

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD
C.P.NO.S-745 of 2016

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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1. For orders on office objection.
2. For katcha peshi.

18.09.2017

Mr. Sajjad Ali Rind, Advocate for petitioner.

Mr. Ghulam Shabbir Zardari, Assistant A.G a/w Ayoub Durani
DSP Latifabad SIP Najamuddin o/b of SSP Hyderabad and SIP
Syed Aamir o/b of SHO A-Section Latifabad.

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Respondents No.1 and 2 file comments, which are taken on record and copies whereof supplied to the learned Counsel for the petitioner. Respondents No.2 and 3 present in Court deny the allegations leveled by the petitioner against them. Respondent No.2 in his comments has also stated that petitioner Sher Zaman earlier launched a housing project namely Shahbaz Cottages and started booking of the units/flats with his partner namely Muhammad Hanif Memon. So many innocent people booked their flats/units in the said project by giving huge amounts, however, after receiving such amounts from the innocent people they did not complete the construction of the said project. Later on, the petitioner separated himself from the partnership of Muhammad Hanif Memon, intentionally to usurp the amounts of the public at large.

Learned Counsel for the petitioner states that after obtaining the huge amounts from the innocent public, Muhammad Hanif Memon has disappeared from the scene, however, subsequently he was arrested and presently detained in the prison. He further stated that since the petitioner got himself separated from Muhammad Hanif Memon, therefore, he is not responsible and liable for any such payment of the allottees, who have booked

their apartments/units in the said project. He further states that during the pendency of the present petition the official respondents kept the petitioner in CIA Center and obtained certain cheques under duress and according to learned Counsel the said cheques were subsequently en-cashed and against this illegal action the petitioner is in the process of filing appropriate proceedings against the police officials. Respondent No.2 present in person has vehemently denied the allegations and states that in all the allegations he has no role to play.

In the present case the petitioner has alleged that the respondents No.1 and 2 are engaging the allottees to make complaints only against the petitioner and besides they are harassing the petitioner, which the respondent No.2 present in person denies such fact, however, he assures that no harassment will be caused to the petitioner in future and further undertakes that whatever action is taken in the future shall be strictly in accordance with law.

Be that as it may, this petition is being disposed of with direction to the official respondents not to cause any harassment to the petitioner and discharge their functions and duties strictly in accordance with law and in a fair and reasonable manner without patronizing any group or individuals. Petitioner and/or any other group involved are at liberty to seek remedy of their grievance, if any, before a proper forum by invoking due process of law.

JUDGE

Shahid