

IN THE HIGH COURT OF SINDH AT KARACHI

C. P. No. D-2848 of 2013

**Presents:**

**Mr. Justice Muhammad Junaid Ghaffar.**

**Mr. Justice Muhammad Humayon Khan.**

**Mir Khuda Bukhsh Marri ----- Petitioner**

**Versus**

**Project Director, Lyari Expressway**

**Re-settlement ----- Respondents**

- 1) For hearing of main case.
- 2) For hearing of Misc. No. 20181/2013.

**Date of hearing: 20.04.2017.**

**Date of order: 20.04.2017.**

**Petitioner: Through Mr. Naseer Ahmed Advocate.**

**Respondents**

**No. 1 to 3: Through Mr. Miran Muhammad Shah AAG.  
along with Syed Mehdi Ali Shah Project  
Director, Lyari Expressway.**

**Respondent No. 4: Through Mr. Amir Mansoob Qureshi  
Advocate.**

**ORDER**

**Muhammad Junaid Ghaffar, J.** Through this Petition the

Petitioner has sought the following relief(s):-

“It is humbly prayed that this Honourable Court may be pleased to direct the Respondents No.1 and 3 to issue site plan in favour of the allottees namely (1) to 6 to enable their attorney to complete the sale transaction with the Respondents No.5 to 8.

ii) To declare that the action of harassment by arresting the Petitioner and keeping in police custody by the Respondent No.4 inclusion with the Respondent No.5 to 8 is unlawful.

iii) To grant permanent injunction restrain the Respondent No. 4 to take any adverse / unlawful action against the Petitioner in future. He may also be directed to return all the original documents / files of the various plots of allottees which are in unlawful custody of Respondent No. 4 & 5."

2. Learned Counsel for the Petitioner submits that Respondents No. 5 to 8 are causing harassment to the Petitioner through Respondent No. 4 whereas, the Petitioner is the lawful attorney of various allottees of plots allotted to them by Respondent No.2. He submits that the Respondents No.1, 2 & 3 are not issuing the site plan of the plots and due to such non-issuance, the sale of the plots agreed upon between petitioner and Respondents No.5 to 8 could not be completed and consequently, the Petitioner is being harassed. He prays for directions for issuance of necessary site plan.

3. On the other hand, the Project Director Lyari Expressway Respondent No. 1 is in attendance and submits that the record of the allottees being old is not traceable; however, if his office is approached with all original title documents, the matter could be examined.

4. Mr. Amir Mansoob Qureshi Learned Counsel for Respondent No.4 submits that no harassment is being caused, whereas, the Petitioner is not the owner of the plots and is acting on an unregistered power of attorney and therefore, has no case before this Court.

5. We have heard all the learned Counsel and perused the record. On perusal of the Petition, it appears that the Petitioner states in Para 3 *that in the year 2012 some persons namely (1) Mr. Tahir Yousuf (2) Mst. Nighat (3) Syed Hassan Jawaid Rizvi (4) Syed Hassan Minhaj Rizvi handed over the allotment orders of some properties to the Petitioner with verbal directions to sale out the same to interested persons who are intended to buy the same.* It is further stated that *for such purposes Petitioner approached Respondent No. 5 who agree to buy these plots however, demanded site plan*

*which was not available and therefore, sale could not materialize.* It is the case of the Petitioner that subsequently, Respondent No. 5 started harassing the Petitioner through Respondent No. 4 hence this Petition.

6. On perusal of the entire Petition and the documents so relied upon, it appears that Petitioner has no locus standi to enter into the alleged sale as no registered Power of Attorney is available in his favour. Moreover, the alleged Power of Attorney placed on record also does not specifically authorize to enter into any sale of the plots. Even otherwise, the matter appears to be a civil dispute between petitioner and private respondents regarding alleged sale and purchase, however, by alleging harassment instant Petition has been filed. In view of such position, we are of the view that the relief being sought cannot be granted by this Court. In the circumstances, we while dismissing this Petition, direct the official Respondents to act and conduct themselves strictly in accordance with law.

7. Petition stands dismissed with the above observations.

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