

ORDER SHEET

IN THE HIGH COURT OF SINDH AT KARACHI

Constitution Petition No. D – 2233 of 2023

Date	Order with signature of Judge
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FRESH CASE

1. For orders on Misc. No. 10811/2023.
2. For orders on Misc. No. 10812/2023.
3. For hearing of Main Case.

11.05.2023:

Mr. Amir Jamil Virk, advocate for the petitioner.

1-3. Learned counsel for the petitioner submits that respondents No.1, 2 & 3 are creating hindrance in lawful construction on petitioner's plot being Plot No. B-209, admeasuring 441.67 square yards, situated at Block 'C', North Nazimabad, Karachi, after having obtaining approval from the SBCA, and are issuing threats and asking for money, therefore, requests that private respondents No.1, 2 & 3 may be directed not to create any hindrance in this regard.

Since there is no allegation against the official respondents regarding construction being raised by the petitioner on his plot as per approved plan, if any, and the petitioner has expressed his grievance only against the private respondents, therefore, prima facie, no cause has accrued to the petitioner to file constitutional petition under Article 199 of the Constitution, seeking direction or declaration only against private respondents, particularly, when the petitioner can approach to the relevant authorities, including the area police to report the alleged harassment by the private respondents in lawful construction of the petitioner as stated in the instant petition.

Accordingly, instant petition appears to be misconceived, is dismissed in limine alongwith all listed applications. However, petitioner will be at liberty to approach the relevant authorities with

regard to lawful construction over his plot and in case, any hindrance is created by the private respondents or threats are being issued, the petitioner may approach the concerned Police Station, while stating such facts, who may take appropriate action against such person(s), in accordance with law.

JUDGE

JUDGE

A.S.