

## JUDGMENT SHEET

### IN THE HIGH COURT OF BALOCHISTAN, QUETTA

**Constitution Petition No.1926 of 2025**  
(CC# 100107804393)

Muhammad Ali & others  
Vs.  
Syed Aminullah & others

Date of hearing: 25.11.2025 Announced on: 29.11.2025

Petitioners by: Mr. Adnan Ejaz Sheikh, Advocate.

### ORDER

**Sardar Ahmad Haleemi, J.** The petitioners have invoked the constitutional jurisdiction of this Court under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973 (“the Constitution”) with the following relief:

- “A. Declare that the revenue authorities lacked jurisdiction to pass orders relating to demolition, encroachment, title or possession disputes;*
- B. Set aside the impugned orders dated 27-08-2024 (respondent No.2), 27-12-2024 (respondent No.3), and 16-10-2025 (respondent No.4), being illegal, arbitrary, without jurisdiction and passed in violation of natural justice, as such, the subsequent notices issued for dispossession are also illegal;*
- C. Direct the respondents to refrain from taking any coercive action against the petitioners on the basis of the disputed and defective demarcation report as such, not to dispossess the petitioners and also not to demolish the construction raised upon the land in question;*
- D. Declare that any question regarding ownership, possession, title or encroachment between the parties may only be adjudicated by a competent Civil Court;*
- E. Grant any other relief deemed just and proper in the circumstances.”*

2. Learned counsel for the petitioner inter alia contended that the dispute is purely civil in nature involving title, boundaries, and possession; hence, only the Civil Court has jurisdiction. The revenue authorities acted *coram non judice*; that the respondent No.1 failed before the Civil Court in obtaining injunction, withdrew his suit without permission to file afresh, and thereafter misused the revenue forums to achieve what he could not obtain judicially, showing *mala fide*; that the demarcation dated 05-08-2024 is illegal as it was conducted without fixed points, Burjis, maps, or hearing the petitioners. It is *ex-parte*, defective and contrary to the Balochistan Land Administration Manual; the petitioners were denied due process, as their objections were neither recorded nor considered. Orders based solely on a flawed report violate natural justice; the Revenue authorities have no lawful authority to order demolition, dispossession, or to decide disputes of ownership. The orders impugned suffer from arbitrariness and lack of jurisdiction; that the Appellate and Revisional orders are non-speaking, passed without reasons and ignoring the direction to obtain a fresh report, amounting to non-application of mind; that the encroachment is physically impossible, as both parties' lands lie in different Muhals separated by Ghair Mumkin Manda, a natural barrier; that the impugned actions violate Articles 23 of the Constitution, threatening the petitioners' proprietary rights without due process; that no alternate or efficacious remedy exists, necessitating intervention under Article 199.

3. We have heard the learned counsel for the petitioners and perused the record. It reveals that the respondent No. 1 filed an application before the revenue authorities for demarcation. The demarcation was conducted by competent revenue staff, who submitted a detailed report in which it was categorically noted that the petitioners had encroached upon a *Giar Mumkina Nala* (water channel) and had constructed shops over it. During the proceedings before the revenue court, petitioner No. 4, namely Lal Muhammad, himself filed an affidavit, unequivocally acknowledging that the revenue staff may demolish any encroachment found over the Nala. Acting on this voluntary statement and the demarcation report, the encroaching structures were removed.

4. Despite the opportunity, the petitioners failed to produce any documentary evidence showing ownership or lawful possession of the shops raised upon the Nala. A water channel is a public utility falling within the domain of the State. Under Rule 67-A of the Balochistan Land Revenue Rules, the revenue authorities are expressly empowered to remove encroachments over State or State-managed land, including watercourses and channels. The action of the respondents thus squarely falls within their statutory jurisdiction.

5. The petitioners' assertion that a question of title is involved is misconceived. The revenue authorities did not adjudicate upon ownership or title; they merely exercised their statutory jurisdiction to remove an encroachment over a public *Nala*, an action

well within their domain. The voluntary affidavit of petitioner No. 4 further negates any allegation of a violation of natural justice.

6. The impugned orders are based on material available on record and do not suffer from any jurisdictional defect, arbitrariness, mala fide, or violation of constitutional rights. No ground is made out for interference under Article 199 of the Constitution. The petition, being devoid of merit, warrants no further proceedings.

For the above reasons, C.P. No. 1926 of 2025 is dismissed in limine.

Announced in open Court:  
Quetta, on 29<sup>th</sup> November, 2025

Judge

Judge.