

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P. No.D-1925 of 2021

<u>Date</u>	<u>Order with signature of Judge</u>
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1. For orders on office objection.
2. For orders on CMA No.88247/2021.
3. For hearing of main case.

29.03.2021

Mr. Salahuddin Khan Gandapur, Advocate

The petitioner seeks to assert his purported title in respect of immovable property, located in Barrage Township Sukkur. Per learned counsel, the petitioner is aggrieved by a final notice for removal of encroachment upon irrigation land dated 12.11.2020 (“Impugned Notice”); hence, this petition.

It was observed at the very onset that the Impugned Notice is not addressed to the petitioner. Furthermore, the copies of the purported documentation, annexed with the memorandum of petition, also do not pertain to the petitioner. In the memorandum of petition, the petitioner claims to be a son of the person to whom the Impugned Notice has been addressed; however, no justification was articulated before us to signify the *locus standi* of the present petitioner to maintain the present proceedings.

It is trite law that the writ jurisdiction of this court is not amenable for resolution of disputed questions of fact, requiring detailed inquiry and evidence¹. In addition thereto exercise of powers, per Article 199 of the Constitution, was required to be undertaken upon application of an aggrieved person². The petitioner’s counsel failed to make any case before us to qualify the petitioner within the definition of an aggrieved person³.

¹ 2016 CLC 1; 2015 PLC 45; 2015 CLD 257; 2011 SCMR 1990; 2001 SCMR 574; PLD 2001 Supreme Court 415.

² Barring certain exceptions, i.e. writ of *quo warranto*, however, no case was made out to qualify the present petition within an exception recognized by law; 2019 SCMR 1952.

³ *Raja Muhammad Nadeem vs. The State* reported as PLD 2020 Supreme Court 282; *SECP vs. East West Insurance Company* reported as 2019 SCMR 532.

In view of the reasoning and rationale herein contained, we are of the considered view that this petition is misconceived and that the petitioner's counsel has failed to set forth a case for the exercise of extra ordinary Constitutional jurisdiction by this Court, hence, this petition, along with pending application/s, is hereby dismissed *in limine*.

JUDGE

JUDGE

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