

ORDER SHEET
**IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD.**

C.P.No.D- 1585 of 2017

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on office objection.
2. For Katcha Peshi.

29.01.2018.

None present for the petitioner.

M/s Imran Qureshi and Muhammad Aleem Arain, Advocates for respondents.
Mr. Anwar H. Ansari, State Counsel alongwith PI Syed Manzoor Ali on behalf
of SSP Hyderabad and SIP Waseem Khan on behalf of SHO Market.

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Through this constitution petition, the petitioner has prayed for following
relief(s):-

“A. To direct the respondents No.2 and 3 to restrain their lower staff from harassing, pressurizing and threatening the petitioner and his family members for vacating the house at the behest of private respondents otherwise the petitioner be dispossessed and his house will be demolished on 25th May, 2017.

B. To direct the respondents No.4 and 5 to provide legal protection to the petitioner and his family members at the hands of private respondents.”

None is present on behalf of the petitioner. No intimation received. It is now 11-15 a.m. Since none is present for the petitioner therefore, we ourselves have gone through the prayer clause of the petition with the able assistance of counsel appearing for the respondents and the learned State Counsel who has filed comments on behalf of the respondents No.4 and 5, which are taken on record.

Perusal of the record shows that the petitioner has claimed his case on the basis of agreement of sale dated 30th January 2016, allegedly arrived in between the petitioner and private respondents. Since the disputed question of facts have been agitated in this petition, therefore, we are of the considered view that factual controversy if involved in the petition cannot be undertaken through writ petition.

As observed above, the controversy involved in this petition appears to be of civil nature therefore, we are dismissing this petition with direction to the petitioner to

redress his grievances, if any, by filing the suit before competent court of law, if he so desires and the trial court then shall decide the same in accordance with law.

JUDGE

JUDGE

Tufail