

ORDER SHEET  
**IN THE HIGH COURT OF SINDH,  
CIRCUIT COURT, HYDERABAD.**  
C.P No. D-1214 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
	1. <u>For orders on office objections.</u> 2. <u>For orders on M.A No.6185/22.</u> 3. <u>For hearing of main case.</u>
<u>11.05.2023.</u>	

Mr. Aqeel Ahmed Siddiqui, Advocate for petitioners.

\*\*\*\*\*

In compliance of the order dated 26.04.2023, counsel for petitioners has placed on record copies of orders as directed.

Heard learned Counsel for the petitioners and perused the record. Through this petition, the petitioners have impugned order / judgment dated 14.03.2022 passed by the Anti Encroachment Tribunal, Hyderabad in Misc. Application No.95 of 2020, whereby the present petitioners have been declared as encroachers on public property.

The learned Tribunal after making detailed enquiry and with the assistance of official respondents has come to the conclusion that the area in question has been encroached upon by the petitioners, whereas the petitioners' attempt to seek a declaration in respect of the ownership of the property in their possession has also failed as plaint in their suit stands rejected. Against such rejection, the present petitioners filed Civil Revision Application Nos.273 and 274 of 2011 which also stand dismissed vide order dated 25.04.2018, whereby the order(s) passed by the Courts below regarding rejection of plaint has been maintained. It has been further observed by the Court that during hearing, the applicant's counsel was requested to show any title document in respect of the property in question; however, they have failed to do so and the only argument was that they are old occupiers over the property. The Court further observed that such stance is of no legal

consequences, as prima facie they appear to be encroachers of the land in question and are misusing the process of law time and again.

Since an order has been passed by the Anti-Encroachment Tribunal after making detailed enquiry coupled with the fact that the petitioners have lost their case in respect of declaration and ownership of the property in question up to the level of this Court which order has not been impugned any further, we do not see any reason to interfere with the impugned order in our constitutional jurisdiction and to exercise any discretion in favour of the petitioners. In view of such position, the petition being misconceived is hereby **dismissed** in *limine* with pending application.

**JUDGE**

**JUDGE**

*\*Hafiz Fahad\**