

IN HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

C.P No. D-562 of 2023

[Ghulam Sarwar Qureshi v. Federation of Pakistan & Others]

Before:

Mr. Justice Arbab Ali Hakro

Mr. Justice Riazat Ali Sahar

Petitioner : Ghulam Sarwar Qureshi in person.

Respondents : Nil.

Date of Hearing : **06.05.2025**

Date of Decision : **06.05.2025**

JUDGMENT

RIAZAT ALI SAHAR.J.- Through this petition, the petitioner

is seeking following reliefs:-:-

A. To hold and declare that due to rampant corruption and incompetency of the Rent Controllers Cantonment Boards they may be at once removed / disassociated and in their place Civilian Judicial Rent Controllers may be appointed of the rank of Senior Civil Judge under the administrative control of judiciary.

B. Any other ancillary relief deem fit, just and proper may be awarded in the circumstances of the case.

2. In the instant petition, the petitioner has submitted that he is a respectable citizen and has previously served as a Councilor of the Hyderabad Municipal Corporation from 1979 to 1991; however, he approaches this Court *pro bono publico*, seeking relief not for his personal benefit but in the public interest. The petitioner, who is also an advocate, has stated that during the course of his professional practice particularly in several rent

cases filed before the Rent Controller, Cantonment Board; he has observed, with concern and dismay, a consistent pattern of incompetence, unprofessional conduct and disregard for legal procedure on the part of the Presiding Officers of the said forums. He alleges that these Presiding Officers conduct proceedings in chambers rather than open court, routinely insult parties and counsel, dismiss legal precedents and citations without consideration and pass non-speaking and arbitrary orders, thereby discouraging the integrity of the judicial process. The petitioner further contends that, in a recent matter, the Rent Controller, Cantonment Board Hyderabad, unjustly passed an eviction order against tenants who were not defaulters and had been regularly depositing rent in court; however, the Rent Controller allegedly coerced the Nazir/Accountant into submitting a false report of default. Moreover, the Rent Controller purportedly allowed an application for fair rent in clear violation of the rent agreement, which was undisputed and accepted by the landlord. The petitioner also alleges that case diaries are being manipulated under the directions of the Presiding Officers, and in one specific instance, a Rent Controller expunged an earlier order passed by his predecessor regarding a defence-striking application, after tampering with court records in connivance with the Reader. Based on these serious allegations and irregularities, the petitioner has reached the conclusion that Rent Controllers in Cantonment areas, who are reportedly appointed on the recommendation of Army authorities lack judicial competence and

thus, to ensure fair dispensation of justice, such posts should be filled by qualified Civilian Judicial Magistrates. Hence, the petitioner has filed this petition seeking appropriate directions in the public interest.

3. We have examined the entire record available on file and have also queried the petitioner, who is a professional advocate, regarding the maintainability of the instant petition, he contends that the petition maintainable under writ jurisdiction as it raises issues of public importance involving systemic misconduct by Rent Controllers in Cantonment areas, including arbitrary and non-speaking orders, disregard for legal procedure, coercion of staff, and tampering with judicial records; he contends that these officers, lacking proper judicial qualifications and reportedly appointed through non-transparent processes, compromise the integrity of justice, warranting intervention to ensure such posts are filled by qualified Civilian Judicial Magistrates in the interest of the rule of law and public confidence in the judiciary.

4. Admittedly, the petitioner is an advocate by profession and though he has styled this petition as one filed *pro bono publico*, the basic grievance appears to stem from his professional dissatisfaction with the conduct of certain Rent Controllers during proceedings in which he has represented clients. If the petitioner is aggrieved by any specific order passed by the Rent Controller(s) or by any alleged irregularity, misconduct or illegality committed in the course of judicial proceedings, the appropriate legal remedy lies in filing an

appeal or revision as provided under the relevant rent laws but not through constitutional jurisdiction under Article 199 of the Constitution.

5. It is also relevant to note that the petitioner has not placed on record any concrete evidence to establish that he approached the competent authority under the Cantonment laws for redressal of his grievances nor has he shown that any such representation was refused or remained unaddressed. The absence of such efforts raises questions regarding the maintainability of this petition on the ground of failure to exhaust alternate remedies.

6. Furthermore, while the allegations made are serious in nature, such as manipulation of judicial records, coercion of staff and lack of judicial qualifications among the Rent Controllers; these are factual contentions that require proper inquiry and verification. Courts generally refrain from embarking upon fact-finding in writ jurisdiction, particularly where disputed allegations of misconduct are involved and the petitioner has not pursued any administrative or disciplinary remedy earlier. More so, the allegation regarding manipulation of judicial record is a factual controversy, which cannot be undertaken under writ jurisdiction.

7. Furthermore, the appointment and functioning of Rent Controllers in Cantonment areas are governed by specific statutes and rules. Any challenge to the method of appointment of Rent Controllers or demand for structural reforms must be made in accordance with law and cannot be

entertained in the abstract or without exhausting the remedies provided within the governing framework. The mere fact that a petitioner is a practicing advocate does not exempt him from following due legal procedure. If he believes that a Rent Controller lacks jurisdiction or judicial competence, he ought to have pursued a proper course of action either by challenging individual orders or by approaching the relevant administrative authority.

8. In view of the above, the petition appears to be premature and not maintainable, as the petitioner has not availed any available legal remedy nor has he made any representation to the **competent authority** under the relevant Cantonment Laws. The allegations, though grave, are general in nature and not substantiated by concrete material placed before this Court. Accordingly, the petition is liable to be dismissed on the ground of non-maintainability, with liberty to the petitioner to seek appropriate remedy in accordance with law. In view of the above facts and circumstances, the instant petition is **dismissed in *limine*** along with pending application(s).

JUDGE

JUDGE

Abdullahchanna/PS