

Order Sheet

**IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR
C. P No. D – 2025 of 2017 a/w
C. Ps No. D – 99 of 2008 & 327 of 2021**

Date	Order with Signature of Hon'ble Judge
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Hearing of case (Priority)

1. For Non-prosecution of CMA No.979/2021 (costs & copies not supplied)
2. For orders on CMA No.3808/2021 (Ex.A)
3. For orders on CMA No.3809/2021 (1 Rule 10)
4. For orders on CMA No.1989/2021 (Ex.A)
5. For orders on CMA No.1990/2021 (1 R 10)
6. For orders on CMA No.1991/2021 (S/A)
7. For orders on CMA No.1355/2021 (Ex.A)
8. For orders on CMA No.1356/2021 (1 Rule 10)
9. For orders on CMA No.1357/2021 (S/A)
10. For orders on CMA No.977/2021 (Ex.A)
11. For orders on CMA No.978/2021 (S/A)
12. For orders on CMA No.998/2021 (Ex.A)
13. For hearing of CMA No.999/2021 (1 Rule 10)
14. For hearing of CMA No.13218/2017 (S/A)
15. For hearing of main case

16-11-2021

Mr. Noor Ali Shar associate of Mr. Ghulam Shabbeer Shar Advocate for the Petitioner in C.P No.D-99/2008

Mr. Aamir Mustafa Kamario associate of Mr. Qurban Ali Malano Advocate for the Petitioner in C.P No.D- 2025/2017

Syed Tanveer Abbas Shah Advocate for Petitioner in C.P No.D-327/2021

Mr. Khuda Bux Chohan Advocate for Sukkur Municipal Corporation
Mr. Zulfiqar Ali Naich, Assistant Advocate General along with Imtiaz Ali, Office Superintendent, Commissioner Office, Sukkur

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On 13-10-2021, we had passed an order, whereby it was observed that insofar as the Petition(s) in hand is concerned, it has served its purpose and even one of the orders dated 17-11-2020 was impugned before the Honourable Supreme Court by the Sukkur Municipal Corporation and the said order was maintained. The issue in this Petition was though in respect of a piece of land i.e. Lab-e-Mehran Park, however, various orders were passed from time to time against certain persons including the departments; and directions were issued which included registration of FIR's and even cancellation of allotments. In some cases, even the Revenue Entries were cancelled. It further appears that one of the aggrieved persons namely Mubeen Ahmed Khan and another had approached this Court by way of certain applications including Review Application (CMA

No.644/2021 and 1028/2021), which also stands dismissed vide order dated 25-05-2021.

Presently we have various Interveners / persons before us, who have filed Applications under Order 1 Rule 10 CPC, being aggrieved with, one way or the other, by orders passed by this Court from time to time. It is a matter of fact and so admitted by the learned AAG, that substantial compliance of such orders passed by this Court from time to time has been made; and now no further directions are warranted.

Insofar as the Interveners / Applicants, are concerned, as of today no useful purpose would be served if they are joined as a party to these Petitions, as the orders impugned have been complied with; rather no efforts have been made by them either to seek suspension or stay of the orders so passed from time to time; nor they have approached the Hon'ble Supreme Court against such orders. Moreover, on such effort by an aggrieved person has also failed. The said orders now stand complied with, and now it is a case of *fait accompli*¹. Hence, for all legal purposes, these applications having become infructuous and are accordingly dismissed. However, at the same time the right of the Applicants to agitate any further; or to seek any remedy which may be available in law cannot be taken away by leaving them remediless. Therefore, the Applicants, if still aggrieved, can seek appropriate remedy as may be available to them in accordance with the law, which needless to mention will have to be dealt with in accordance with law, and without being influenced by the observations of the Court so recorded in its orders from time to time.

With these observations, all pending Applications filed under Order 1 Rule 10 CPC are dismissed, whereas, the Petitions are accordingly disposed of with directions to the Respondents to act in accordance with the law and the orders so passed from time to time. **Office is directed to place a signed copy of this order in the connected captioned matters.**

Judge

Judge

¹ The noun *fait accompli*, pronounced "fate uh-COM-plee," describes something that has already happened. It often refers to a change or decision made by some authority on behalf of the people who will actually be affected. If workers continue to strike after a change in their working conditions has taken effect, they're protesting a *fait accompli*. The phrase *fait accompli* is French, and it literally means "an accomplished fact." (<https://www.vocabulary.com/dictionary/fait%20accompli>)p

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