands in Mirpur Sakro, District Thatta i.e. the area where the said Goth is situated. This is evident from the fact that both parties have been periodically initiating various legal proceedings against each other, such as CP No.S-2530/2017 (*Pirdad Kalmati Baloch v. Province of Sindh & Others*) (**Court File Pg. 77 to 93, Annex P-21 & P-22**), complaints pertaining to interference and encroachment / application(s) for registration of FIR (**Court File Pg. 95 & 97, Annex P-23 & P-24**). This again indicates that the present Petition does not stem from a bonafide grievance against any official act or inaction but is rather an extension of a personal land dispute being pursued under the garb of a constitutional petition. Such attempts to invoke constitutional jurisdiction under Article 199 of the *Constitution of Pakistan, 1973* for private civil disputes are not only misplaced but also an abuse of the process of this Court, and therefore, the Petition is liable to be dismissed on this ground as well.
5. Given the above, the Petition, being devoid of merit and constituting a gross abuse of the process of this Court, is hereby **dismissed**.

JUDGE

JUDGE