

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P. No.D-121 of 2021

DATE ORDER WITH SIGNATURE OF JUDGE

For orders on office objections.
For hearing of main case.

16-03-2021

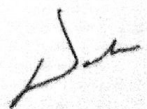
Mr. Razzaque Rahim Shaikh advocate for the petitioner.
Mr. Allah Bachayo Soomro, Additional Advocate General Sindh.

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Mr. Aziz Ahmed Laghari advocate files power on behalf of respondents 11, 12 and 13, which is taken on record. Comments have been filed by respondents 6, 7 and 8, which are also taken on record.

Through the present petition, the petitioner has prayed that respondents 1 to 5 be directed to permit him to run his business of public transport in the name and style of 'Raja Kamran Bus Service' on the subject land. It is claimed by him that he is carrying on such business on the subject land since last more than twenty years. He has alleged that now the official respondents have started interfering in his said business at the instigation of private respondents 9 to 13. In support of his claim, the petitioner has relied upon "permission" dated 26.12.2014 (page 15) purportedly granted to him by the Chief Municipal Officer, Municipal Committee Mirpurkhas to use the New Bus Terminal Municipal Committee Mirpurkhas. According to the above permission, the petitioner was bound by the routes and timings granted and notified by the Secretary District (R.T.A) Mirpurkhas. The petitioner has also filed copies of permissions granted in his name by the Provincial Transport Authority, Sindh, Karachi, showing different dates of expiration of the said permissions. We have noticed that all the said permissions were granted in respect of specific vehicles as specific registration numbers of such vehicles are specified therein. We have also noticed that all such permissions were clearly subject to the terms and conditions stipulated therein.

The petitioner himself has filed a copy of letter dated 15.01.2021 addressed to Deputy Commissioner Mirpurkhas by the Chief Municipal Officer, Municipal Committee Mirpurkhas (page 17). It is alleged in the above letter that the representatives of the petitioner trespassed on the subject land and attempted to use it forcibly for their business on the basis of forged documents. It



is also stated in the above letter filed by the petitioner himself that in view of the above allegation, the Chief Municipal Officer had recommended strict legal action against the petitioner and his representatives.

The above mentioned permissions filed and relied upon by the petitioner in respect of particular vehicles show that all of them have expired. Moreover the above referred letter of the Chief Municipal Officer containing serious allegations against the petitioner and his representatives of trespassing on the subject land on the basis of forged documents has created serious doubt about the alleged claim of the petitioner. Learned A.A.G. Sindh has opposed this petition by relying upon and reiterating the contents of the above referred letter of Chief Municipal Officer. In view of the above, and even otherwise, petitioner does not have any right, title and / or interest in the subject land. Thus, he has no locus standi to file the present petition which is accordingly dismissed with no order as to costs.



JUDGE



JUDGE