

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P.No.D-566 of 2020

Before:
Mr. Justice Muhammad Iqbal Kalhoro
Mr. Justice Irshad Ali Shah

Iqbal Ahmed..... Petitioner

Versus

P.O. Sindh and others.....Respondents

Date of hearing: 31.1.2020.

Date of Decision: 31.1.2020

Mr. Fazal-ur-Rehman advocate for petitioner.

ORDER

IRSHAD ALI SHAH, J:- The facts in brief necessary for disposal of instant petition are that the petitioner filed an application u/s 22-A Cr.P.C. before learned Ex-Officio Justice of Peace/Sessions Judge Malir Karachi, whereby he vide order dated 22.05.2018 was provided legal protection. Subsequently, the petitioner filed an application under section 3/4of Contempt of Court Act, for prosecution of SHO P.S. Sachal and three others for their failure to provide protection to him as ordered. It was dismissed by learned Additional Session Judge-V Malir Karachi vide her order dated 22.1.2020. It is in these circumstances the petitioner has come before this court by way of instant petition, whereby he has prayed for setting aside of order dated 22.1.2020, passed by learned Additional Sessions Judge-V Malir, whereby his application for prosecution of SHO P.S.Sachal and three others for their failure to provide him protection was dismissed with direction to SHO P.S. Sachal to comply with order dated 22.05.2018, passed by learned Ex-Officio Justice of Peace/ Sessions Judge Malir for providing legal protection to him. With this, the petitioner has

also sought for removal of the land grabbers from his land with direction to officials not to create 3rd party interest over 21 acres of the land situated in Section No.27-A, Scheme-33 Malir, East Karachi.

2. It is contended by the learned counsel for the petitioner that the petitioner has been dispossessed from the subject land without lawful justification by the police officials in disrespect of lawful order of learned Ex-Officio Justice of Peace/Sessions Judge, Malir for that they are liable to be prosecuted with restoration of possession of the subject land to him. By contending so, he prayed for issuance of notices against the respondents for regular hearing of the instant petition.

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

4. If for the sake of arguments, it is believed that the petitioner who was enjoying the possession over the subject land and has been dispossessed therefrom illegally by the police officials and he has an apprehension that the record of rights whereof is now being changed by the Revenue Officials then he has an alternate remedy to exhaust by seeking declaration of his ownership over the subject land with restoration of possession whereof from the court having jurisdiction in accordance with law. Issue of possession and dispossession from the landed property together with the mutation entries involving the factual controversy could not be resolved by this Court in exercise of its constitutional jurisdiction or even by Justice of Peace under the garb of protection justifying this court to make interference with impugned orders. Consequently, the instant petition being incompetent is dismissed in limine together with the listed applications.

JUDGE

JUDGE