

ORDER SHEET
IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD
C.P No.D-501 of 2021

DATE	ORDER WITH SIGNATURE OF JUDGE
------	-------------------------------

29.03.2022

Mr. Muhammad Aslam Bhatti, advocate for petitioner

Mr. Allah Bachayo Soomro, Additional A.G Sindh

For a similar/identical relief, as claimed in this petition, petitioner had earlier filed a Suit in the Court Ist Senior Civil Judge Mirpurkhas as First Class Suit No.33 of 1992 and had prayed the identical relief of declaring the housing scheme over the land in question of Deh Panhwarki Taluka Mirpurkhas being illegal, malafide, void and without jurisdiction. Such remedy was exhausted by virtue of a judgment dated 28.07.1994. The petitioner further approached the relevant authorities, such as Deputy Commissioner Tharparkar. After availing such remedies especially in the shape of a decree in the aforesaid Suit, the petitioner has now filed this petition for the identical relief. Such remedy having already been availed, the remedy under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 cannot be exhausted as being barred in terms of Section 11 CPC and hence being confronted, learned counsel submits that he would avail the remedy in pursuance of a decree that was passed by the Ist Senior Civil Judge Mirpurkhas in aforesaid Suit by moving an appropriate application, if permissible under the law. Accordingly, this petition, being hit by Section 11 CPC, is dismissed.

JUDGE

JUDGE

Sajjad Ali Jessar