

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Suit No. -1456 of 2022

[Liaqat Jawaid v. Province of Sindh through Secretary Local Government and others]

Order with signature of Judge(s)

1. For orders on CMA No.11498/2022 (Urgent Application)
2. For orders on office objection at flag 'A'
3. For orders on CMA No.11499/2022 (U/O XXXIX Rules 1 & 2 CPC)
4. For orders on CMA No.11500/2022 (U/O XVIII Rule 18 CPC)

10.08.2022

Mr. Muneer Iqbal, Advocate for the plaintiff

1. Urgency granted.
2. Deferred.
3. Learned counsel for the plaintiff submits that the plaintiff is undisputed owner of property bearing Entry/Jarian No.76-12/137, Survey No.140, admeasuring 2033 square yards, situated at Sector 6-B, KDA Scheme No.33, Karachi (“the suit property”) and has been enjoying its possession since the year 2005, when he purchased it as per registered sale deed available at page 19, where the plaintiff has set up a small factory. Learned counsel states that in disguise of an order passed by this Court on 29.04.2022 in C.P Nos.D-7442 and 7443 of 2018 and C.P No.D-362 of 2020, wherein I.O in some NAB proceedings informed the Court that he would remove encroachment from the land subject matter of the aforementioned petitions, the defendant Nos.2 and 8 have raided the premises of the plaintiff and started demolition work, as evident from pages 155 to 161, where the relevant photographs have been attached. Counsel contends that even in another case on similar illegal demolitions, NAB ordered inquiry against the Anti-Encroachment Cell, Board of Revenue, Sindh, Karachi, as per the documents available at page 151. Counsel contends that the defendants have no legal authority to demolish the private property of the plaintiff which is duly registered and whose title is reflected in the computerized record, available at

page 65 in favour of the plaintiff and that property is neither subject matter of the constitution petitions (*supra*) in furtherance of which some anti-encroachment actions were to be taken.

Issue notice to the defendants for **23.08.2022**. In the meanwhile, defendants are restrained from interfering with or dispossessing or taking any encroachment related or coercive initiatives against the plaintiff till the next date of hearing.

4. At the cost of Rs.20,000/- Nazir is directed to inspect the suit property without notice and file a report before the next date of hearing.

JUDGE

B-K Soomro