

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Constitutional Petition No.D-292 of 2024

*(Mst: Razia vs. Syed Kaleem Imam, Inspector General of Police,
Sindh and others)*

*Connected with C.P No.D-293, 294, 295, 296, 297, 298, 299,
and 300 of 2024*

Present:-

*Mr. Justice Amjad Ali Bohio
Mr. Justice Ali Haider 'Ada'*

Date of Hearing:- 10.02.2026

Date of Decision:- 10.02.2026

Date of reasoning:- 12.02.2026

M/s Sohail Ahmed Khoso, Noor Hassan Malik, Muhammad Ismail Thaheem, Muhammad Haseeb Jamali, Muzamil Hussain Jalbani, Sudhamo @ Sudhamchand, Raja Anwar, Advocates for petitioners/ interveners.

Mr. Sartaj Hyder Shar, Advocate holding brief for Mr. Mukesh Kumar G. Karara, Advocate for the petitioner in C.P No.D-300 of 2024. Mr. Fidaullah Qureshi, Advocate in C.P. No. D-294 of 2024.

Mr. Ali Raza Balouch, Additional Advocate General, along with Tanveer Tahir, Additional Inspector General (Legal/Sate) Management Karachi, Atta Muhammad Soomro DSP Legal on behalf of DIGP Sukkur, Shafi Muhammad Khaskheli DSP Legal on behalf of SSP Sukkur, Inspector Sanaqat Ali on behalf of SSP Khairpur, SIP Iqbal Ahmed Noon, SHO PS Shaheed Murtaza Mirani Khairpur, Inspector Naveed Akbar Pirzada on behalf of SSP Ghotki.

ORDER

Ali Haider 'Ada'J.: The proceedings in the present matter originated from Constitutional Petition No. D-939 of 2012. The grievance raised therein was that a portion of the Police land had initially been encroached upon and unlawfully used by local residents for dumping. Subsequently, the said land was converted to commercial use, and a builder proceeded to construct a multi-storey building with shops thereon, in blatant violation of applicable laws and regulations.

2. The matter was brought before this Court through the aforesaid petition, and after due consideration, this Court passed an order dated 21.02.2019. For the sake of convenience and ready reference, the relevant paragraphs of the said order are reproduced herein below:-

5. This Standing Order, under no stretch of imagination, could empower any authority of Sindh Police including Additional IGP / Regional Police Officer, Sukkur Region to allow and approve a multistoried building for their personal monetary benefits. The plot meant for Police Picket and in defiance of the status of the land / plot, they have allowed a contractor to raise a multistoried building, consisting of shops and flats for their own benefits.

6. Government of Sindh / Board of Revenue grants these lands to different departments to cater their professional necessities and requirements in discharge and dispensation of their professional duties and daily work. It (the property) cannot be used for their personal gain, as has been done in this matter. Even Standing Order No.207 of 2005 is silent and, hence, cannot be relied upon.

7. We have been informed that a number of plots, which were, otherwise available for the working benefits of the Police Department, have been misused for personal gain by allowing them to be used by way of raising construction of multistoried buildings. These police officials get their salary and perks and post-retirement benefits and they are not allowed to assume the role of a builder and start raising construction of a multistoried building to generate additional income for their own benefit, out of the government property.

8. The Police Department should be more vigilant insofar as their own mandate is concerned rather than assuming role of a professional builder. This building is liable to be demolished forthwith, as it has been raised illegally and unlawfully and without any mandate. The structure over the plot, meant for Police Picket and, thus, liable to be demolished.

9. The stance of learned AAG Sindh that they have neither received any rent nor any monetary benefit, is contrary to their original stand when it was claimed that the agreement was executed on the basis of a Standing Order, as referred above. The officials responsible should be taken to task. Department must disclose all such plots where construction has been raised in the above manner within four (04) weeks by filing report to this Court.

10. At the conclusion of this order, the contractor namely Mansoor Ashraf (respondent No.4) has appeared and requested that they have been persuaded by the Police Department to invest and raise construction thereon and since now it has been held as illegal and unlawful, therefore, a reasonable time be given to him and the occupants so that they may have alternate arrangement as far as vacation of premises is concerned. Accordingly, we deem it appropriate and grant thirty (30) days' time to vacate the premises before any action could be taken by the official respondents in this regard.

