

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI.**  
**C.P.No.D-6915 of 2016**

---

**DATE:** **ORDER WITH SIGNATURE(S) OF JUDGE(S).**

---

**Directions**

1. For orders as to maintainability of Petition.
2. For hearing of Misc. No.25166/17

**26<sup>th</sup> September, 2017**

Petitioner is present in person.

Mr. Iqbal Khurram, Advocate for MDA.

Mr. Anwer Ali Shah, Advocate for SBCA.

Mr. Waheeduddin Siddiqui, Advocate.

Mr. Rehan Kiyani, Advocate.

-----

The Petitioner has argued his case at length. In rebuttal, the counsel for Respondent No.1 (Merry Land Builders & Developers) has placed on record a copy of order dated 18.10.2016 passed in C.P.No.D-2311 of 2016 filed by present Petitioner, wherein, *primarily*, the same relief has been sought by pleading the same facts. Copy of memo of petition has also been placed on record.

The Petitioner states that he has been defrauded by Respondents and his plots were illegally cancelled, which arguments have been controverted by learned counsel for Respondent No.1.

On a specific query, Mr. Anwer Ali Shah, learned counsel for SBCA, states that the files of the plots in question are not with SBCA as it has no nexus with the same. The same defence has been taken by Mr. Iqbal Khurram, learned counsel representing Respondent No.3-Malir Development Authority, as it is a matter between Petitioner and Respondent No.1.

From perusal of aforesaid order, it appears that grievance of present Petitioner (Waheeduddin Siddiqui) has been redressed, *inter alia*, as the Petitioner at that relevant time intended to file suit with regard to compensation. Besides, the controversy involves disputed questions of facts, as according to Respondent No.1, the plots were cancelled on account of default in payment of installments. However, the present Petitioner was re-allotted three different plots and allotment letters have also been issued.

In view of the above and the order dated 18.10.2016 passed in C.P.No.D-2311 of 2016, present Petition is not maintainable and merits dismissal. However, before parting with this order, it is necessary to observe that Respondent No.1 should consider request of Petitioner sympathetically and make genuine efforts to accommodate him. Similarly, Official Respondents No.2 and 3 should also consider the request of Petitioner within the parameters of law and decide the same accordingly, as the record shows that many correspondence(s) were addressed to these Official Respondents.

**Judge**

**Judge**

Riaz Ahmed/P. S\*

said Respondent No.1 is ready to accommodate the Petitioner by allotting him different plots as the cancelled plots were re-alloted to