

ORDER SHEET

THE HIGH COURT OF SINDH BENCH AT SUKKUR

C.P No. D-1748/2010

For Katcha Peshi

12.12.2012.

Mr. Ghulam Shabir Shar for the petitioners.
Mr. Agha Athar Hussain, AAG along with SIP Ziad Ali Noonari, SHO,
Kashmore and SIP Imtiaz Ahmed Khoso, Police Line, Kashmore.

Ahmed Ali M. Shaikh, i. Through this Petition, the petitioner has prayed
as under:

- a. That this honourable Court may be pleased to direct the Provincial Police Officer to take appropriate action against the respondents.
- b. That this honourable Court may be pleased to direct the respondents not to register any false case against the petitioners as well as other inhabitants of village Arab Khan Shar without prior permission of this honourable Court.
- c. That this honourable Court may be pleased to direct the respondents not to raid the houses of petitioners and other inhabitants of Arab Khan Shar Goth.
- d. That this honourable Court may be pleased to direct the respondents not to harass the petitioners, their relatives, inhabitants of Arab Khan Shar village at the instance of Wadera of ruling party.
- e. That this honourable Court may be pleased to take action against the Police Officers for registration of false cases against the petitioners and also pass the order for registration of the case against the Police Officers, which are involved in the incident.

2. From the contents of Petition, it appears that on 08/11/2010,
Police party, headed by the respondents No. 3, raided houses of the

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petitioners as well as other inhabitants of village Arab Khan Shar. It further appears that even prior to that incident, on 26.06.2010, Police undertook such exercise in same fashion. Grievance of the petitioners is that Police party bulldozed entire village including katcha pacca houses of the village and removed valuable articles, gold ornaments as well as cattle etc., besides, dowry articles of baby Samina (sister of petitioner No. 5). It further appears that Hazar Khan, Mohammad Bux, Ghulam Sarwar, Jan Mohammad, Suleman, Khawand Bux, Haji Shabir and others were taken away by Police party and, thereafter, they were released after payment of Rs.5,00,000/-. Such amount was paid by the inhabitants of entire village. The respondents have filed their comments/statements thereby denying the allegations, leveled against them. Besides, they asserted that Farooque son of Mohammad Bux Shar, close relative of the petitioner is involved in a number of heinous cases of kidnapping for ransom.

3. Statement of SSP, Kashmore reveals that said Farooque is required in Crime No. 35/2007 of PS, Kashmore in respect of kidnapping one Tanisha, daughter of Shispal Das Hindu as well as Pehivish Kumar, a minor boy, who was recovered from the said Farooque Ahmed. The SSP has further submitted that this Petition is nothing but a counter blast on the part of said notorious criminal Farooque Ahmed.

4. Learned counsel for the petitioner submitted that the statements/comments, filed by the respondents, are nothing but a bundle of lies and, by filing these statements, they want to create factual controversies; that neither the petitioners are required in any case nor have they been challaned in any case, what to say of heinous cases.

5. Be that as it may, in these proceedings, we cannot determine the role of Police Officers qua removing of entire village and/or demolishing houses of the petitioners and others inhabitants of the village in writ jurisdiction. However, we are of the considered view that in any event, Police officials are supposed to act within the four corners of law and they cannot demolish houses of A, B, C etc. because of relations with the criminals.

6. In the circumstances, we dispose of this Petition, directing: official respondents to act strictly in accordance with law and DIG, Larkana,

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to look into the matter, conduct inquiry in a transparent manner and do the needful in accordance with law, under intimation to this Court through Additional Registrar of this Court, needless to say after affording opportunity of hearing to the petitioners and other inhabitants of the village. The petitioners would be at liberty to examine any villager/witness in support of their allegations, if so desired.


Judge


Judge