

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
CP No. D-5577 of 2022 (*Amreli Steels Ltd v. SITE & Others*)
ALONG WITH
CP No. D-6143 of 2022 (*Asad Ali Awan v. SITE & Others*)

DATE: **ORDER WITH SIGNATURE(s) OF JUDGE(s)**

CP NO. D-5577 / 2022

1. For Orders on Office Objections No.10 & 18
2. For Hearing of CMA No. 23819 / 2022 (Stay App)
3. For Hearing of Main Case

CP NO. D-6143 / 2022

1. For Orders on Office Objection
2. For Hearing of CMA No. 26058 / 2022 (Stay App)
3. For Hearing of Main Case

20-5-2025

Mr. Manzoor Hameed Arain, Advocate for Petitioner (in CP No.D-5577/2022)
Mr. Muhammad Arif, Advocate for Petitioner (in CP No.D-6143/2022)
Mr. Umar Sikandar, Advocate for SITE
Mr. KA Vaswani, AAG, Sindh along with SIP Ayaz Ahmed (PS SITE-B, Karachi)

1. **Sana Akram Minhas J:** The principal parties to the present proceedings (both being lessees of SITE) have instituted Constitutional Petitions against one another, each alleging encroachment by the other. These are:

- i) CP No.D-5577/2022 ("**CP 5577**"), instituted on 22.9.2022; and
- ii) CP No.D-6143/2022 ("**CP 6143**"), instituted on 11.10.2022.

Both Petitions pertain to Plot No.D-295, Sher Shah SITE, Karachi, measuring 264 square yards ("**Subject Plot**"), and are being decided through this common order. The respective Petitioners have remained in conflict since at least 2018, beginning with the initiation of criminal proceedings viz. Illegal Dispossession Complaint No.14/2018 (**Court File Pg.55, Annex B-1 in CP 6143**) by one party against the other.

2. **CP No. D-5577 of 2022:** The Petitioner in CP 5577, Amreli Steels Ltd ("**Petitioner Amreli Steels**"), alleges that the Subject Plot – owned by private Respondent No.7 viz. Asad Ali Awan ("**Private Respondent AAA**") – has been illegally created and is situated on a designated green belt/footpath area, which is denied by the latter. Petitioner Amreli Steels

seeks a direction for the removal of the alleged encroachment (in the form of the Subject Plot), from the said green belt/footpath.

3. **CP No.D-6143 of 2022**: Conversely, Private Respondent AAA – who claims to be the lawful owner of the Subject Plot and the registered lessee under a registered lease dated 30.6.2017 (**Court File Pg.17, Annex A in CP 6143**), executed by SITE (which according to him was first regularized in his favour sometime in 2013) – has filed CP 6143, seeking a direction to the official Respondents for the removal of alleged encroachments on adjoining railway land, the PTCL cabinet area and Water Board's pumping station area, all of which are allegedly erected and/or occupied by Petitioner Amreli Steels (arrayed as Respondent No.6 in CP 6143).
4. Taking into account the facts presented in these proceedings, the questions of whether the Subject Plot (of Private Respondent AAA) constitutes an amenity area – such as a green belt or footpath – or whether the Petitioner Amreli Steels has, inter alia, encroached upon adjoining lands and amenity/service areas, involve disputed questions of fact requiring a factual inquiry. Such an exercise lies beyond the scope of proceedings under Article 199 of the *Constitution of Pakistan, 1973*, which are limited in nature and not designed for resolution of complex factual controversies. Furthermore, even if, for the sake of argument, it is presumed (without conceding) that the Subject Plot has been irregularly created and/or falls within an amenity area, any such determination would potentially result in the cancellation of a registered title document (i.e., a registered lease) currently subsisting in favour of Private Respondent AAA – an exercise to be undertaken through properly instituted civil proceedings.
5. In view of the foregoing, the Petitioners in CP No.D-5577/2022 (filed by Amreli Steels Ltd) and CP No.D-6143/2022 (filed by Private Respondent Asad Ali Awan) are left at liberty to pursue their remedies before the competent civil court, as permissible under the law. Both Petitions are accordingly **dismissed**.

JUDGE

JUDGE