

ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 1677 of 2021

Date of hearing	Order with signature of Judge
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Fresh case

1. For orders on CMA No.8152/2021 (U/A)
2. For orders on office objections at Flag-A
3. For orders on CMA No.8153/2021 (Ex./A)
4. For hearing of main case
5. For orders on CMA No.8154/2021 (Stay)

30-11-2021

Mr. Zeeshan Hyder Arain, Advocate for the Petitioners.

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1. Urgency is granted.

2 to 5. Through this Petition, the Petitioners seek the following relief(s):

- A. *To Direct the Official Respondents No. 4 to 7 and 9 to 12 to act in accordance with law and a restraining order may be passed against the Proceedings initiated on Notice dated 10-11-2021.*
- B. *To Declare that all the Proceedings initiated due to the notice dated 10-11-2021 as illegal being null and void.*
- C. *To Direct the Official Respondents to implement the Order dated 23-11-2018, and order dated 19-03-2021 and Declare that private Respondents has no Right/interest with or any part of survey No. 288.*
- D. *To grant the Permanent Injunction in favor of the Petitioners and against the Respondents No 4 to 7 & 9 to 16.*
- E. *To direct the Official Respondents to provide the Protection to the Petitioners against the illegal acts of Respondents No 4 to 7 and 9 to 16.*
- F. *Any other relief (ves) which may be deem fit under the circumstances.*

It is the case of the Petitioners that the land in question is in their possession, whereas, the Revenue authorities are carrying out an

exercise which is not permissible in law. We have confronted the Petitioners' Counsel as to the ownership and claim of the Petitioners, to which he has referred to some possession certificates; however, these are not title documents. Secondly, the dispute, as raised, is that the Petitioners are in possession of the land adjacent to the disputed land, and if that is the case, this also cannot be resolved in our Constitutional jurisdiction. Moreover, it has come on record that the land of private Respondents, which has been referred to by the Petitioners' Counsel, is a land of Government specifically meant for amenity purposes; therefore, no case even otherwise is made out. Accordingly, the Petition being misconceived is hereby **dismissed** with pending applications; however, Petitioners may seek appropriate civil remedy as may be available in law.

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Abdul Basit