

HIGH COURT OF SINDH, CIRCUIT COURT AT
HYDERABAD

C.P No.D-285 of 2020

(Ghulam Mustafa Qureshi & Others versus Province of Sindh & Others)

DATE

ORDER WITH SIGNATURE OF JUDGE

Present:-

Mr. Justice Abdul Maalik Gaddi
Mr. Justice Adnan-ul-Karim Memon

1. For orders on M.A No.4007/2020
2. For orders on office objection(s)
3. For orders on M.A No.1714/2020
4. For orders on M.A No.1715/2020
5. For hearing of main case

26.08.2020

Mr. Aqeel Ahmed Siddiqui, advocate for petitioners

ABDUL MAALIK GADDI:-J

1. Urgent application is disposed of.

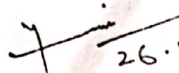
2to5. Through this constitutional petition the petitioners have prayed for following relief(s):-

- a. *That this Honourable Court may be pleased to direct the respondents not to interfere the peaceful and legal possession of the petitioners till the finalization of petition.*
- b. *That this Honourable Court may be pleased to direct this respondent No.5 to 7 not to take any coercive action till the disposal of the petition.*
- c. *That this Honourable Court may be pleased to direct the respondent No.4 to issue the lease deed on the basis of legal possession in pursuance of entitlement ship.*
- d. *Any other relief which the Honourable Court deems fit and proper in view of the above fact for protection of petitioner and in the interest of justice.*

The main grievance of the petitioners, as agitated through this petition, is that they are residing in Makrani Para village, which, according to them, comes in Gothabad Scheme and was regularized by the Government of Sindh Land Utilization Department vide Notification dated 21.11.2008, however, all of sudden the official respondents at the behest of private respondent and with malafide intention intend to forcibly dispossess them, therefore, legal protection may be provided to them and official respondents may be restrained from taking any coercive action against them till disposal of this petition.

We have seen the memo of petition alongwith photocopies of annexures attached therewith and came to the conclusion that by means of this constitutional petition serious disputed questions of facts have been raised, which require evidence. During course of arguments, we have asked the question from the learned counsel for the petitioners that how this petition is maintainable, though he asserted that the petition is maintainable, but he has failed to show us any plausible reason to that effect.

We have also seen the copy of judgment dated 22.02.2016 passed by learned IXth Additional District Judge Hyderabad in Civil Appeal No.94 of 2014, which shows that the subject matter of the land/property in question also remained subjudice before the Civil Courts. Under these circumstances, this Court under the constitutional jurisdiction cannot entertain this petition for the relief(s) prayed for. Accordingly, this petition is dismissed in limine alongwith listed applications. However, it is made clear that the petitioners would be at liberty to approach the competent Court of law/authority for redressal of their grievance, if any, if so desired and on filing of such proceedings before the competent forum, same shall be decided as per law.


26.8.20
JUDGE


JUDGE