

ORDER SHEET
THE HIGH COURT OF SINDH AT KARACHI

Crl. Rev. Appl. No.70 of 2025.

Date: Order with signature(s) of the Judge(s)

For hearing of main case.

15.04.2025.

Mr. Zulfiqar Ali Mashori, Advocate for the Applicant.
Ms. Amna Ansari, Addl. P.G. Sindh.

Learned counsel for the applicant has invoked the revisional jurisdiction of this Court against the order dated 03.03.2025, passed by the learned Additional Sessions Judge-IV Malir at Karachi, in Miscellaneous Application filed under Sections 3 and 4 of the Contempt of Court Act, arising out of Illegal Dispossession Complaint No.25 of 2021.

Learned counsel for the applicant, inter alia, contends that in compliance with the order dated 16.06.2024. passed u/s 7 of the Illegal Dispossession Act, 2005, the possession of the subject property was delivered to the complainant from the applicant. However, subsequent to the acquittal of the applicant through judgment dated 18.02.2025, the possession was not restored to him. On that basis, the applicant initiated contempt proceedings against the concerned Station House Officer under Sections 3 and 4 of the Contempt of Court Act.

Conversely, the learned Assistant Prosecutor General has submitted that the claim of the applicant is premised on forged and fabricated documents, as also observed by the learned trial Court in the impugned order dated 03.03.2025. It is further submitted that no plausible ground has been demonstrated by the applicant for initiating contempt proceedings against the SHO concerned.

Perusal of the record reveals that the learned trial Court, upon an application under Section 7 of the Illegal Dispossession Act, had directed that possession be handed over to the complainant namely Nadeem Akhtar Azizi. This finding was based on a comprehensive evaluation of the

documentary record, including title documents, relevant revenue entries, mutation records, and a layout plan indicating demarcation of the subject plots, all in conformity with the directions issued by the Provincial Ombudsman. The oral evidence, considered in conjunction with the documentary record, substantiates that the complainant is the rightful and undisputed owner of the subject property. In contrast, the applicant's claim rests solely upon an allotment letter, which was sent for verification to the Karachi Metropolitan Corporation (KMC). In this regard, the Additional Director, KMC, was examined as a witness and recorded his statement. For the ready reference such statement is reproduced as under; -

"In compliance of the directions of the court, I want to inform that the record file of Plot No 19, Road No. 12, Landhi Cattle Colony by the name of Ghulam Hussain son of Muhammad Ali is not found in the office record. Allotment order NO. ADL/177/94, Dated: 29-06-1994 and No objection certificate No. ADL/177/94 dated 29-06-1994 all containing same outward NO. and date which indicate that the papers are forged and fabricated. Furthermore, subject land pertain to KMC Land Department and all record was seized by NAB in Ref No. 27 of 2018 and also the case No. 245 of 2017 is pending before the Honorable High Court. I produce my report at Ex. 05/A."

The impugned order further reflects that the documents relied upon by the applicant, viz. Allotment Order No. ADL/177/94 dated 29.06.1994 and No Objection Certificate bearing the same number and date, i.e., ADL/177/94 dated 29.06.1994, bear identical outward numbers and dates, thereby raising a strong presumption of fabrication and forgery. It has also been observed that the subject land pertains to the Karachi Metropolitan Corporation (KMC) Land Department, and the entire record in relation thereto has been seized by the National Accountability Bureau (NAB) in connection with Reference No. 27 of 2018. Furthermore, it is noted that Civil Suit No. 245 of 2017 is sub judice before this Court, wherein the question of ownership of the subject property is pending adjudication in the Court's original civil jurisdiction.

The learned counsel for the applicant has not placed on record any valid or lawful title documents to substantiate his claim that he is the rightful owner of the subject property. On the contrary, the material available on record prima facie indicates that the land belongs to the KMC Land Department, and the question of lawful ownership is yet to be

determined by this Court in the aforementioned civil suit. In view thereof, the applicant has failed to demonstrate any legal infirmity or jurisdictional error in the impugned order passed by the learned trial Court, whereby the application for initiating contempt proceedings against the SHO of Police Station Sukhan was dismissed. Accordingly, the instant Criminal Revision Application, being devoid of merit, stands dismissed along with listed application(s).

JUDGE

Shahbaz