

ORDER SHEET  
**HIGH COURT OF SINDH, CIRCUIT COURT,  
HYDERABAD**  
**C.P No.D-1644 of 2022**

DATE	ORDER WITH SIGNATURE OF JUDGE
1.	For orders on M.A No.5952/2022
2.	For orders on office objection(s)
3.	For orders on M.A No.5953/2022
4.	For orders on M.A No.5954/2022
5.	For hearing of main case

26.04.2022

Mr. Aghis-us-Salam Tahirzada, advocate for petitioners

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1. Urgency is granted.

2to5. This petition assails an order passed under Section 12(2) CPC filed in respect of an order of Anti-Encroachment Tribunal, which decreed the Suit. Learned counsel has taken us to the impugned order, available at page-77, and submits that the encroachment was ordered to be removed. We have enquired as to how the petitioners are aggrieved of it, when only encroachment was ordered to be removed. Counsel submits that it is a '*bhada land*' and as such road cannot be carved out on it, as ordered by the Tribunal. We are afraid that Anti-Encroachment Tribunal has passed the order on the strength of an order passed by the Land Utilization Department, which itself was never challenged by the petitioners before any forum independently. If petitioners are aggrieved of the said order of Land Utilization Department, they may independently pursue their remedy challenging the order of Land Utilization Department; however, there is nothing wrong, as there is no order, which apparently shows to have been obtained by playing fraud and misrepresentation. Accordingly petition, being misconceived, is dismissed in limine alongwith listed applications.

JUDGE

JUDGE

Sajjad Ali Jessar