11. Petition stands disposed of along with listed applications, and compliance report be filed in four (04) weeks.

3. The aforesaid order was assailed before the Honourable Supreme Court of Pakistan by the aggrieved party. The Honourable Supreme Court of Pakistan, vide order dated 15.04.2019, was pleased to dismiss the petition. Relevant portion is reproduced as under:-

.... We have noted that the High Court has dealt with this aspect of the matter and found that the very construction on the said plot was altogether illegal and could not be allowed to sustain for that the plot of land meant for use of the Police Department for 'Police Picket', no residential or commercial project can be constructed in the shape of shops and flats for rental purposes and that the plot has to be used to the purpose of the Police Department i.e. 'Police Picket'. In our view, such order of the High Court is in consonance with the law for that nothing was shown to us by the learned ASC that the impugned order suffers from any illegality. It is obvious that a construction which is patently illegal cannot be allowed to be sustained and has to be demolished for if it is allowed to remain at the said plot it is bound to be misused by the police officials and it is obvious that will be for their own personal gain, which in no circumstance cannot be allowed under the law. Thus, the order of demolition of the building passed by the High Court seems to be just and proper in the facts and circumstances of the case, which needs no interference by this Court. We may, however, note that while the High Court has directed the Police Department to take action against the police officials found responsible in this colossal misuse of the police department's land should also be proceeded against criminally for their action which apparently was to defraud the police department of its land meant for only 'Police Picket'. The Inspector General of the Police, Sindh shall ensure that all plots given to the police department for policing purposes are used purely for policing purpose only and not otherwise and if any plot of land given for policing purpose has been misused, as in the case herein above the similar action be taken, regarding such plots and police officials found responsible shall also be proceeded against not only departmentally but also criminally. This application is, therefore, dismissed.

4. Subsequently, Mst. Razia entered into the lis and invoked the original jurisdiction of the Honourable Supreme Court of Pakistan by filing a petition. During the course of those proceedings, certain other persons also sought and were granted leave to intervene in the matter.

5. After hearing the parties at length, the Honourable Supreme Court, vide judgment dated 11.01.2023, rendered its verdict. For the sake of convenience and ready reference, the relevant portion of the said judgment is reproduced herein below:-

A compliance report has been filed by the Inspector General of Police, Sindh by way of Crl M.A. No.2057/2022. The same is taken on record. After hearing learned counsel for all the parties, we note that all these matters involve implementation of a judgment of this Court and relate to the Province of Sindh. Under the Constitution, the judgments of this Court are to be implemented by the High Courts. We, therefore, direct that the entire record of these cases be transmitted to the High Court of Sindh. Such record shall be numbered as a C.P. and thereafter, the High Court shall take up the matter, hear all parties and proceed in accordance with law. These matters are accordingly disposed of. (underline emphasized)

6. Thereafter, in view of the unequivocal verdict rendered by the Honourable Supreme Court of Pakistan, specific directions were issued to proceed with the matter after affording an opportunity of hearing to the concerned parties. It is a settled Constitutional mandate that the judgments and orders of the Honourable Supreme Court are binding and are to be implemented by the High Courts.

7. Pursuant to the said verdict, the applications filed by the intervenors were numbered and converted into independent petitions. Additionally, certain applicants, claiming themselves to be proposed tenants of the Police premises, filed applications under Order I Rule 10, C.P.C., seeking impleadment, as well as applications under Section 12(2), C.P.C., for setting aside the earlier orders.

8. To decide the entire batch of petitions along with the pending applications, a full and fair opportunity of hearing was afforded to all concerned parties. After hearing the learned counsel at considerable length and examining the material available on record, we are not persuaded to pass any order in favour of the applicants/petitioners. The controversy in question has already attained finality up to the level of the Honourable Supreme Court, and no cogent reason or lawful justification has been brought on record warranting interference through the instant petitions or the listed applications. Accordingly, the same are liable to be dismissed.

9. According to the nutshell of the case, the intervenors/petitioners in the subsequently numbered petitions have primarily advanced a singular line of argument: that they are lawful occupants of the subject premises by virtue of lease deeds and tenancy agreements executed with the functionaries of the Police Department. On the strength of such documents, it is contended that they are legally entitled to continue in occupation of the premises.

10. It is further argued that, even if the land is required for policing purposes, no clear distinction has been drawn by the police authorities as to which specific portion is required for such purposes. Therefore, the vacating notices issued by the police functionaries subsequent to the orders of the Honourable Supreme Court are liable to be declared illegal and without lawful authority. The intervenors/petitioners also assert that they have regularly paid rent and fulfilled their contractual obligations; however, the police authorities have now unlawfully denied their right of occupation. In further addition, Mr. Muhammad

Haseeb Jamali, learned counsel for certain Intervenors/petitioners, raised an objection with regard to the implementation of the judgment of the Honourable Supreme Court by this Court, particularly in view of the 26th and 27th Constitutional Amendments. In support of his submissions, he placed reliance upon Article 187(2) and Article 199(1)(a) of the Constitution of the Islamic Republic of Pakistan, 1973. Learned counsel reiterated that the matter requires independent consideration in light of the constitutional framework post-amendments. Similarly, in C.P. No. D-298 of 2024, Mr. Noor Hassan Malik, Advocate, appeared and adopted the arguments advanced by the other learned counsel for the petitioners. In C.P. No. D-300 of 2024, the petitioner, Abdul Nabi, appeared in person and adopted the arguments advanced by the learned counsel on his own behalf as well as on behalf of the other petitioners named in the array of petitioners. He submitted that all the petitioners are shopkeepers and relied upon the documents placed on record to assert their lawful occupation of the subject property. In essence, the principal contention of all learned counsel for the intervenors/petitioners revolved around the alleged lawful tenancy and the purported illegality of the eviction notices.

