

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 973 of 2021

Before:

Mr. Justice Muhammad Junaid Ghaffar
Mr. Justice Zulfiqar Ali Sangi

Date of Hearing: **04-11-2021**

Date of Decision: **04-11-2021**

Mr. Amir Ali Bhutto, Advocate for the Petitioner.
Mr. Zulfiqar Ali Naich, Assistant A.G-Sindh.

ORDER

Muhammad Junaid Ghaffar, J. – Through this Petition, the Petitioner has impugned Notice dated 06.05.2021, issued by the Assistant Commissioner, Sobhodero-Khairpur, whereby the Petitioner pursuant to order passed by this Court in C.P.No.D-92 of 2021, has been directed to vacate the property in question.

2. Counsel for the Petitioner submits that the Petitioner is in possession of the premises and has not encroached any land of the Government; whereas, the Petitioner is residing near Dargah outside the premises in question, therefore, impugned Notice dated 06.05.2021 is illegal and unlawful and the same be set aside.

3. On the other hand, learned AAG has referred to comments of the Respondents No.2 & 3 and submits that the action has been initiated pursuant to directions of this Court, whereas, the petitioner has encroached upon the land of Government.

4. We have heard learned Counsel for the Petitioner as well as learned Assistant Advocate General and perused the record.

5. At the very outset, Petitioner's Counsel was confronted as to under what authority and law or allotment, the premises in question is in possession of the Petitioner, wherein construction has also been raised and to this Petitioner's Counsel argued that some true copies are being obtained; however, on perusal of the Petition, it appears that nothing has been stated in the memo of Petition as to any documents being available

or of which the true copies are required. The only stance of the Petitioner is that since long premises is in his possession. In the comments, it is stated that as per revenue record, area in question is reserved for graveyard / Dargah Pir Mashaikh; whereas Petitioner has raised construction and is residing in a fully constructed house for which he has no authority in law. It is further stated that the said construction falls under encroachment and action has been taken to protect the property, as directed by this Court in C.P.No.D-92 of 2021.

6. In view of such position, we do not see any reason to interfere with the impugned Notice as no case for indulgence is made out; hence this Petition being misconceived is hereby dismissed with pending applications.

J U D G E

J U D G E

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