

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

C.P. No.D-159 of 2025

| DATE | ORDER WITH SIGNATURE OF JUDGE (S) |
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| | 1. For orders on office objections. |
| | 2. For hearing of M.A. No.787/2025. |
| | 3. For hearing of main case. |

20.03.2025

on M/s. Aayatullah Khuwaja & Umaid Ali Khuwaja, Advocate for petitioner.
Mr. Allah Bachayo Soomro, Additional Advocate General, Sindh along-with
Muhammad Ashraf Kumbhar Mukhtiarkar Chambar, Sajid Pahore ADC-II Tando
Allahyar and Inspector / SHO Noor Din Akber PS Sanjar Chang Tando Allahyar
behalf of SSP Tando Allahyar.
M/s. Nazar Muhammad Memon & Shahid Ahmed Shaikh, Additional Prosecutor
General, Sindh.
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Learned counsel for the petitioner has argued at length. Reports have been submitted by SSP Tando Allahyar, DSP Tando Allahyar and SHO PS Sanjar Chang, which are taken on record. Learned counsel for the petitioner and learned AAG argue that the matter concerns public at large including cities of Tando Allahyar and Badin and any order passed in a slipshod manner without application of judicial mind and without considering the interests of all the effectees living therein and to be affected by the said order, could cause irreparable loss to a large number of people. He also submits that notices under sections 3 & 4 of the Contempt of Court Act have been issued by the learned Magistrate as against Government functionaries, which is beyond the domain of learned Magistrate. Further submits that neither notices to public at large nor affected people were issued though their input was necessary and imperative to consider such a larger issue. He also submits that under section 133 Cr.P.C, the jurisdiction of the learned Magistrate is limited to specific and emergency-based nuisances and issues, contrary where to, the learned Magistrate has taken over jurisdiction not vested in him and that too at such a very large scale in a generalized and vague manner. He requests for suspension of the impugned orders. Points raised by the learned AAG goes to the root of the jurisdiction of the learned Magistrate so also pertains to a large number of people, which demands careful consideration, application of judicial mind and a right of hearing to those who would be aggrieved, hence the same requires consideration. Issue notices to the respondents for **10.04.2025** who shall file their detailed replies, along-with earlier replies filed before the learned Magistrate, on the said date. In the meanwhile, operation of the impugned orders dated 09.10.2024, 14.01.2025 and the notices issued under the contempt of Court by the learned Magistrate, are suspended.

JUDGE

JUDGE

Muhammad Danish *