

JUDGMENT SHEET
IN THE HIGH COURT OF BALOCHISTAN, QUETTA

Constitution Petition No.1893 of 2024
(CC# 100107704852)

Shahnaz Tabassum
Vs.
Muhammad Khalid & another

Date of hearing: 18.11.2025 Announced on: 26-11-2025

Petitioner by: Mr. Ahmed Shaheryar, Advocate.

Respondent No.1 by: Ex-parte proceeded on 18.11.2025

Official respondents by: Mr. Arbab Nasruminallah, Additional Advocate General.

JUDGMENT

Sardar Ahmad Haleemi, J. The petitioner has 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:

“It is, therefore, respectfully prayed that this Hon’ble Court may be pleased to declare the impugned order dated 27.11.2024 passed by respondent No.2 to be illegal, unlawful, passed in excess of jurisdiction and authority, subsequently the same may kindly be set aside, with any other relief, in the interest of justice.”

2. As per contents of the instant petition, the respondent No.1 instituted an application under Section 13 of the West Pakistan Urban Rent Restriction Ordinance, 1959, before the learned Senior Civil Judge-I/ Rent Controller, Quetta, seeking protection against his

alleged eviction from the premises, i.e. Shop titled "Zubair Decoration", situated at Sariab Road, Quetta. Alongside the main application, respondent No.1 also filed an application for the grant of interim injunctive relief, praying that the petitioners be restrained from ejecting him from the said Shop during the pendency of proceedings. Upon issuance of notice, the petitioners duly appeared and contested the matter by filing a written statement along with a rejoinder to the stay application, strongly denying the relationship of landlord and tenant between the parties and challenging the maintainability of the proceedings under the said Ordinance. However, the learned Rent Controller restrained the petitioners from dispossessing respondent No. 1 till the final adjudication of the case vide order dated 27.11.2024. Aggrieved of the impugned order, and having no alternate efficacious remedy, the petitioners have invoked the constitutional jurisdiction of this Hon'ble Court under Article 199 of the Constitution.

3. Learned counsel for the petitioners contended that the impugned order is illegal, without lawful authority and made in excess of jurisdiction; that Section 13 of the Urban Rent Restriction Ordinance does not empower the Rent Controller to grant injunctive or restraining orders. The jurisdiction is statutory and limited; hence, the impugned order is void; that the relationship of landlord and tenant has been categorically denied. Unless such relationship is established, the Rent Controller lacks jurisdiction even to entertain the proceedings; that Respondent No.1 lacks locus standi; that he

relied on a fabricated document already rejected by a competent court in *Shehnaz Tabsum v. Siraj Durrani*; therefore, no *prima facie* tenancy exists; that the Respondent No.1 had already been evicted by the Deputy Commissioner Quetta on 30.08.2023. Thus, no subsisting tenancy or possession existed at the time of filing the application; that the respondent failed to establish the essential ingredients for interim injunction, i.e. *prima facie* case, balance of convenience, and irreparable loss; that the learned Rent Controller did not consider the written objections of the petitioners and passed a non-speaking, arbitrary and unlawful order, violating the norms of natural justice.

4. Conversely, learned Additional Advocate General appearing on behalf of respondent No.2 supported the impugned order and contended that the application under Section 13 was maintainable and the Rent Controller is competent to grant interim protection to prevent illegal eviction; that the respondent No.1 had placed sufficient material indicating his possession, thereby justifying interim relief to maintain status quo; that the impugned order is an interlocutory order passed to prevent irreparable loss and does not suffer from jurisdictional defect; that the dispute regarding tenancy, genuineness of documents, and prior eviction involves factual controversies which the Rent Controller is competent to determine; therefore, interference in writ jurisdiction is unwarranted.

5. We have heard the learned counsel for the parties and perused the record, which reveals that the learned Rent Controller acted without lawful authority in passing the impugned order dated

27.11.2024. Section 13 of the West Pakistan Urban Rent Restriction Ordinance, 1959, does not vest the Rent Controller with jurisdiction to grant injunctive or restraining relief to an alleged tenant without an application of eviction; therefore, the impugned order is patently without jurisdiction. The relationship of landlord and tenant, which forms the very foundation of the Rent Controller's jurisdiction, stood expressly denied by the petitioners. Without determining this essential jurisdictional fact, the Rent Controller could not lawfully assume authority to pass any interim or final order. Respondent No.1 failed to establish the mandatory requirements for the grant of a temporary injunction, namely: (i) *prima facie* case, (ii) balance of convenience, and (iii) irreparable loss. The documents relied upon by the respondent were doubtful in nature and had already been discarded in earlier litigation. The learned Rent Controller failed to consider material facts and documents that negated the respondent's claim of a subsisting tenancy or possession. The impugned order is non-speaking, arbitrary, and reflects non-application of the judicial mind. The objections and written statement filed by the petitioners were neither discussed nor appreciated, amounting to a violation of principles of natural justice. Although this Court ordinarily refrains from interfering with interlocutory orders, the learned Rent Controller has no vested authority to entertain the tenant's application and proceed with the matter, as the proceedings are patently illegal and without jurisdiction; thus, the impugned order is not sustainable.

For the above reasons, C.P. No.1893 of 2024 is allowed; consequently, the impugned order dated 27.11.2024 passed by the learned Rent Controller/Senior Civil Judge-I, Quetta, is hereby set aside. The learned Rent Controller is directed to determine the maintainability of the respondents' application in the first instance before passing any further orders.

Announced in open Court:
Quetta, on 26th November, 2025

Judge

Judge