

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD**

**C.P.No.D- 990 of 2013**

**Before;**

Mr. Justice Irshad Ali Shah  
Mr. Justice Amjad Ali Sahito

**Petitioners:** Through Mr. Saqib Khan Zae advocate  
**Official respondents:** Through Mr. Zufliqar Ali Rajput  
Assistant Attorney General &  
Mr. Wali Muhammad Jamari, Assistant  
Advocate General Sindh  
**Respondents No.15&16:** Mr. Pervez Tariq Tagar advocate  
**Date of hearing:** 27.11.2019  
**Date of decision:** 27.11.2019

**ORDER**

The petitioners by way of instant petition have sought for following reliefs:

- "A. Direct the Sindh Katchiabadies Authority (respondents No.7 to 9) to demarcate the village of the petitioners with the assistance of respondents No.4 to 7 and 10 and issue Demand Notices to the villagers through its President for which they are ready to pay the market price of the land as per Government rate schedule.*
- B. Direct the respondents No.11 to restrain the respondents No.12 and 13 from supporting the respondents No.14 and 16 and other encroachers and dispossessing the poor villagers/petitioners from their village.*
- C. Direct the respondents No.2 and 3 to produce the list of cases lodged against the respondent No.14 and his henchmen and appraise this Honourable Court about the status of the cases."*

2. It is the case of the petitioners that they with 1000 souls are residing in village Ghulam Mustafa, which is situated in un-surveyed Block No.1 of Deh Ganju Takar, Kohsar, Latifabad Hyderabad, which is entered into Master list of Katchiabadies Authority and is awaiting its demarcation, which now is being

encroached upon by some of the respondents through individuals in connivance with revenue and police personnel, and thus are threatening them to be involved in false cases. It was in these circumstances they had brought the instant petition before this Court for the relief which is detailed above.

3. Regional Director Katchi Abadi Authority Karachi (respondent No.9) in his parawise comments has stated that the subject village has not yet been notified as Katchi Abadi.

4. It is contended by learned counsel for the petitioners that petitioners being lawful occupants of their houses are entitled to its demarcation and allotment under Katchi Abadi Authority. By contenting so, he sought for direction against the official respondents to regularize the subject village in favour of the petitioners after observing the codal formalities.

5. Learned AAG and learned counsel for the private respondents have sought for dismissal of instant petition by contending that it is incompetent.

6. We have considered the above arguments and perused the record.

7. If it is believed that the petitioners are in possession of the subject land, which they had declared to be village Ghulam Mustafa, which as per report of Regional Director Katchi Abadi Authority Karachi (respondent No.9) has not yet been notified, then there could be made no denial to the fact that their possession over the subject land is un-authorized and illegal, which has made their status over the subject land/village to be that of trespasser and trespasser could not be permitted to retain his unauthorized and illegal possession over the public property under the garb of its demarcation and/or for the reason that they are entitled to its regularization/allotment under the rules of Katchiabadies Authority. Additionally, the issue of allotment/regularization of the encroachment under the rules of Katchiabadi Authority involving

the factual controversy even otherwise relating to policy matter could not be resolved by this Court in exercise of its constitutional jurisdiction.

8. The Instant constitutional petition being misconceived is dismissed accordingly along with the listed applications.

JUDGE

JUDGE

Sajjad Ali Jassar