

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 181 of 2022

(Khalid Hussain Jagirani versus Province of Sindh and others)

Present:

Mr. Muhammad Iqbal Kalhoro, J.

Mr. Arbab Ali Hakro, J.

Date of hearing : **20.12.2023**

Date of decision : **20.12.2023**

Mr. Sanwan Khan Jagirani, Advocate for petitioner.

Mr. Ahmed Ali Shahani, Assistant Advocate General Sindh.

ORDER

Muhammad Iqbal Kalhoro, J. – Petitioner claims to be a Family Welfare Assistant, Population Department, Sukkur, was allotted a Quarter No. C-07 at ADC Colony, Sukkur vide letter dated 14.12.2020 for residential purpose. He lived there till 14.04.2021, but thereafter, due to a tribal dispute, stopped living there, nonetheless kept on paying the utility bills. Finally, the said quarter was allotted to one Shahmir Hussain Bhanbhro, working as a Driver in NAB Office, Sukkur vide order dated 19.09.2021.

2. In arguments, learned Counsel for petitioner has admitted that at the time of allotment of the quarter to respondent No.4, petitioner was not in its possession, and the possession has already been handed over to respondent No.4 in compliance of the said allotment order dated 19.09.2021, and he had filed this petition on 24.02.2022 almost more than five (05) months of the said order, which already stood executed before filing of the petition.

3. The case of the petitioner notwithstanding is that a fraud has been committed with him as in the order, it has been written that the allotment of the said quarter in favour of respondent No.4 has been restored with immediate effect. Learned Counsel submits that the quarter was never allotted to said person; therefore, the word '**restored**' depicts mala fide on the part of respondents No.2 and 3.

4. While exercising constitutional jurisdiction, we cannot enter into any factual controversy to determine the above fact, which even otherwise does not stand established from the documents filed by the petitioner. Moreover, constitutional jurisdiction of this Court is not the proper forum to spur initiation of any investigation about any fraud committed by any civil / public servant, the complaint about which can be filed before the relevant higher officials or the forums.

5. This being the position, we find this petition meritless, and **dismiss** it accordingly along with pending application(s), if any.

J U D G E

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Abdul Basit