11. Conversely, Mr. Ali Raza Baloch, learned Additional Advocate General, Sindh, submitted that Article 189 of the Constitution unequivocally mandates that the decisions of the Honourable Supreme Court are binding on all Courts in Pakistan. He further submitted that even after the establishment of the Federal Constitutional Court, the Constitution preserves the binding nature of decisions rendered by the Apex Constitutional Court upon this Court. On merits, the learned Additional Advocate General contended that it is the exclusive prerogative of the owner of the land, namely, the Police Department, to determine the manner and purpose for which the land is to be utilized. According to him, the land in question is required for policing purposes, including welfare facilities, structural development, and the establishment of various branches, for which additional space is indispensable. He argued that the occupants have no vested right to question the internal administrative decision as to how the land is to be utilized for policing purposes.

12. We have heard the learned counsel for the parties at considerable length and have carefully perused the material available on record.

13. The constitutional framework of the Islamic Republic of Pakistan envisages a hierarchical judicial structure comprising the Honourable Supreme Court of Pakistan, the Federal Constitutional Court (where constituted), and the High Courts, each functioning within its defined constitutional domain. All such institutions derive their authority exclusively from the Constitution and are bound to operate within the constitutional scheme and gradation prescribed therein.

14. The supremacy of the Constitution mandates that every Court function under its parasol and in accordance with its express provisions. The judicial hierarchy is not merely administrative in nature; rather, it embodies a constitutional command ensuring coherence, uniformity, and finality in the administration of justice.

15. Even after the recent constitutional amendments, no provision has been introduced that dilutes or curtails the binding effect of the judgments of the Honourable Supreme Court upon the High Courts. Article 189 of the Constitution unequivocally provides that any decision of the Supreme Court shall, to the extent that it decides a question of law or is based upon or enunciates a principle of law, be binding on all other Courts in Pakistan. Likewise, where the Constitution so provides, the decisions of the Federal Constitutional Court carry binding force within their constitutional sphere.

16. There is no constitutional sanction empowering this Court to disregard, suspend, or sit in appeal over the judgments of the Honourable Supreme Court or any constitutionally competent Apex forum. The doctrine of judicial hierarchy, read in conjunction with Articles 189 and 201 of the Constitution, leaves no room for any interpretation that would permit non-compliance or dilution of binding precedent. Accordingly, the mandate of implementation remains intact and obligatory.

17. Now adverting to the aspect of implementation of the decisions rendered by this Court as well as by the Honourable Supreme Court, it is to be observed that once a matter has attained finality, the same is required to be implemented in its true letter and spirit. In this context, the Police Department, being the lawful custodian and owner of the subject property, is legally entitled to resume possession of its land, particularly where the same is required for official

purposes, including policing functions. It is a settled principle of law that the owner of a property retains the inherent right to reclaim and utilize his property in accordance with the law.

18. Even assuming that certain occupants were inducted through lease or tenancy arrangements, such arrangements cannot override the proprietary rights of the State nor can they defeat a lawful decision implemented pursuant to binding judicial orders. Where the land is required for public purpose more so for essential policing functions, the competent authority is within its jurisdiction to take steps for recovery of possession, subject always to compliance with due process of law.

19. There remains no cavil to the proposition that ownership carries with it the right to possession and lawful resumption. Therefore, in the implementation of the binding judgments, the police functionaries are fully competent to proceed in accordance with law for recovery of the subject land, if the same is required for official use.

20. Furthermore, Rule 3.28 of the Police Rules, 1934, specifically delineates the manner in which the Police land is to be maintained, regulated, and preserved in accordance with the prescribed framework. During the course of hearing, the police functionaries present before the Court were confronted with the requirements of Rule 3.28. They candidly acknowledged that the subject premises fall within the purview of the said Rule and affirmed their obligation to ensure its due compliance. For the sake of ready reference and convenience, Rule 3.28 of the Police Rules, 1934, is reproduced herein below:-

3-28. Register of police lands - A register in form 3.28 shall be maintained by each Superintendent of all land which is Government property occupied by the police, showing the exact area of each plot so occupied. The register should give the exact measurement and boundaries, and, in the case of rural lands, the khasra numbers. Officers in immediate charge of the properties in question are required to check periodically the entries in the register, and to report at once any instances in which encroachments have been made.

