

ORDER SHEET
IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD
C.P No.D-328 of 2018

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on M.A No.1640/2018
2. For hearing of main case
28.01.2019.

Mr. Ashiq Muhammad, advocate for the petitioner

1&2. By means of this petition, the petitioner is seeking following reliefs:

- ...
- a) To direct respondents No.5 & 6 to vacate the plot No.64 area 215 sq feet, Deh 25 Taj Colony Nawabshah and handed over the physical peaceful possession from the Respondent No.1 who is powerful person.
- b) To direct Respondents No.2, 3 & 4 to brought the original record of the above plot before this Hon'ble Court which the petitioner has seriously suffered.

...

Learned counsel for the petitioner in support has argued that respondent No.1 Sharif Khoso who, as per his knowledge, is an employee of House Building Finance Corporation has occupied petitioner's house, situated at 64 area 215 sq. feet, Deh 25, Taj Colony Nawabshah in the last portion of the year, 2017, which was allotted to him under relevant policy of Prime Minister of Pakistan and, therefore, official respondents may be directed to get the said plot/house vacated from him.

We have asked learned counsel about maintainability of this petition, in reply, he has submitted that it is the fundamental right of the petitioner to file constitutional petition, as respondent No.1 is employee of House Building Finance Corporation and has occupied his house, therefore, petition is maintainable. However, we are not persuaded by such contentions, the petitioner has adequate remedies under the Specific Relief Act in the shape of suit for possession as well as under the Illegal Dispossession Act in the nature of complaint which he can resort to for the relief he is

seeking from this Court. In presence of such adequate remedies, in our view, this petition is not maintainable, which is accordingly dismissed. The petitioner, however, is at liberty to seek his remedy in accordance with law before the appropriate forum.

Petition stands dismissed in the above terms alongwith pending application(s), if any.

JUDGE

JUDGE

Sajjad Ali Jessar