

ORDER SHEET
LAHORE HIGH COURT, LAHORE
JUDICIAL DEPARTMENT
Diary. No. 156398 of 2025

Syed Mehmood Akhtar Naqvi Vs. Government of Punjab, through
Chief Secretary Punjab, etc.

<i>Sr. No. of order/ proceedings</i>	<i>Date of order/ Proceeding</i>	<i>Order with signature of Judge, and that of Parties' counsel, where necessary</i>
	25.11.2025	M/s. Aftab Mustafa and Muhammad Mohsin Sheikh, Advocates for petitioner. Mr. Muhammad Osman Khan, A.A.G. Mir Haroon ul Rashid, Assistant Attorney General.

By filing Constitution Petition under Article 199 of the Constitution of Pakistan placed before this Court as an objection case, the petitioner has called in question the action of private respondent Nos. 4 to 9, whereby they have blocked the properties of the petitioner and his wife in the record maintained by the respondent No. 4, and claims that due to the said blockage the petitioner and his wife cannot enjoy benefits of the said properties or transfer their respective properties to any other person. Also seeks direction to official respondent Nos. 1 to 3 to proceed against the private respondents for the aforesaid action. The prayer made in the petition is reproduced below:

"Under the circumstances and forgoing submissions, it is therefore, humbly prayed that the instant writ petition may kindly be accepted and a direction may kindly be issued to the respondents No. 1 to 3 to proceed against the respondents No.4 to 9 for illegally blocking the above said properties belonging to the petitioner and his wife.

It is further prayed that a direction my kindly be issued to the respondents to unblock the properties described in the plaint owned and possessed by the petitioner and his wife in accordance with law in the larger interest of justice and fair play.

It is also prayed that the respondents No.4 to 9 may kindly be restrained from interfering in the lawful possession over the suit properties belonging to the petitioner and his wife in any manner whatsoever."

2. The office has raised objections at Serial Nos. 29 and 43 of the objection sheet, which are reproduced below:

“29. *Writ petition cannot be entertained against private persons to the extent of Respondent Nos. 4 to 9.*

43. *Alternate remedy of application/petition before the concerned Grievance Redressal Commissioner has not been availed.”*

3. The counsel for the petitioner contests the above mentioned objections by stating that the petitioner's rights to property have been adversely affected therefore direction is required to be issued to the respondent Nos. 4 to 9 to unblock the properties of the petitioner in the record maintained by them, hence this petition is maintainable. In the alternate prays that the matter in issue may be referred to the official respondent Nos. 1 to 3 to proceed against the private respondent Nos. 4 to 9 for violating the rights of the petitioner.

4. As per the memorandum of parties attached with this petition, the respondent No.4/ Bahria Town (Pvt.) Ltd. is a private company, which has been impleaded through its Chairman, whereas respondent Nos. 5 to 9 are its Vice Chairman, Chief Executive Officers and Managers. The petitioner claims that as he had previously initiated public interest litigation against the respondent No. 4, its chairman became annoyed with the same and has blocked the properties of the petitioner in the record maintained by the company/respondent No. 4 in violation of fundamental rights of the petitioner. It is also claimed that in addition to the

above, some suits for redress of grievance of the petitioner and his wife have also been filed before the civil Court and suit filed by some other person is also pending before the said court but the slow pace of the same has resulted in filing of the instant petition for redress of grievance. It has also been claimed that the petitioner approached the official respondents for redress of his grievance but there is no progress in the same.

5. It is pertinent to mention here that this Court is cognizant of the law that constitution petition may be filed against a company in certain circumstances but for a Constitution petition to be maintainable against a company, the said company must be performing functions in connection with affairs of the Federation. Reliance in this regards may be placed on the judgments reported as **Ramna Pipe and General Mills (Pvt.) Ltd v. Sui Northern Gas Pipe Lines (Pvt.)** (2004 SCMR 1274) and **Shaikh Muhammad Suleman versus Pakistan Telecommunication Company Limited through its General Manager and another** (2019 PLC (C.S.) 1381 (Sindh).

6. In the present case the respondent No. 4 has not been claimed or shown to be performing functions in connection with affairs of the Federation, rather it is claimed to be a private company working for land development for the purpose of construction of commercial buildings and housing colonies in the private sector and does not have controlling share of the Federal or Provincial Government, hence constitution petition against the same is not maintainable. Reliance has been placed on a Division Bench judgment of the

Sindh High Court, which while discussing the question of maintainability of Constitution Petition for issuing a direction to an incorporated company in *Muhammad Saleem versus Chief Controller of Billing, K.E.S.C., Karachi and others* (2010 YLR 2946), has held that such petition could not be maintained against a company, where Federal or Provincial Government did not have therein controlling share or interest.

7. In the alternate it has been prayed that the matter may be referred to the respondent Nos. 1 to 3 to proceed against the respondent Nos. 4 to 9 by claiming that the petitioner approached the said respondents who are not proceeding against the aforementioned respondents. Respondent Nos. 1 to 3 are the Chief Secretary Government of the Punjab, Secretary Housing and Physical Planning, Lahore and the Director General of Lahore Development Authority. Although it has been claimed that the said respondents were approached for redress of grievance before approaching this Court through the Constitution petition, yet no document supporting the said assertion has been placed on the record and it has also not been clarified that under what law remedy was availed before the said respondents and whether the said remedy, if any availed, was maintainable under the law. Hence, presently there was no occasion or reason for this Court to issue direction to any of the said respondents to proceed against the private respondent Nos.4 to 9.

8. In these circumstances, the objection at Serial No. 29 of the petition not being maintainable against the private respondent Nos. 4

to 9 is *sustained*. As regards the office objection at Serial No. 43 suffice it to observe that as the petitioner has not been able to explain as to how and under what law the petitioner approached the official respondent Nos. 1 to 3 for redress of grievance, therefore, there was no need to comment upon the said objection at this premature stage for purpose of decision of the other office objection and the said question may be addressed in some other matter or if raised in this matter at any subsequent stage. However, it is observed that the decision of these objections would not be a hindrance against the petitioner to seek appropriate remedy available under the law.

9. The crux of the afore referred observations is that where a relief is sought against any private company or individual, Constitution Petition against the said person would not be maintainable unless any remedy is availed against the said person before any official forum provided for redress of grievance and action or inaction of the said forum/authority in pursuit of said remedy for redress of said grievance gives a cause of action to the petitioner to approach this Court.

(Muzamil Akhtar Shabir)
Judge

*Naveed**

APPROVED FOR REPORTING: