ORDER SHEET

IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

W.P No. 836/2026

Mst. Nasren Akhtar

Versus

Deputy Commissioner, ICT, Islamabad, etc

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	10.02.2026	Mr. Ajmal Khan Khattak, Advocate for the petitioner.

Through this writ petition, the petitioner seeks the following relief;-

" A. Issue a writ in the Nature of Mandamus, directing and commanding the Respondents, particularly Respondents No.1 to 8, to:

i. The respondent No.1 to 8 be directed not to interefere into the peaceful possession of the petitioner without any lawful justification and authorization,

ii. That the concerned Patwari Halqa may also be directed not to change the remove record pertaining to the ownership of the petitioner in respect of her landed property measuring 8 ¼ marla, in khasra no. 1880, khewat No. 190, Khatooni No. 263 falling within the revenue Estate of Mouza Mohra Noor, Islamabad and immediately issue current Jamabandi and Fard Mufsil to the petitioner,

iii. That the respondents be restrained from blocking the passage and easement right of petitioner without any authoraization,

iv. That the concerned Patwari Halqa may also be restrained from threatening the petitioner by way of preteding the cutting of the corner/kona of the house of the petitioner whereas he has not been authoarized by any higher authority,

v. To pass any other order(s) which this Hon'ble Court deem fit and proper in the interest of justice.

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2. At the very outset, learned counsel for the petitioner submits that the petitioner purchased a land measuring 08 ¼ marlas in Khasra No. 1880, Khewat No. 190, Khatooni No. 263 falling within the revenue Estate of Mauza Mohra Noor, Islamabad from respondent No. 7 Usman Mughal s/o Shaukat Ali vide sale mutation attested in the year 2002 against total sale consideration of Rs. 49,00,000/- vide sale agreement dated 06.07.2022; that the petitioner after purchase of the said land, constructed house measuring 8-1/4 marlas and invested approximately Rs.500,00,000/- and constructed a furnished house and has been residing with his family; that respondent No.7 repeatedly come to the house of petitioner and threatened her as well as her family of dire consequences that in case of not selling of property, the petitioner and her family would be done to death and also blocked the easement of the petitioner. The act of respondents has directly infringed the petitioner's fundamental rights as guaranteed under Article 4 of the Constitution of the Islamic Republic of Pakistan, 1973.

3. Heard learned counsel for the petitioner and perused the available record. The grievance of the petitioner primarily relates to the alleged interference and harassment by the respondents in respect of the petitioner's possession and enjoyment of her property, as well as obstruction of her easementary rights. However, when confronted with the nature of the relief sought in prayer clauses A(i) and A(iii), which pertain to

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questions of title, possession, and easementary rights over immovable property, learned counsel for the petitioner, with due prudence, did not press the said prayers. It is settled law that disputes involving questions of title, possession, and easementary rights, particularly where factual controversies are involved, fall within the domain of the competent civil court and cannot ordinarily be adjudicated in the constitutional jurisdiction under Article 199 of the Constitution, which is primarily meant to examine the legality of actions of public functionaries. To the extent of the remaining grievance regarding alleged harassment by respondents No.1 to 3, it is expected that public officials shall act strictly in accordance with law and shall not interfere with the lawful rights of any person except through due process. In these circumstances, no further adjudication is warranted by this court in exercise of its constitutional jurisdiction, and the instant petition is disposed of with the observation that the respondents shall act strictly in accordance with law and shall not cause any harassment to the petitioner except in accordance with lawful authority.

4. In view of the above, this writ petition stands disposed of.

(KHADIM HUSSAIN SOOMRO)
JUDGE

S.Akhtar

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