FORM No. 3-28

REGISTER OF LAND BELONGING TO GOVERNMENT IN THE OCCUPATION OF THE POLICE.

Column 1 - Locality.

2 - Area.

3 - Boundaries.

4 - Whether marked by boundary pillars.

5 - Information is columns 2 and 3 whence obtained.

21. Furthermore, once it has been categorically declared that the subject land is, and shall not be utilized for any commercial activity, the status of the intervenors/aggrieved persons/occupants/petitioners requires careful legal scrutiny. Whatever claim they may have previously asserted based on alleged lease or tenancy arrangements, the same cannot survive in the face of binding judicial pronouncements and the express declaration regarding the nature and purpose of the land. After the denial of their claimed rights and in view of the authoritative decisions rendered by the Honourable Supreme Court, followed by the consequential order passed by this Court in terms of the verdict dated 11.01.2023, the petitioners are no longer legally entitled to retain possession of the premises. Continued occupation despite a clear judicial determination and knowledge thereof renders their possession unauthorized under the law. In such circumstances, they are liable to be treated as encroachers upon State property, particularly when the land is reserved for institutional policing purposes. It has also been noted that this Court, vide order dated 21.02.2019, held that the act of raising construction by the builder, persuaded by the Police Department to invest and undertake construction thereon, was illegal and unlawful.

22. Moreover, the Sindh (Repeal of the Police Act, 1861 and Revival of Police Order, 2002) (Amendment) Act, 2019 also assumes significance in the present context. Upon perusal thereof, Article 8 appears to be of particular relevance, as it pertains to the regulatory framework governing police establishments and properties. For the sake of ready reference and proper appreciation, Article 8 of the said enactment is reproduced herein below:-

8. Police to be organized on functional basis. - (1) The police establishment constituted under Article 7 shall, as far as practicable, be organised on functional basis into branches, divisions, bureaus and sections.

(2) The branches, divisions, bureaus and Articles referred to in clause (1) may include-

(a) Investigation;

(b) Intelligence ;

(c) Watch and Ward;

- (d) *Reserve Police ;*
- (e) *Counter-Terrorism and Rapid Response;*
- (f) *Personnel Management;*
- (g) *Education and Training;*
- (h) *Finance, Accounts, Procurement and Internal Audit ;*
- (i) *Crime Prevention;*
- (j) *Crime against women, children, minorities and vulnerable sections;*
- (k) *Traffic Planning and Management;*
- (l) *Criminal Identification;*
- (m) *Telecommunication and Information Technology;*
- (n) *Transport;*
- (o) *Research and Development;*
- (p) *Legal Affairs ; and*
- (q) *Welfare .*

(3) *The specialist investigators shall be operationally responsible to the officer in-charge of the investigation branch.*

(4) *Every police officer shall be liable for posting to any branch, division, bureau and section, or anywhere in or outside the police:*

(5) *Posting to any specialist branch, division, bureau or section shall be subject to necessary training and experience in accordance with the rules.*

23. Accordingly, in light of the Sindh (Repeal of the Police Act, 1861 and Revival of Police Order, 2002) (Amendment) Act, 2019, it is evident that the Police Department is statutorily empowered and obligated to establish and maintain various branches, divisions, and bureaus necessary for effective policing. The establishment and functioning of such units necessarily require adequate infrastructure and land reserved exclusively for policing purposes.

24. The Police Land, by their very nature and statutory character, are meant to serve institutional and operational requirements of the Police Department. Therefore, where the competent authority has determined that the subject land is required for the establishment or expansion of such branches or related facilities, the utilization of the land must remain strictly for policing purposes.

25. In this backdrop, the order regarding the Police Land was passed to ensure that the land is preserved and utilized solely for policing purposes, and not diverted towards any commercial or private use. The requirement of the land for policing objectives is thus fully aligned with the governing statutory framework as well as the binding judicial pronouncements on the subject.

26. Keeping in view the foregoing discussion and the observations made hereinabove, it is reiterated that, as already recorded in the short order dated 10.02.2026, the listed applications in C.P. No. D-292 of 2024 were dismissed. Likewise, the connected petitions bearing C.P. Nos. D-293, 295, 296, 297, 298, 299, and 300 of 2024 were also dismissed. As regards C.P. No. D-294 of 2024, learned counsel for the petitioner has, under instructions, chosen not to press the same. The interim order passed earlier is hereby recalled, as was done in the short order of even date. It is further directed that the respondents, including the police authorities, shall strictly comply, in both letter and spirit, with the binding orders of the Honourable Supreme Court of Pakistan, particularly concerning the use of the subject properties strictly for policing purposes and in accordance with the legal framework.

JUDGE

JUDGE