

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

**C.P. No. D — 1875 of 2022**

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DATE

ORDER WITH SIGNATURE OF JUDGE

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**17.08.2023.**

FOR ORDERS ON OFFICE OBJECTION.  
FOR ORDERS ON M.A. 13038/2022.  
FOR HEARING OF M.A. 6974/2022.  
FOR HEARING OF M.A. 6975/2022.  
FOR HEARING OF MAIN CASE.

Mr. Muhammad Arshad S. Pathan Advocate for the petitioners.

Mr. Rafique Ahmed Dahri Assistant A.G. along with PI Muhammad Chungal on behalf of SSP Hyderabad and DSP M. Paryal SDPO Phulleli Hyderabad and ASI Hassan Ali Police Station Phulleli Hyderabad.

Mr. Siraj Ahmed Bijarani A.P.G.

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This petition is filed by two individuals challenging the action of the respondents to dispossess the petitioners. It is claimed that they were in occupation of the premises by virtue of some registered instrument originally for the Katchi Abadi and leases were executed whereafter subsequent buyers acquired rights therein by virtue of registered instruments. Despite these registered instruments, the petitioners were dispossessed and their valuables have been misappropriated.

Mr. Muhammad Arshad Pathan learned counsel has vehemently insisted that at least inventory of the goods be prepared and till the controversy as to the entitlement of the petitioners is resolved the status quo be maintained.

On the other hand learned A.A.G. has vehemently opposed that such declaration of title as well as possession cannot be handed over in these proceedings under Article 199. At best the Civil Court is a proper forum where a remedy could be granted to them if a case is made out. Learned A.A.G. is also

of the view that the land is disputed as they were police residential quarters and by some collusion and fraud these Katchi Abadi leases were executed.

Mr. Arshad Pathan has vehemently opposed this contention as no such fraud was ever committed. They were in possession since several years and thereafter proper leases were executed by Hyderabad Municipal Corporation.

We have heard the learned counsel and perused the material available on record.

Without commenting as to the entitlement of the petitioners on the basis of the registered instruments we are of the view that such dispute which raises controversy as to the entitlement of the land in question cannot be resolved in these proceedings. The petitioners may have a case on the strength of subleases and subsequent sale deeds executed but such questions cannot be thrashed out in these proceedings where evidence is required. Moreover, the goods which have been misappropriated are no more available at site as stated by them even that was required some evidence which could only be recorded in a suit likely to be filed before a Civil Court if it is so desired and advised. We are of the view that petitioners may invoke the jurisdiction of Civil Court where these questions could be thrashed out and a remedy could be provided to the petitioners since they claimed to be thrown out without due course of law despite having title over the property and occupation.

With this understanding the petition stands disposed of.

JUDGE

JUDGE

A.