

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD

C.P.No.D- 684 of 2019

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on MA 4077/2019.
2. For orders on office objection.
3. For orders on MA 4078/2019.
4. For hearing of main case.

24.04.2019.

Mr. Shabeer Hussain Memon, Advocate for petitioner.

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Petitioner claims to be owner of agricultural land bearing Survey Nos.284/1,2, 317/1, 283/2, 283/1, 318/2, total area admeasuring 15-14 acres situated in Deh Sinhori Taluka & District Sanghar and Survey Nos.320, 319, 244//1,3, 247/3,4, 296/1,2, 245/1,2, 281/1,3 total area 16.00 acres situated in Deh Sinhoro Taluka & District Sanghar. He has filed this petition seeking directions to respondent No.5 Commissioner Shaheed Benazirabad and respondent No.6 ADC-II Nawabshah not to take any adverse action against him in respect of the aforesaid agricultural land, with further direction for respondent No.2 to conduct an enquiry against respondent No.3 Station House Officer P.S Mangli District Sanghar and respondent No.4 Incharge Police Post Head Jamroa District Sanghar for committing access upon him.

We have heard learned counsel for the petitioner on maintainability of this petition, he has not been able to point out any document showing any impeding action against the petitioner by respondents No.5 in respect of his claimed property. Additionally, we have read that the petitioner basically has a grievance against private respondents No.7 to 13 against whom he has already filed a F.C. Suit No.80 of 2018 before the learned Ist Senior Civil Judge, Sanghar and also filed a Criminal Miscellaneous Application No.1048 of 2018 before the learned Sessions Judge / Ex-Officio Justice of Peace, Sanghar seeking protection against their alleged efforts to take possession from him of his aforesaid claimed agricultural property.

Since dispute appears to be between the petitioner and private respondents over possession of claimed property and its rights, if any in favour of the parties regarding which civil suit has already been filed, this petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 does not seems to be maintainable particularly when before us no document has been produced, as stated above, to show any adverse action against the petitioner by official respondents in respect of his

claimed property is being taken. This being the position in our view this petition is not maintainable and is dismissed in limine alongwith listed applications. The petitioner however, would be at liberty to establish his claim in aforesaid F.C. Suit on its own merits.

JUDGE

JUDGE

Tufail/PA