

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
CP No. D-3909 of 2023

(Zakir Islam v. Province of Sindh & Others)

DATE:	ORDER WITH SIGNATURE(s) OF JUDGE(s)
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1. For Orders on Office Objections
2. For Hearing of CMA No. 17951 / 2023 (Stay App)
3. For Hearing of Main Case

11-4-2025

Mr. Imran Hussain, Advocate for Petitioner
Mr. Khurram Ghayas, Advocate for KMC
Mr. Shehryar Qazi, AAG Sindh

1. **Sana Akram Minhas J:** The Petitioner has instituted the present Petition alleging that the Karachi Metropolitan Corporation (official Respondents No.2 to 6) unlawfully demolished his purported immovable properties (specifically, shops), for which he now seeks compensation.
2. While the Petitioner claims ownership over certain properties, the record reveals the pendency of civil litigation(s) pertaining to these properties, indicating that his title remains unestablished and in dispute. These purported properties, said to be located in Roedad Nagar, Nazimabad No.5, Karachi, include the following:
 - i) Plot No.206-207/A, measuring 133 square yards, which is the subject of a pending suit for specific performance filed by the Petitioner in this Court (viz. Suit No.1030/2007 – *Zakir Islam v. Muhammad Anwar Shafi*) **(Court File Pg. 51, Annex P-3)**.

However, the attached registered Sale Deed of January 2005, executed in favour of the alleged seller Muhammad Anwar Shafi **(Court File Pg. 63, Annex P-4)**, reflects the latter's ownership of only Plot No.207, Block A, and that too measuring 53.62 square yards.
 - ii) Plot No.208, Block A, measuring 36 square yards, which allegedly belonged to the Petitioner's deceased mother vide a registered Sale Deed dated 19.7.2005 **(Court File Pg. 23, Annex P-1)** and in which the Petitioner claims to be a co-owner by way of inheritance, along

with his siblings – who are notably not parties to the present Petition (nor to any of the civil litigations annexed with it).

Besides, a suit for “*Declaration, Mandatory & Permanent Injunction*” (viz. Civil Suit No.903/2023 – *Zakir Islam v. Jawed & Others*) (**Court File Pg. 83, Annex P-6**) is currently pending before a learned Senior Civil Judge, wherein the Petitioner seeks a declaration that his deceased mother was the rightful owner of the property and that, following her demise, he is in lawful possession thereof.

3. It is evident that the Petitioner is seeking compensation for the alleged demolition of properties in respect of which he does not presently possess a clear or legally established title. Any claim for compensation in such circumstances would not only require a definitive adjudication of ownership through proper civil proceedings supported by admissible evidence, but the entitlement to compensation itself would further necessitate, amongst others, a substantiated demonstration of actual loss, a valuation of the alleged demolished property by a competent authority, and a legal foundation establishing liability on the part of the concerned Respondent(s). A constitutional petition under Article 199 of the *Constitution of Pakistan, 1973*, is not the appropriate legal venue for such factual determinations or the enforcement of disputed civil rights. In the absence of these essential prerequisites, both the Petitioner’s ownership claims and his claim for compensation remain premature, speculative, and legally untenable.
4. Insofar as the KMC is concerned, it has stated in its Parawise Comments (submitted on 10.11.2023) that on 7.8.2023, while demolition actions were underway to remove encroachments, KMC, upon learning of the purported title documents related to the Petitioner’s alleged predecessors, asserts that it immediately suspended its actions. This response suggests that KMC took prompt steps upon being informed of the potential ownership, and sought to avoid any further action once it became aware of the Petitioner’s claims.
5. In view of the foregoing, the present Petition stands **dismissed** as being misconceived and without merit.

JUDGE

JUDGE