

Order Sheet
IN THE HIGH COURT OF SINDH KARACHI
Suit No.23 of 2021

Date	Order with Signature of Judges
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For order on CMA No.136 / 2021.

08.01.2021 :

M/s Arshad M. Tayebaly, Shahzad Ashraf & Sehar Rana advocate for the plaintiff.
Mr. Raja Qasit Nawaz Khan, advocate for respondents 2 and 3.

It is contended, inter-alia, that plaintiff is the lawful owner of the land comprising survey No.48, 49, 50, and 51, measuring 44-04 acres, situated in Deh Khanto, Tapo Landhi, Taluka and District Malir, Karachi. Per learned counsel the defendant No.2 Pakistan Railways has issued notice dated Nil 01/2021 at page 307 for sealing and taking over the possession of the subject land without assigning any valid reason; and, so far as the title of the subject property is concerned, he referred to various documents attached with the memo of plaint so also Judgment dated 27.05.2002 passed by the Hon'ble Supreme Court in Civil Petition No.2196/2001, hence, the title of the plaintiff stands clear from all angles. He emphasized that the respondent-Pakistan Railways has nothing to do with the subject land, , however, they are bent upon to deprive the plaintiff of the subject land under false pretext. He prayed for notice to the defendants and restraining them not to seal the subject premises and dispossess them from the subject property without lawful process.

Today, Mr. Raja Qasit Nawaz Khan, advocate has put his appearance and produced the copy of the order dated 29.12.2020 passed by the Hon'ble Supreme Court in C.P No.09/2010 and other connected matters and argued that respondent-Pakistan Railways has retrieved the Pakistan Railways' land for clearance of Karachi Circular Railway (KCR), in compliance with the orders of Hon'ble Supreme Court in the aforesaid proceedings. In support of his contention, he relied upon the possession certificate dated 03.01.2021, which factum is disputed by the learned counsel for the plaintiff.

Prima-facie, there is a dispute between the parties pending adjudication before different fora and the order of Hon'ble Supreme Court is in the field as discussed supra.

In view of the above, let notice be issued to the respondents as well as DAG and AAG for 11.01.2021.

JUDGE