ORDER SHEET IN THE HIGH COURT OF SINDH AT KARACHI

CP NO.S-211/2022

Date	Order with signature of Judge

1. For order on CMA No.1375/2022

2. For order on office objection(s) at "A".

3. For order on CMA No.1376/2022

4. For order on CMA No.1377/2022

5. For hearing of main case.

04.03.2022

Mr. Umair Bachani advocate.

1. Urgency granted.

2. Shall be complied with.

3. Exemption is granted subject to all just legal exceptions.

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4&5. Learned counsel for petitioner inter alia contends that petitioner is owner of two properties described in para-2 of the petition; both properties are agricultural/commercial situated in naclass 105 Deh Thoming and naclass 434 Deh Mehran, petitioner was granted lease in 1994, subsequently the land committee under the chairmanship of Mr. Justice (retired) Wahid Bukhsh Brohi regularized the land in favour of petitioner on 21.11.2008, all codal and legal formalities were completed, that petitioner filed suit with regard to alienation of the property by the respondents, stay order was granted, suit is pending for adjudication. It is further contended that despite of legal character and possession, private respondents with the connivance of official respondents, are intending to dispossess the petitioner and occupy the land without adopting due course of law. He has further contended that to safeguard the interest of the petitioner, it would be in the interest of justice to direct the Nazir of this court to take over the possession of properties as

mentioned in prayer clause No.5 and 6 till decision of this petition, otherwise private respondents will deprive him from his valuable and legally earned right over the subject matter properties.

Be that as it may, contention raised by leaned counsel require consideration. However for petitioner under these circumstances, yet it is to be decided that who is entitled to retain possession and to safeguard the subject matter land there shall be no harm if Nazir is directed to take over the possession and depute security guards at the cost of the petitioner and shall maintain the situation. Nazir shall also ensure that if there is any commercial activity, that shall be carried out under his supervision. However net profit earned from commercial activity if any, shall be deposited with the Nazir till further orders. Nazir shall be competent to seek assistance from law enforcement agencies to comply this order. It is expected that Nazir will complete this exercise and submit compliance report within ten days. Nazir would be entitled for a fee of Rs.100,000/-.

Issue notice to the respondents as well A.G. Sindh for 15.03.2022.

JUDGE

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