

## ORDER SHEET

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,  
HYDERABAD.**

C.P. No. D — 80 of 2019

DATE	ORDER WITH SIGNATURE OF JUDGE[S]
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**02.05.2023.**

FOR HEARING OF MAIN CASE.

Petitioner Ghulam Sarwar present in person.

Mr. Muhammad Saleem Hashmi Qureshi advocate for respondent/HMC.

Mr. Ahmed Murtaza A. Arab Advocate for private respondents.

Mr. Ghulam AbbassSangiAsstt. Attorney General.

Mr. Rafique Ahmed Dahri A.A.G.

Mr. Irfan Ali Bughio Advocate has filed Vakalatnama on behalf of respondent No.4 which is taken on record.

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On 21.12.2022 following order was passed: -

*“Learned counsels agreed that as the proceedings by way of miscellaneous application No.89 of 2022 were initiated before the Anti-Encroachment Tribunal, Hyderabad, as such the said Tribunal be directed to conclude the same on account of severe problems being faced by the general public, within a period of one month and report compliance to this Court on the next date of hearing. The petitioner, who is himself an Advocate is also directed to effect his appearance before the said Tribunal and put his efforts in the conclusion of the said proceedings for public benefit as according to him, this petition has also been filed as pro bono. Let the said compliance be brought before this Court on the next date of hearing without fail. It is also observed that this Court has not granted any interim order and the Tribunal as well as the authorized official(s) of the district management are free to proceed with the matter.*

*To come up on 24.01.2023. Copy of this order be provided to the office of learned D.A.G. as well as A.A.G. for compliance.”*

In compliance of the above order the petitioner has approached the Tribunal and his application under order 1 rule 10 CPC has been granted as informed by the Tribunal vide its report dated 23.02.2023 and now the petitioner has been joined as plaintiff No.2 in Suit No.89 of 2022 before the Anti-Encroachment Tribunal, Hyderabad. While confronted as to any

further proceedings in this Petition, the petitioner who is a practicing Advocate of this Court and appears in person submits that notwithstanding his joining the proceedings before the Tribunal, in view of earlier orders of this Court, this petition must proceed further.

However, we are least impressed with this submission, as in our opinion, and in view of the above, this petition has now become infructuous as the petitioner has already availed the remedy before the Anti-Encroachment Tribunal. Accordingly, this petition has become infructuous with pending application[s] whereas the petitioner who is now plaintiff before the Anti-Encroachment Tribunal shall pursue his case which shall be decided in accordance with law preferably within a period of sixty [60] days from the date of receipt of this order. Office shall communicate this order to all concerned.

JUDGE

JUDGE

A.