

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

CP. No. D- 441 of 2021

Saleem Akhtar

v. Province of Sindh and others

BEFORE :

Mr. Justice Adnan-ul-Karim Memon

Mr. Justice Adnan Iqbal Chaudhry

Petitioner: Saleem Akhtar through Mr. Muhammad Asif Malik,
Advocate

Respondents: Province of Sindh and others through Mr. Allah
Bachayo Soomro, Addl.A.G.

Date of hearing & decision: 27.10.2021

O R D E R

ADNAN-UL-KARIM MEMON, J. - Through instant petition, the petitioner is seeking direction to the respondents to hand over physical possession of an industrial plot bearing No. D-135, admeasuring 5 acres situated in Nooriabad district Jamshoro, allotted to him vide letter bearing Reference No. ADMN/NA/7047/2084 dated 26.3.2007 issued by respondent No.2.

It is inter-alia, contended that after allotment the possession of the above said industrial plot under sketch FP12705 duly prepared and signed by the concerned official of respondent No.2 was to be given for wind power generation plant; that after fulfillment of formalities / requirements, the lease was executed by respondent No.2 through its secretary; that in May 2018 the petitioner visited the site and was shocked that wind turbine/propellers had been installed on the plot of the petitioner; he requested respondent No.5 to remove such installment but no concrete efforts were made. Besides, above the said wind power generation plant and wind turbines/propellers belonged to respondent No.5 who was/is facing number of charges regarding money laundering misappropriations and other offenses under the NAB ordinance 1999; that despite payment of all the taxes by the petitioner respondents 1 and 2 have failed to develop the area; that after clearance of full and final payments on part of the petitioner and execution of agreement to license and execution of lease deed dated 13.11.2009, valuable right and interest in the said plot has been created in favor of the petitioner and

respondent No.2 has no legal right, justification and/or authority to allot to any other person to install wind power generation plant without the consent and information of the petitioner; that the petitioner has the right to be treated in accordance with Article 4 of the Islamic Republic of Pakistan in 1973; that legal rights have been created in favour of the petitioner vide registered lease deed as such has a fundamental right to protect his proprietary rights as envisaged in Article 4 of the Islamic Republic of Pakistan in 1973; that respondent No.2 is duty bound to hand over physical possession of the plot in question and is bound to give possession of alternate plots; the petitioner has the right as to provisions and protection of property rights as envisaged in Articles 23 and 24 of the Constitution of Islamic Republic of Pakistan; that due to act and omission of acts of the respondents the fundamental rights of the petitioner to enjoy the possession of the land in question with due dignity and respect as envisaged in Article 9 of the Constitution of Islamic Republic of Pakistan in 1973 and precedents made by Honourable Superior Judiciary; that fundamental rights of the petitioner as envisaged in Constitution of Islamic Republic of Pakistan have been infringed.

To appreciate whether the petitioner's right to property as discussed supra is protected under Article 24 of the constitution? Notice to the respondents and to learned Advocate General Sindh for a date to be fixed by the office in the second week of November 2021.

JUDGE

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