

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
CP No. D-29 of 2019

(*Sartaj Ali Shoro v. Federation of Pakistan & Others*)

DATE:	ORDER WITH SIGNATURE(s) OF JUDGE(s)
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1. For Hearing of CMA No. 139 / 2019 (Stay App)
2. For Hearing of Main Case

9-4-2025

Mr. Mureed Ali Shah, Advocate for Petitioner
Mr. Dur Muhammad, Asst. Attorney General
Mr. Shehryar Qazi, AAG Sindh

1. **Sana Akram Minhas J:** The Petitioner, asserting ownership of a total area measuring 33-28½ acres – allegedly acquired through inheritance and transfer/mutation order – comprising 18 distinct Survey Numbers situated in Deh Gup and Tappo Ladhako, Taluka and District Sujawal, has accused the Respondent No.2 Company (Pakistan Petroleum Limited), of unlawfully encroaching upon the said land under the guise of conducting oil and gas exploration activities. The Petitioner has not only challenged the legality of such actions but also seeks appropriate relief from this Court to restrain the Respondent No.2 from further interference with the land in question.
2. Both learned Law Officers have questioned the maintainability of the Petition against Respondent No.2 on the ground that it is a public limited company and, therefore, not amenable to constitutional jurisdiction under Article 199 of the *Constitution of Pakistan, 1973*. They further contend that the Petitioner cannot claim ownership rights over the subject land without first establishing his title through proper civil proceedings.
3. Without expressing any opinion on the question of whether the Respondent No.2 qualifies as a “person” within the meaning of Article 199(1)(a)(ii) read with Article 199(5) of the Constitution, it is apparent that the Petitioner’s asserted ownership over the subject land rests solely on entries in the record of rights (viz. a Form-VII) (**Court File Pg. 19, Annex P-1**) which do not constitute conclusive proof of title. In the absence of valid title documents or a judicial declaration of ownership from a competent civil court, the Petitioner’s claim lacks foundation and remains legally unsubstantiated as well as unenforceable.

4. In addition, the dispute between the Petitioner and the Respondent No.2 along with the issues raised, pertains to a claim of ownership and encroachment over land, which, in essence, are matters of civil rights and property disputes. No allegation of inaction or failure on the part of the official Respondents has been raised that would invoke the need for this Court's intervention under its writ jurisdiction.
5. Even otherwise, the Respondent No.2 Company, in its Parawise Comments submitted on 13.7.2019, has unequivocally stated (in paragraph 5) that the land at issue is neither under its utilization or possession, nor has it been acquired by it.
6. In such circumstances, the exercise of constitutional jurisdiction under Article 199 of the *Constitution of Pakistan, 1973* is not warranted. Accordingly, the Petition, lacking proper foundation at this stage and being misconceived, stands **dismissed**.

JUDGE

JUDGE