

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Constitution Petition No.D-252 of 2025

Before:

*Mr. Justice Zulfiqar Ali Sangi;
Mr. Justice Abdul Hamid Bhurgri.*

Petitioners : 1. Dilber son of Abbass Ali Gopang
2. Ashique Ali S/O Jalaluddin
Through Mr. Kashif Hussain Shaikh
Advocate.

Respondents : Province of Sindh and others
Through Mr. Shehriyar Imdad Awan,
Assistant Advocate General Sindh along
with Waqar Ali Soomro, Mukhtiarkar
®Khairpur.

Date of Hearing & Order 13.05.2025.

O R D E R.

Abdul Hamid Bhurgri, J.- The instant petition has been instituted under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, wherein the petitioners seek the following reliefs:

- (a) *That this Honourable Court may please to declare the Act of private respondents by demolishing the Road and sewerage lines of the village Arab Gopang is illegal, null, avoid and against principle of natural justice.*
- (b) *That this Honourable Court may be pleased to direct the respondents to reconstruct the road and sewerage lines of village Arab Gopang and further this Honourable Court may be pleased to direct official respondents to produce the complete record of the land used by the private respondents of Housing scheme before this Honourable Court.*
- (c) *That this Honourable Court may be pleased to grant ad-interim injunction by restraining respondents from construction or any other development work over the said plot till final decision of this Honourable Court.*
- (d) *Any other relief this Honourable Court may deem fit and proper in the circumstances of the instant case.*

2. The case set forth by the petitioners is that they are long-standing residents of Village Arab Khan Gopang, situated in the vicinity of Shah Abdul Latif University, Khairpur, and have ancestral roots therein. A

plot of land adjacent to their residences, they contend, was used communally by all villagers, and served inter alia as a recreational playground for children. According to them, Respondents Nos. 6 to 9, in collusion with revenue officials, have managed to fraudulently obtain fabricated documentation over the said plot, which was thereafter sold to Respondents Nos. 10 and 11, who commenced construction of a housing scheme thereon.

3. It is further alleged that during the course of such construction, the private respondents unlawfully demolished the village's primary road and sewerage lines without obtaining prior sanction from the Sindh Building Control Authority or adhering to requisite codal formalities. Petitioners aver that the land in question is "Sikni" in nature and hence not amenable to alienation, and that the acts of the private respondents have resulted in environmental degradation and disruption of essential village infrastructure.

4. Despite approaching the concerned authorities, the petitioners contend that no remedial action was taken, leaving them with no efficacious remedy save to invoke the extraordinary constitutional jurisdiction of this Honourable Court.

5. In view of the above allegations, this Court deemed it appropriate to call for a report from the official respondents. Upon notice, the official respondents filed a detailed report, accompanied by photographic evidence, wherein they categorically denied the allegations levelled by the petitioners. A site inspection was duly undertaken, and the findings placed before this Court unequivocally state that no destruction of public roadways or sewerage infrastructure had occurred. The report further observes that the claims of the petitioners are factually baseless and entirely unsubstantiated.

6. It is worth noting that the petitioners, despite having been granted ample opportunity, failed to place on record any credible, independent, or corroborative material evidence in support of their assertions. Mere bald allegations, particularly those which stand in direct contradiction to the findings of public functionaries made after on-ground

inspection, cannot be the basis for invoking the constitutional writ jurisdiction of this Court.

7. We have heard learned counsel for the petitioners and the learned Additional Advocate General, and have perused the material placed on record.

8. Prima facie, this Court is of the considered view that the present petition is an attempt to exert undue pressure upon the private respondents with a view to extract concessions or obstruct lawful development activity. It appears that the veil of public interest has been used to veil what is, in substance, a private dispute.

9. The filing of such petitions, devoid of legal foundation or evidentiary support, constitutes a gross misuse of judicial process. This Court is constrained to observe that such frivolous litigation burdens the judicial docket and diverts attention from genuine constitutional grievances requiring redress.

10. It has been emphasized time and again by the Honourable Supreme Court of Pakistan that the extraordinary writ jurisdiction under Article 199 of the Constitution is not to be invoked for the pursuit of personal vendettas or to stifle bona fide commercial activity under the guise of public interest.

11. In view of the foregoing, the petition is wholly devoid of merit and is accordingly dismissed. The petitioners are hereby cautioned to exercise prudence and circumspection before approaching this Court with unsubstantiated claims. Any future recurrence of such conduct may warrant the imposition of exemplary costs.

JUDGE

JUDGE