

(11)

PRESENTED  
06-06-2012  
ADDITIONAL REGISTRAR

**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**

Constitutional Petition No: D- 1665 of Year 2012

Mir Israr Hussain son of Mir Mulazim Hussain, by caste,  
Talpur, adult, Muslim, Resident of Village Rahooja,  
Taluka Kingri, District Khairpur.

..... **PETITIONER**

**V E R S U S**

1. Government of Sindh, through Home Secretary,  
Sindh, Karachi.
2. Inspector General of Police Sindh, Karachi.
3. Deputy Inspector General of Police Sukkur Zone.
4. Senior Superintendent of Police, Khairpur.
5. Mukhtiarkar (Revenue) Kingri).
6. SHO Police Station Pir Jo Goth.
7. Incharge Police Picket Rahooja, PS Pir Jo Goth,  
Taluka Kingri, District Khairpur.
8. Provincial Ombudsman / Mohtasib,  
Secretariat, Sindh, Karachi.
9. Abdul Ghaffar son of Munchi Khan, by caste, Malik,  
Resident of Village Rahooja, P.O. Machiyoon,  
Taluka Kingri, District Khairpur.

..... **RESPONDENTS**

**CONSTITUTIONAL PETITION UNDER ARTICLE 199 OF THE  
CONSTITUTION OF THE ISLAMIC REPUBLIC OF PAKISTAN 1973**

**ORDER SHEET**  
**HIGH COURT OF SINDH BENCH AT SUKKUR**

C.P.No.D-1665 of 2012

(67)

1. For Katcha Peshi
2. For hearing of CMA-5611/2012

27.02.2013

Mr. Syed Jafar Ali Shah for the petitioner.  
Mr. Noor Hassan Malik for respondent No.9.  
Mr. Agha Athar Hussain, Assistant Advocate General along with  
Inspector Abdul Qudoos, SDPO, Pir jo Goth.

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By invoking the constitutional jurisdiction of this Court petitioner has challenged order dated 15.8.2011 passed by Ombudsman Sindh, whereby authorities were directed to handover the premises to the owner.

2. Per learned counsel a police picket was created at the village of petitioner due to law and order situation; respondent No.9 Abdul Ghaffar moved an application before Ombudsman regarding eviction of police picket; Ombudsman by impugned order has directed police authorities for handing over peaceful possession of subject matter property to the owner within a period of 60 days, hence, impugned order is illegal and not maintainable under the law and without jurisdiction.

3. After careful consideration of contentions and perusal of impugned order, it is pertinent to say that petitioner was neither party in the proceedings before Ombudsman nor he has challenged the said order by way of filing appeal before Governor Sindh, as such, efficacious remedy was available to him. It will be conducive to refer the relevant para which is as under:

"I, therefore, in exercise of the powers vested in me under section 11 of the Establishment of the Office of Ombudsman for the Province of Sindh Act, 1991, hereby direct the Senior Superintendent of Police, Khairpur to hand over peaceful possession of area to the owner within a period of 60 days from the date of decision and in the meantime find out some other suitable Government land for establishment of police picket."

## ORDER SHEET

### **THE HIGH COURT OF SINDH, BENCH AT SUKKUR**

4. Since decision made by Ombudsman <sup>(67)</sup> is very speaking, legal and according to law and it is rightly held that authorities must handover the possession to the owner within 60 days and no ambiguity has been found in the said order. Besides above, applicant has failed to prove his locus standi to invoke the constitutional jurisdiction of this Court, as he is not owner of the subject matter property. Moreover, petitioner failed to point out any jurisdictional error, illegality or infirmity; thus, contention of learned counsel are devoid of merits.

5. For the aforesaid reasons, petition was dismissed along with the listed application, by our short order dated 27.2.2013.

  
JUDGE

  
JUDGE

S.Ashfaq