

ORDER SHEET
IN THE HIGH COURT OF SINDH CIRCUIT COURT LARKANA
Const. Petition No. S- 1059 of 2017

DATE	ORDER WITH SIGNATURE OF JUDGE
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Hearing of Cases

1. For orders on office objection 'A'

2. For Hearing of Main case

29.11.2017

Miss Shazia Surahio, State counsel a/w SIP Sajid Hussain Sangi, SHO PS Kanga and Inspector Muzafar Hussain Soomro, SHO PS Drigh.

None present for the petitioner however, Mr. Abdul Rehman Bhutto, Advocate holding brief on behalf of Mr. Muhammad Afzal Jagirani, Advocate states that latter is busy before another Bench of this Court. The Respondent No.7 is present and states that he is the owner of agricultural land bearing Survey No. 567 deh Athrri Taluka Thul District Jacobabad and said survey number has given by him for graveyard of the village. The petitioner with malafide intention and ulterior motives has encroached upon the said graveyard and has made it cultivable. In this regard, Respondent No.7 has got registered F.I.R No. 74/2016 Police Station Karim Bux for offence under section 447, 448, 427, 506/2, 147, 148, 149, PPC. The petitioner in paragraph No.6 of the petition has stated that civil suit filed by him is pending before 1st Senior Civil Judge, Jacobabad who has been pleased to grant *status quo* to be maintained by either party. The respondent No.7 states that said civil suit is not for the land in question vis-a-vis in this petition. He therefore, submits that in order to grab the land of graveyard the petitioner has filed instant petition so that he may not be encircled. As far harassment is concerned, the private respondents have not harassed him nor he will be harassed. On the other hand, the petitioner by filing frivolous petition has



been exerting illegal pressure upon the respondents so that they may not claim or grab the property belonging to them and is under use of graveyard. It further appears that prior to this the petitioner has also filed C.P No.S-327 of 2016 before this Court and by order dated 27.02.2017 it was disposed of by directing the other side not to harass the petitioner. Such conduct of the petitioner shows that he is a court bird.

In view of the above and in view of the statements advanced by the Respondent No. 1 as well as private respondents, the instant petition has served its purpose which accordingly is dismissed. The official respondents are directed not to become instrumental at the hands of either side as issue involved in the petition: st seems to be of civil nature and cannot be decided by this Court in its writ jurisdiction.



Judge