

ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI

Constitution Petition No. D – 549 of 2023

Date	Order with signature of Judge
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PRESENT:

MR. JUSTICE AQEEL AHMED ABBASI
MR. JUSTICE MAHMOOD A. KHAN

Fresh Case

1. *For orders on Misc. No. 2485/2023.*
2. *For orders on office objection No. 18 & 26.*
3. *For orders on Misc. No. 2486/2023.*
4. *For hearing of Main Case.*
5. *For orders on Misc. No. 2487/2023.0*

30.01.2023:

Mr. Muhammad Rehman Ghous, advocate for petitioner.

O R D E R

1-5. Through instant petition, petitioner has sought a declaration seeking rectification of revised Layout Plan No.URP-33/Sector 38-A/MPGO/2010/UDI-260/L dated 19.08.2010 as according to learned counsel, the approval of 31 acres and 77 ghuntas by the respondent in which, petitioner claims 3388 square yards commercial plot out of 11.77 acres, which according to learned counsel for the petitioner, is the land of Board of Revenue and has been wrongly included and claimed by the respondent No.4 as part of their land to obtain revised layout plan through misrepresentation. Learned counsel for the petitioner submits that though there is litigation pending in respect of the subject land in the shape of suit, whereas, petitioner has filed application under Order 10 Rule 1 CPC to become a party, however, through instant petition, petitioner intends to seek rectification and cancellation of aforementioned Layout Plan.

After perusal of record and hearing the learned counsel for the petitioner, we are of the view that approval of layout plan of

the subject area, which is already under litigation and has any relief to be obtained through misrepresentation, whereas, out of area of 31 acres 11 ghuntas claims to be allegedly included, in which the petitioner is also claiming for title and demarcation of land, which can be properly decided by a Court of Civil jurisdiction.

While confronted with hereinabove position, learned counsel for the petitioner does not press instant petition, however, submits that petitioner may be allowed to place his grievance before the learned Single Judge in the suit/proceedings pending between the parties in this regard and may seek the similar relief through instant petition.

Accordingly, instant petition stands dismissed as not pressed all listed applications. Petitioner is at liberty to seek proper remedy by approaching the proper Court of civil jurisdiction, if so desire, including the pending suit in respect of the subject land between the parties.

JUDGE

JUDGE

A.S.