

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Const. Petition No. D-149 of 2020

(Agha Muhammad Iqbal Khan & another v. Commissioner, Sukkur & others)

Present:-

**Mr. Justice Muhammad Iqbal Kalhoro &
Mr. Justice Arbab Ali Hakro**

Syed Zaffar Ali Shah, Advocate for the petitioners.
Mr. Abdul Haseeb Khuhro, Advocate for the respondent No.7.
Mr. Ahmed Ali Shahani, Assistant A.G – Sindh a/w Qurban Ali,
Assistant Mukhtiarkar, New Sukkur on behalf of D.C, Sukkur.

Date of Hearing & Order: **15-11-2023**

ORDER

MUHAMMAD IQBAL KALHORO, J:- Respondent No.7 reported, to the Anti-Encroachment Tribunal, Sukkur, illegal encroachment on a public street by the petitioners, concerned with Muslim Cooperative Society Military Road, Sukkur. A proper notice of which was issued to all concerned and after hearing the parties and in the light of report submitted by the Mukhtiarkar concerned, the Tribunal passed the impugned order directing the Mukhtiarkar and Assistant Commissioner (Revenue), New Sukkur to get the entire record verified and if the petitioners and respondent No.7 were found to have encroached upon the public property, the same should be removed under intimation of the Tribunal.

2. We have heard learned counsel for the parties. The only ground taken up by learned counsel for the petitioners to maintain this petition is that the application was filed by an un-authorized person before the Tribunal. However, we do not agree with him as any person who is aware of the encroachment of the public property by any private person et al can approach the Tribunal for its removal in accordance with law. More so, in the impugned order, nothing adverse has been decided against the petitioners and only directions have been issued to the Revenue Officials to carryout measurement/demarcation process of the

area, and if any one, either from petitioners' side or from respondents' side is found to have encroached upon the public property, the same shall be removed.

3. We do not find any illegality in the impugned observations and are therefore not persuaded by the competence of this petition. Accordingly, the petition is **dismissed**. The impugned order of the Tribunal shall be implemented in letter and spirit and such report be submitted to the Tribunal for further proceedings in accordance with law.

4. Accordingly this petition is **disposed of** in the above terms.

JUDGE

JUDGE

Ahmad