

ORDER SHEET
IN THE HIGH COURT OF SINDH
CIRCUIT COURT MIRPURKHAS

Constitutional Petition No.D-1574 of 2024 (New)

Constitutional Petition No.D-1102 of 2022 (Old)

DATE	ORDER WITH SIGNATURE OF JUDGE
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Before:
Mr. Justice Amjad Ali Sahito.
Mr. Justice Jan Ali Junejo.

- 1. For order on office objection.
- 2. For order on M.A No.4316/2022.
- 3. For order on M.A No.4317/2022
- 4. For hearing of main case.

18.08.2025

None present for the petitioner.
Mr. Ayaz Ali Rajpar, A.A.G, Sindh.
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The instant petition was filed by the petitioner on 26.03.2022 and has been pending for three years. It is being fixed for the first time today, i.e., 18.08.2025, before this Court. The record reflects that notice was issued.

The petitioner has impugned the order dated 24.02.2022 where in Anti-Encroachment Tribunal, Mirpurkhas dismissed the application filed by the plaintiff for declaration and mandatory injunction.

After going through the pleading and proceedings the learned Tribunal viewed that the lease deed concession agreement executed between Government of Sindh and defendant No.10(herein after petitioner), they are empowered to issue NOCs and take charges/fees from user of Highway (R.O.W) road and intimate about the encroachment to authorized persons supported by independent Engineer's report and comments, in present case neither Engineer's report on record nor comments as envisaged in para-8(f) of the lease deed, and more so defendant No.10(herein after petitioner) is not empowered to block the exit and entrance of the lawful business as mentioned in legal notice of defendant No.10(herein after petitioner), which is against the law of land and violation of Article 4, 15, 18 and 26 of Constitution of Pakistan 1973, if the defendant No.10(herein after petitioner) is aggrieved for

taking the charges/fees for using the R.O.W of Highway road by the respondent No.10, he may avail appropriate remedy from the competent Forum.

We have carefully perused the impugned order rendered by the learned Presiding Officer Anti-Encroachment Tribunal, Mirpurkhas, which does not reflect any illegality or material irregularity. Accordingly, the instant Constitutional Petition stands dismissed in limine.

JUDGE

JUDGE

Adnan Ashraf Nizamani